



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

May 29, 2014

EA-14-022

Mr. Joseph Plona
Senior Vice President and
Chief Nuclear Officer
DTE Electric Company
Fermi 2 - 210 NOC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF A GREATER THAN GREEN
FINDING AND NOTICE OF VIOLATION; NRC INSPECTION REPORT
NO. 05000341/2014407; FERMI POWER PLANT UNIT 2

Dear Mr. Plona:

This letter provides the final significance determination of the preliminary Greater than Green finding identified in our previous communication dated March 18, 2014, which included U.S. Nuclear Regulatory Commission (NRC) Inspection Report No. 05000341/2013408. This Greater than Green finding was discussed in detail in that inspection report.

At your request, a Regulatory Conference was held on April 14, 2014, to further discuss your views on this issue. During the meeting, your staff acknowledged that a violation of NRC requirements had occurred, stated that corrective actions had been taken to resolve it, and briefly discussed the root cause of the finding. The majority of the meeting was spent describing your assessment of the significance of the finding. The handout provided at the meeting has been placed in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because the material included security-related information, as defined in 10 CFR 2.390(d)(1), only the initial slides are available to the public at Accession Number ML14104A086. A list of attendees at the conference is included in Enclosure 1.

After considering the information developed during the inspection and the information you provided at the Regulatory Conference, the NRC has concluded that the inspection finding is of

Enclosures 2 and 3 contain Sensitive
Unclassified Non-Safeguards
Information. Upon separation, this cover
letter and Enclosure 1 are decontrolled.

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at least low to moderate security significance, and is appropriately characterized as Greater than Green. Further details regarding the NRC's assessment of the information provided during the Regulatory Conference and determination of the final significance can be found in Enclosure 2 (non-public). Because this issue has been determined to be beyond the licensee response column, we will use the NRC's Action Matrix to determine the most appropriate NRC response. We will notify you, by separate correspondence, of that determination.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater than Green finding. Such appeals will be considered to have merit only if they meet the criteria given in the NRC Inspection Manual Chapter 0609, Attachment 2. An appeal must be sent in writing to the Regional Administrator, Region III, Suite 210, 2443 Warrenville Road, Lisle, IL 60532.

The NRC has also determined that the condition discussed is a violation of NRC requirements, as cited in the Notice of Violation (Notice) provided in Enclosure 3 (Non-public). In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a Greater than Green finding.

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to be taken to correct the violation, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report No. 05000341/2013408(DRS) and during the conference. Your corrective actions will be reviewed during the supplemental inspection. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

For administrative purposes, this letter is issued as NRC Inspection Report No. 05000341/2014407(DRS). Additionally, apparent violation (AV) 05000341/2013408-01 is now closed, and violation (VIO) 05000341/2013408-01 is opened in its place.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and Enclosure 1 will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS. However, because the material in Enclosures 2 and 3 is considered security-related information, as defined in 10 CFR 2.390(d)(1), its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in these enclosures will not be made available electronically for public inspection. Additionally, if you choose to respond and security-related information is necessary to provide an acceptable response, please follow the instructions for withholding in 10 CFR 2.390(b)(1).

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In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any.

Sincerely,

/RA/

Cynthia D. Pederson
Regional Administrator

Docket No. 50-341
License No. NPF-43

Enclosures:

1. Regulatory Conference Attendees
2. Final Significance Determination (non-public)
3. Notice of Violation (non-public)

cc w/ encls: K. Yale, State Liaison Officer,
State of Michigan

cc w/ encl 1: Distribution via ListServ®

REGULATORY CONFERENCE ATTENDEES

DTE Electric Company

J. Todd Conner, Site Vice President
Herbert Torberg, Nuclear Security Manager
Zackary Rad, Nuclear Licensing Manager
Archana Manoharan, Nuclear Licensing Engineer

Nuclear Regulatory Commission

Cynthia Pederson, Regional Administrator, Region III
Gary Shear, Division Director, Division of Reactor Safety (DRS)
Steven Orth, Enforcement Officer
Richard Skokowski, Chief, Plant Support Branch, DRS
Ronald Albert, Chief, Nuclear Security Oversight Branch,
Office of Nuclear Security and Incident Response
Gregory Hansen, Security Inspector, Plant Support Branch, DRS
Nathan Egan, Security Inspector, Plant Support Branch, DRS
Donald Funk, Senior Security Inspector, Plant Support Branch, DRS
Fahed Al Bloushi, NRC Foreign Assignee (UAE)
Patricia Loughheed, Enforcement Coordinator
Michael Kunowski, Chief, Branch 5, Division of Reactor Projects
Scott Kryk, Senior Investigator, Office of Investigations

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FILE NAME: EA-14-022 Fermi Final Action (Cover Ltr & Enc 1).docx

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DATE	04/29/14	04/29/14	04/30/14	05/09/14	05/20/14	05/23/14	05/26/14

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¹ NSIR concurrence provided via email from S. Coker on May 20, 2014

² OE concurrence provided via email from D. Furst on May 20, 2014

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Letter to Joseph Plona from Cynthia D. Pederson dated May 29, 2014

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