

DTE Energy  
One Energy Plaza, Detroit, MI 48226-1279

**DTE Energy**



10 CFR 52.79

July 24, 2013  
NRC3-13-0025

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

References: 1) Fermi 3  
Docket No. 52-033  
2) Letter from Michael Eudy (USNRC) to Peter W. Smith (DTE Electric),  
"Request for Additional Information Letter No. 86 Related to Chapter 01 for the  
Fermi 3 Combined License Application," dated July 8, 2013

Subject: DTE Electric Company Response to NRC Request for Additional Information  
Letter No. 86

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In Reference 2, the NRC requested additional information to support the review of certain portions of the Fermi 3 Combined License Application (COLA). The Request for Additional Information (RAI) in Reference 2 is related to implementation of portions of the fire protection program prior to the receipt of fuel onsite. The response to RAI 01.05-7 is provided in Attachment 1. Attachment 2 provides a markup of the Fermi 3 COLA resulting from the response provided in Attachment 1.

If you have any questions, or need additional information, please contact me at (313) 235-3341.

D095  
NR0

I state under penalty of perjury that the foregoing is true and correct. Executed on the 24<sup>th</sup> day of July 2013.

Sincerely,



Peter W. Smith, Director  
Nuclear Development – Licensing and Engineering  
DTE Electric Company

Attachments:      1) Response to RAI Letter No. 86 (Question No. 01.05-7)  
                          2) Markup of Fermi 3 COLA

cc:      Adrian Muniz, NRC Fermi 3 Project Manager  
          Tekia Govan, NRC Fermi 3 Project Manager  
          Michael Eudy, NRC Fermi 3 Project Manager  
          Bruce Olson, NRC Fermi 3 Environmental Project Manager (w/o attachments)  
          Fermi 2 Resident Inspector (w/o attachments)  
          NRC Region III Regional Administrator (w/o attachments)  
          NRC Region II Regional Administrator (w/o attachments)  
          Supervisor, Electric Operators, Michigan Public Service Commission (w/o attachments)  
          Michigan Department of Natural Resources and Environment  
          Radiological Protection Section (w/o attachments)  
          Regina A. Borsh, Dominion Energy, Inc.  
          Barry C. Bryant, Dominion Energy, Inc.

Attachment 1 to  
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Page 1

**Attachment 1**  
**NRC3-13-0025**  
(3 pages)

**Supplemental Response to RAI Letter No. 86**  
**(eRAI Tracking No. 7160)**

**RAI Question No. 01.05-7**

**NRC RAI 01.05-7**

*Chapter 1 and Chapter 9 of the Fermi 3 application commits to a fire protection program (FPP) in compliance with Regulatory Guide (RG) 1.189, "Fire Protection for Nuclear Power Plants" Revision 1. Section 3.5.1.3 of RG 1.189 discusses procedures for coordination of the onsite fire brigade. Section 3.5.2 of RG 1.189 discusses offsite firefighting response, including mutual aid agreements. Implementation of FPP measures discussed in Section 3.5.1.3 and Section 3.5.2 of RG 1.189 is often accomplished through portions of the Emergency Plan (EP).*

*In revision 5 of your application, the staff notes that FSAR Table 13.4-201, Item 8 states that implementation of FPP elements necessary to support receipt and storage of fuel onsite will occur prior to receipt of fuel. However, item 14 of the same table states that detailed implementation of procedures for the EP will occur 180 days prior to the scheduled date for initial loading of fuel.*

*The staff requests for the applicant to please clarify how the FPP measures discussed in Section 3.5.1.3 and Section 3.5.2 of RG 1.189 will be implemented during the time between the "receipt of fuel" milestone and the "180 days prior to the scheduled date for initial loading of fuel" milestone. In addition, please incorporate any necessary revisions to your application regarding clarification of these issues.*

**Response**

Item 8 of Table 13.4-201 in Part 2 of the Fermi 3 Combined License Application (FSAR) contains a milestone stating that prior to fuel receipt, the elements of the Fire Protection Program (FPP) necessary to support the receipt and storage of fuel onsite will be implemented. Part 10 of the Fermi 3 Combined License Application (COLA), Section 3.5.3, contains a proposed License Condition to implement these provisions. These items are consistent with the applications of other Part 52 licensees and applicants.

Subsection 9.5.1.15.9 of the Fermi 3 FSAR, "Quality Assurance," contains a commitment stating that the procedures implementing the FPP will be developed six months prior to fuel receipt and will be fully implemented prior to fuel receipt.

Item 14 of Table 13.4-201 in the Fermi 3 FSAR contains a milestone stating that the detailed implementing procedures for its emergency plan will be submitted at least 180 days prior to the scheduled date for initial fuel loading, as required by 10 CFR 50, Appendix E, Section V. This item is also consistent with the applications of other Part 52 licensees and applicants.

Regulatory Guide (RG) 1.189, Revision 1, contains guidelines for implementation of FPPs at nuclear power plants. However, in addressing the elements of the FPP necessary to support the receipt and storage of fuel onsite, the RG appears to be inconsistent and the necessary elements are not clearly specified. For example, Section 8.7, which addresses fire protection for non-power operation of new reactors, appears to limit the applicable provisions to those contained in Regulatory Position 2 of the RG. Similarly, Section 6.2.1 of the RG provides guidance for new fuel areas and specifies that such items as fire detection systems and manual fire fighting equipment be available in new fuel storage areas.

Finally, Part 10 of the Fermi 3 COLA, Section 3.6, contains a proposed License Condition that requires DTE Electric (DTE) to submit a schedule to the NRC, no later than 12 months after

issuance of the Fermi 3 Combined Operating License, that supports the planning for and conduct of NRC inspections of the operational programs listed in FSAR Table 13.4-201. The schedule is required to be periodically updated until such time as the operational programs are fully implemented. This proposed License Condition is also consistent with the applications of other Part 52 licensees and applicants.

DTE's decision as to the timing of the receipt and storage of new fuel onsite relative to the date of fuel loading will be largely based on economics. The elements of the FPP necessary to support the receipt and storage of fuel onsite will be determined by DTE when a storage location is determined. The factors DTE will consider in determining the necessary FPP elements will include combustible loading in the proposed fuel storage area and adjacent areas, availability of plant fire protection features and systems, and asset protection and regulatory requirements for the proposed fuel storage area.

Once the schedule for the receipt of fuel and storage location are determined, the necessary elements of the FPP to be implemented prior to fuel receipt will be determined, as described above. These items will be provided to the NRC as part of a periodic schedule update of the implementation of operational programs. Procedures necessary to implement the FPP prior to receipt and storage of fuel will be implemented in accordance with the commitment contained in FSAR Subsection 9.5.1.15.9 described above. These procedures will include those for coordination of the onsite fire brigade and offsite firefighting support, as necessary.

DTE recognizes that there is no present requirement to have a Letter of Agreement with an offsite entity to provide offsite firefighting support for the time period between the receipt of fuel and fuel loading. Therefore, a License Condition is proposed to require that DTE Electric execute, or have in place, a formal Letter of Agreement with the Frenchtown Charter Township Fire Department prior to the receipt of fuel onsite to provide offsite firefighting support.

#### **Proposed COLA Revision**

The Fermi 3 COLA is revised as shown in Attachment 2.

**Attachment 2**  
**NRC3-13-0025**  
(following 2 pages)

**Markup of Fermi 3 COLA**

The following markup represents how DTE Electric intends to reflect this RAI response in the next submittal of the Fermi 3 COLA. However, the same COLA content may be impacted by responses to other COLA RAIs, other COLA changes, plant design changes, editorial or typographical corrections, etc. As a result, the final COLA content that appears in a future submittal may be different than presented here.

3.4 (Deleted)

Insert 1



**Insert 1:**

**3.4 Fire Protection Program Actions:**

The COL Application does not contain a final version of some of the implementation aspects of the fire protection program such as a Letter of Agreement with the entity that provides offsite firefighting response. This agreement will not be executed until it is necessary to implement those aspects of the program. Thus, the COL applicant is proposing the following License Condition:

Proposed License Condition:

Prior to the receipt of fuel onsite, DTE Electric Company shall execute, or have in place, a formal Letter of Agreement with the Frenchtown Charter Township Fire Department. This Letter of Agreement will identify the specific nature of arrangements in support of the fire protection program of the proposed new nuclear unit.