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**DTE Energy**



10 CFR 2.202

June 26, 2013  
NRC-13-0036

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, DC 20555-0001

- References:
- 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
  - 2) NRC Letter EA-13-109, "Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions," dated June 6, 2013 (ML13143A331)
  - 3) DTE Electric letter, NRC 13-0008, "DTE Electric Overall Integrated Plan in Response to March 12, 2012 Commission Order Modifying Licenses with Regard to Requirements for Reliable Containment Hardened Vents (Order Number EA-12-050)," dated February 28, 2013 (ML13060A446)

Subject: DTE Electric Company's Answer to June 6, 2013 Commission Order Modifying Licenses With Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Order Number EA-13-109)

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued Order No. EA-13-109 to all licensees that operate boiling-water reactors (BWRs) with Mark I and Mark II containment designs, including DTE Electric Company (formerly, The Detroit Edison Company) (DTE). Order EA-13-109 entitled, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)," rescinds an order issued by the NRC on March 12, 2012 (EA-12-050), that required all BWRs with Mark I and Mark II containments to take certain actions to ensure the operability of a reliable hardened vent systems to remove decay heat and maintain control of containment pressure

following events that result in loss of active containment heat removal capability or prolonged loss of AC power.

Order EA-13-109 requires DTE to install hardened containment venting systems that can be maintained functional during severe accident condition, i.e. following significant core damage. The substantive requirements of the Order are contained in Attachment 2. The Order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

DTE is required to submit an overall integrated plan describing how compliance with Phase 1 will be achieved to the NRC by June 30, 2014, and is required to complete full implementation of Phase 1 requirements no later than startup from the second refueling outage that begins after June 30, 2014, or June 30, 2018 whichever is sooner. EA-13-109 also requires DTE to submit an overall integrated plan describing how compliance with Phase 2 will be achieved to the NRC by December 31, 2015, and full implementation of Phase 2 requirements must be complete no later than startup from the first refueling outage that begins after June 30, 2017, or June 30, 2019, whichever is sooner.

The NRC states in the Order that it anticipates issuing implementation guidance for Phase 1 by October 31, 2013 and for Phase 2 by April 30, 2015. Upon issuance of the implementation guidance, DTE understands that it will have twenty days to assess the impact of the guidance and notify the NRC of any challenges with implementation of the order in accordance with Paragraph IV.C of the Order.

Pursuant to 10 C.F.R. § 2.202(a)(2), DTE hereby submits its answer to the Order. DTE consents to Order EA-13-109 and does not request a hearing. However, because implementing guidance is not expected to be available until October 31, 2013, for Phase 1 and April 30, 2015 for Phase 2, there remain significant uncertainties about the scope of the work that will be required by EA-13-109. As a result, DTE is unable to state with certainty that it will be able to meet all of the specified compliance deadlines in the Order. As such, DTE's future responses may include requests for schedule relief as warranted by subsequent NRC requirements or implementing guidance or the results of engineering analyses not yet performed. Any such request would be submitted in accordance with the relaxation provision in Section IV of the Order.

Because EA-12-050 is rescinded by EA-13-109, DTE understands that all implementation deadlines and submittal requirements for EA-12-050 are no longer in force. As such, DTE considers the integrated plan that was submitted to the NRC in Reference 3 to be withdrawn, and no further action is required by DTE with respect to that submittal or any other requirement specific to EA-12-050.

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Should you have any questions or require additional information, please contact Mr. Kirk R. Snyder, Manager, Industry Interface at (734) 586-5020.

Sincerely,

*M.J. Conner for J.T. Conner  
per GP-13-0027*

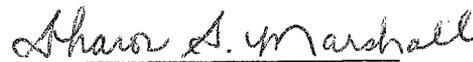
cc: Director, Office of Nuclear Reactor Regulation  
NRC Project Manager  
NRC Resident Office  
Reactor Projects Chief, Branch 5, Region III  
Regional Administrator, Region III  
Supervisor, Electric Operators,  
Michigan Public Service Commission

I, Mathew S. Caragher, do hereby affirm that the foregoing statements are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.



Mathew S. Caragher  
Director, Nuclear Engineering

On this 26<sup>th</sup> day of June, 2013 before me personally appeared Mathew S. Caragher, being first duly sworn and says that he executed the foregoing as his free act and deed.



Notary Public

SHARON S. MARSHALL  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MONROE  
MY COMMISSION EXPIRES Jun 14, 2019  
ACTING IN COUNTY OF *Monroe*