



Douglas R. Gipson
Senior Vice President
Nuclear Generation

Fermi 2
6400 North Dixie Highway
Newport, Michigan 48166
(313) 586-5249

April 19, 1994
NRC-94-0034

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

- References:
- 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
 - 2) NRC Inspection Report No. 50-341/93029 (DRS),
"NRC Region III Augmented Inspection Team (AIT)
Review of the December 25, 1993, Fermi 2
Turbine-Generator Failure," dated
February 7, 1994
 - 3) NRC Inspection Reports No. 50-341/94004 (DRSS);
50-016/94001 (DRSS), "Routine, Announced
Inspection of the Operational Status of the
Emergency Preparedness Program, Review of NRC
Augmented Inspection Team (AIT) Issues Related
to the December 25, 1993, Turbine Failure,
Follow-Up of Licensee Actions on Previously
Identified Items, and the Operational Safety
Verification of the Fermi 1 facility," dated
March 18, 1994
 - 4) NRC Inspection Report No. 50-341/93009 (DRSS),
"Emergency Preparedness Exercise Inspection at
Fermi 2," dated August 6, 1993
 - 5) NRC Inspection Report No. 50-341/92005 (DRSS),
"Routine, Announced Inspection of the Fermi 2
Plant's Annual Emergency Preparedness Exercise,"
dated June 15, 1992

Subject: Request for a One-Time Exemption from the Requirement
to Conduct the 1994 Fermi 2 Emergency Plan Partial
Participation Exercise

Pursuant to 10 CFR 50.12, Detroit Edison Company hereby requests a one-time exemption from the requirement, specified in 10 CFR Part 50, Appendix E, Section IV.F.2., for each licensee at each site to annually exercise its emergency plan. Specifically, Detroit Edison requests a one time exemption from the requirement to conduct the 1994 Fermi 2 Emergency Plan partial participation (small scale) exercise presently scheduled for September 20, 1994.

This exemption request is based on the implementation of the Fermi 2 Radiological Emergency Response Preparedness (RERP) plan in response to the turbine generator failure on December 25, 1993. The event resulted in declaration of an Alert and consequential activation of the Technical Support Center, Operational Support Center (OSC) and Alternate OSC for approximately 6 hours. The event demonstrated the adequacy of the RERP plan and Detroit Edison's ability to

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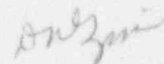
successfully respond to an accident. Attachment 1 provides additional supporting rationale for this request.

Granting this one-time exemption request will afford Detroit Edison the opportunity to better utilize Fermi 2 staff resources on tasks related to the safe completion and startup from the present extended outage and continue to enhance and improve its RERP program.

Furthermore, implementation of the emergency plan as a result of the Alert, was critiqued internally and evaluated by the NRC (References 2 and 3) in 1994. Therefore, Detroit Edison concludes that the adequacy of the emergency preparedness program implementation has already been demonstrated for 1994. Detroit Edison's request for exemption has been discussed with the State of Michigan and the local governments and their concurrence is demonstrated in the attached letters. Additionally, Detroit Edison has committed to support the State of Michigan and the local governments in their respective portions of this partial participation exercise. This support will include insuring that objectives are developed for the 1994 Emergency Preparedness Exercise that will allow the State of Michigan, Monroe County and Wayne County to demonstrate successful implementation of corrective actions for ARCA's (Areas Requiring Corrective Action) identified during the June 3, 1992 Emergency Preparedness Exercise. Detroit Edison will also continue to conduct RERP drills in 1994. Consequently, in order to obtain the maximum benefit from this licensing action (in terms of cost and utilization of Detroit Edison staff resources), Detroit Edison would greatly appreciate your approval of this exemption request by July 1, 1994. To facilitate your review, Detroit Edison personnel are prepared to meet with you at your earliest convenience, if necessary.

If you have any questions, please contact Mr. Kevin Morris at (313) 586-4327.

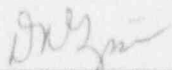
Sincerely,



Attachments

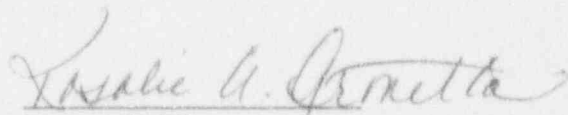
cc: T. G. Colburn
J. B. Martin
M. P. Phillips
K. R. Riemer
Supervisor, Electric Operators, Michigan
Public Service Commission - J. R. Padgett

I, DOUGLAS R. GIPSON, 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.



DOUGLAS R. GIPSON
Senior Vice President

On this 19th day of April, 1994, before me personally appeared Douglas R. Gipson, being first duly sworn and says that he executed the foregoing as his free act and deed.



Rosalie A. Armetta
Notary Public

ROSALIE A. ARMETTA
NOTARY PUBLIC STATE OF MICHIGAN
MONROE COUNTY
MY COMMISSION EXP. NOV. 20, 1995

ATTACHMENT 1

SUPPORTING RATIONALE

FOR THE

REQUEST FOR A ONE-TIME EXEMPTION

FROM THE

1994 FERMI 2

EMERGENCY PLAN PARTIAL PARTICIPATION EXERCISE

INTRODUCTION

Detroit Edison is requesting a one-time exemption, pursuant to 10 CFR 50.12, from the provision requiring each site to annually exercise its emergency plan as specified in 10 CFR Part 50, Appendix E, Section IV.F.2. Generically, this requirement has been interpreted as the conduct of an integrated exercise scheduled for NRC evaluation. The 1994 NRC evaluated Emergency Plan partial participation exercise for Fermi 2 is presently scheduled for September 20, 1994.

The request for exemption from the requirement to conduct the scheduled annual exercise with NRC evaluation is based on the demonstration of Detroit Edison's response capability during the December 25, 1993 Alert at Fermi 2. That response met the requirements for the partial participation exercise demonstration as specified in the Fermi 2 Regulatory Affairs Administrative Procedure (RAP) RAP-EM1-04 sections 5.2.2 and 5.6. Additionally, the NRC conducted an inspection of the December 25, 1993 Alert that included an evaluation of the adequacy of Detroit Edison's implementation of the Fermi 2 Radiological Emergency Response Preparedness (RERP) Plan in response to that event.

DISCUSSION

The purpose for conducting an annual exercise is to demonstrate the adequacy of Fermi 2's emergency response capability and emergency preparedness program. Fermi 2's demonstration of its ability to respond to an event, coupled with its ability to assess the adequacy of its own response, is routinely assessed and evaluated by the NRC. Evaluations of annual exercises provide indications of the adequacy and level of the Fermi 2 emergency response program. To that end, Detroit Edison's response to the December 25, 1993 Alert was critiqued internally and evaluated by the NRC (References 2 and 3).

The following excerpt from Detroit Edison's Emergency Response Critique briefly summarizes the December 25, 1993 Alert:

"On December 25, 1993, Fermi 2 experienced a catastrophic failure of the turbine generator, resulting in a reactor scram, significant damage to turbine auxiliary systems, and a fire. The Emergency Plan was implemented, and the Emergency Response Organization (ERO) activated at the Alert emergency classification. Response actions were generally timely and proper to ensure the plant was maintained in a safe and stable condition and to protect the health and safety of plant personnel and the public. There were no abnormal releases of radioactivity or hazardous materials, and there were no injuries to personnel as a result of the incident. In all cases responders acted responsibly and aggressively to implement the steps deemed most appropriate under the conditions. However, as with any response of this magnitude there are insights and lessons to be gained from careful examination of the details of the event."

In consideration of the commitment of resources and as a result of the implementation of the Fermi 2 RERP Plan in response to the Alert, Detroit Edison requests a one-time exemption for Fermi 2 from the provision requiring each licensee at each site to annually exercise its emergency plan. Granting this one-time exemption request, will afford Detroit Edison the opportunity to better utilize the available resources to recover from the present extended outage and continue to enhance and improve the RERP program. In addition to being an unnecessary use of available resources, Detroit Edison believes that the conduct of a partial participation exercise in 1994 would only serve to reconfirm the established adequacy of the RERP Plan as well as Detroit Edison's capability to implement the plan. Performance of the 1994 Fermi 2 RERP Plan partial participation exercise, given specific circumstances and performance in this area, represents an undue regulatory burden with minimal benefit to public safety.

Furthermore, the NRC inspection of the Fermi 2 1992 Emergency Preparedness Exercise, detailed in NRC Inspection Report No. 50-341/92005 (Reference 5), identified no violations or deviations. The NRC noted, "... that overall exercise performance was very good." Exercise strengths included an adequately challenging scenario, very good exercise control and thorough preliminary critiques.

Subsequently, the NRC inspection of the Fermi 2 1993 Emergency Preparedness Exercise, detailed in NRC Inspection Report No. 50-341/93009 (Reference 4), identified no violations or deviations. The NRC noted, "... that overall exercise performance was very good." Exercise strengths included a challenging scenario, assembly and accountability demonstration, very good exercise control and well detailed critiques. There was one exercise weakness and one inspection follow up item identified in this inspection. The inspection follow up item has subsequently been closed by the NRC.

In the recently received NRC inspection of the Fermi 2 Emergency Preparedness Program, detailed in NRC Inspection Reports No. 50-341/94004 ; 50-016/94001 (Reference 3), the NRC stated that the Fermi 2 RERP program continues to be well maintained. The NRC further stated that management involvement in the program was strong. However, the NRC did issue a violation concerning assembly and accountability during the December 25, 1993 Alert. Detroit Edison has subsequently achieved full compliance with respect to this violation by providing additional lessons learned training in the Licensed Operator Requalification Training Program.

Fermi 2's latest Systematic Assessment of Licensee Performance (SALP) of record (SALP 13) covered the period from March 1, 1991 through June 30, 1992 and resulted in a Category 1 rating in the area of Emergency Preparedness (EP). With the exception of the previous period, which resulted in a Category 2 rating, all SALP ratings for EP have been Category 1 ratings. The NRC cover letter transmitting Fermi 2's SALP 13 ratings stated that with respect to EP, "The area of EP improved and was rated Category 1. This improvement resulted from strong management support for the EP program as evidenced by recent exercise and drill performance, resolution of medical drill and other deficiencies from the last period, and

coordination with offsite organizations." These regulatory observations confirm the state of operational readiness at an overall Company level.

JUSTIFICATION

10 CFR 50.12 states that the Commission may grant exemptions from the requirements of the regulations contained in 10 CFR 50 provided that: (1) the exemption is authorized by law, (2) the exemption will not present an undue risk to the public health and safety, (3) the exemption is consistent with the common defense and security; and (4) special circumstances as defined in 10 CFR 50.12(a)(2) are present.

1. The Requested Exemption is Authorized by Law

No law exists which would preclude the activities covered by this exemption request. Also, this exemption, if approved, would not create a conflict with any existing law.

2. The Requested Exemption Does Not Present an Undue Risk to the Public Health and Safety

Considering the implementation of Fermi 2's RERP Plan in response to the December 25, 1993 Alert, the one-time exemption from the requirement to annually exercise the emergency plan at each site does not present an undue risk to the public health and safety. Also, the NRC conducted an inspection of the December 25, 1993 Alert that evaluated the adequacy of Detroit Edison's implementation of the Fermi 2 RERP Plan in response to that event. No weaknesses were identified by the NRC pertaining to the protection of the public health and safety. Therefore, an exemption from the Fermi 2 annual exercise does not increase the risk to the public health and safety.

3. The Requested Exemption Will Not Endanger the Common Defense and Security

The common defense and security are not an issue in this exemption request.

4. Special Circumstances as Defined in 10 CFR 50.12 (a) (2)

The following special circumstances pursuant to 10 CFR 50.12(a)(2) are identified as applicable to this exemption request:

Item (ii) - "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." Detroit Edison contends that the provisions of the Fermi 2 RERP Plan have been demonstrated and, therefore, the underlying intent or performance objective of the rule has already been met by virtue of Detroit Edison's implementation of the plan in response to the December 25, 1993 Alert. Furthermore, the

implementation of the plan was evaluated within the context of NRC inspections. See Inspection Reports No. 50-341/93029 (Reference 2) and No. 50-341/94004; 50-016/94001 (Reference 3). Requiring the scheduled annual exercise at Fermi 2 is merely duplicative confirmation and unneeded to establish an assessment of the adequacy of the emergency preparedness program.

Item (v) - "The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation." A one-time exemption, based on already established performance is not permanent, but rather, provides relief only for 1994. Detroit Edison's performance to date has shown "good faith" to comply with the intent of the regulation.

Item (vi) - "There is present any other material circumstances not considered when the regulation was adopted for which it would be in the public interest to grant an exemption..." The regulation does not specifically anticipate an actual emergency response satisfying the annual requirement to demonstrate the licensee's response capability. Furthermore, "other material circumstances" include an additional basis whereby the public interest would be served by applying resources, now directed to duplicating response capability confirmation, to other priority issues.

CONCLUSION

Detroit Edison demonstrated the implementation of the Fermi 2 RERP Plan in response to the December 25, 1993 Alert. Since this demonstration of RERP effectiveness was critiqued internally and evaluated by the NRC, Detroit Edison concludes that the adequacy of the RERP Program has been demonstrated and the provisions of the plan have been satisfied. Therefore Detroit Edison requests a one-time exemption for Fermi 2 from the provision requiring each licensee at each site to annually exercise its emergency plan. Specifically, Detroit Edison requests a one time exemption from the requirement to conduct the 1994 Fermi 2 Emergency Plan partial participation (small scale) exercise presently scheduled for September 20, 1994. Granting this one-time exemption request is warranted based on the adequate implementation of Fermi 2's RERP plan in response to the December 25, 1993 Alert and, therefore, by virtue of already meeting the intent of the regulation. Granting this exemption will also afford Detroit Edison the opportunity to better utilize the available resources to recover from the present outage and continue to enhance and improve the RERP program.

For these reasons, Detroit Edison concludes that the requested exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security, and meets the special circumstances described in 10 CFR Part 50.12 (a) (2) (ii), (v), and (vi).



Monroe County
Emergency Management Division

965 South Raisinville Road
Monroe, Michigan 48161

March 23, 1994

K. J. Morris, Supervisor
Radiological Emergency Response Preparedness
Detroit Edison - Fermi 2
6400 North Dixie Highway
Newport, MI 48166

Dear Mr. Morris:

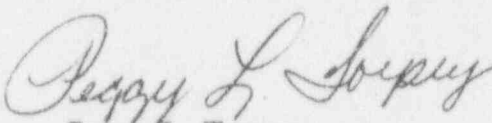
I am in receipt of your letter of March 18, 1994 regarding your exemption request on your annual emergency exercise. As I stated on the telephone, I whole heartily concur with your reasonable request for this one time exemption.

You indicated in our telephone conversation that Detroit Edison will continue to support the 1994 exercise by providing communication and data from Fermi 2 and your JPIC staff. In doing so, our emergency workers will not be aware that Detroit Edison has requested an exemption from the exercise. This will not only benefit Monroe County Emergency Workers participating, but could be beneficial to you and your staff. To clarify this statement, may I suggest that you and your staff consider observing various staging areas such as Monroe County EOC; Wayne County EOC; State EOC; JPIC; and perhaps even a few "field" demonstrations.

We would appreciate it if you would keep us posted on the outcome of your request.

Should you have any questions, please don't hesitate to call.

Sincerely,


Peggy L. Torpey,
Director

PLT/

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR
DEPARTMENT OF STATE POLICE
COL. MICHAEL D. ROBINSON, DIRECTOR

EMERGENCY MANAGEMENT DIVISION

KNAPPS CENTRE, SUITE 300
300 SOUTH WASHINGTON SQUARE
LANSING, MICHIGAN 48913

PHONE: 517 373-6271

March 25, 1994

Mr. Kevin Morris
Supervisor, Plant Evaluations
Fermi 2, 230-AIB Plant Safety
6400 North Dixie Highway
Newport, Michigan 48166

Dear Mr. Morris:

With regards to your correspondence of March 18, 1994, we are in concurrence with your request for an exemption from the 1994 exercise. It is our understanding that Detroit Edison will continue to support off-site authorities in the conduct of their exercise by providing communications and scenario data to drive off-site activities.

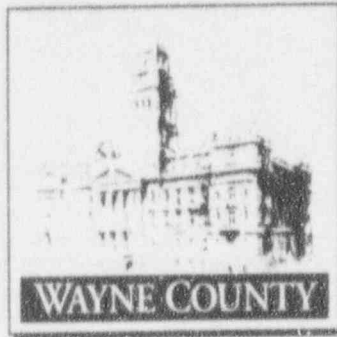
Sincerely,

A handwritten signature in black ink, appearing to read "J. Tyler", written over a horizontal line.

F/Lt. James M. Tyler
Commanding Officer
Pre-Disaster Services Section

JMT/sd





*Edward H. McNamara
County Executive*

March 25, 1994

K. J. Morris, Supervisor
Radiological Emergency Response Preparedness
Detroit Edison Fermi 2
6400 North Dixie Highway
Newport, Michigan 48166

Dear Mr. Morris:

Wayne County concurs with Detroit Edison's request for a one time exemption from performing their 1994 emergency exercise. We understand that Detroit Edison will continue to support performance of our 1994 exercise by providing communications and data from Fermi 2 and JPIC staff.

Very truly yours,

Mark R. Sparks, Director
CEO/Emergency Management Division

MS:dmcc