



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 102 TO FACILITY OPERATING LICENSE NO. NPF-43

DETROIT EDISON COMPANY

FERMI-2

DOCKET NO. 50-341

1.0 INTRODUCTION

By letter dated May 10, 1994, the Detroit Edison Company (the licensee) requested an amendment to the Technical Specifications (TS) appended to Facility Operating License No. NPF-43 for Fermi-2. The proposed amendment would remove component lists from the TS for primary containment isolation valves (Table 3.6.3-1) and motor-operated valves thermal overload protection (Table 3.8.4.3-1) in accordance with the guidance contained in Generic Letter (GL) 91-08 "Removal of Component Lists From Technical Specifications," dated May 6, 1991.

2.0 EVALUATION

Section 50.36 of Title 10 of the Code of Federal Regulations established the regulatory requirements related to the content of TS. The rule requires that TS include items in specific categories, including safety limits, limiting conditions for operation, and surveillance requirements; however, the rule does not specify the particular requirements to be included in a plant's TS. The NRC developed criteria, as described in the "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," (58 FR 39132) to determine which of the design conditions and associated surveillances need to be located in the TS. The Final Policy Statement adopted the subjective statement of the Atomic Safety and Licensing Appeal Board, ALAB-531, 9 NRC 263 (1979), (Trojan Nuclear Plant) as the basis for the criteria. The Appeal Board stated,

"... there is neither a statutory nor a regulatory requirement that every operational detail set forth in an applicant's safety analysis report (or equivalent) be subject to a Technical Specification, to be included in the license as an absolute condition of operation which is legally binding upon the licensee unless and until changed with specific Commission approval. Rather, as best we can discern it, the contemplation of both the Act and the regulations is the Technical Specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an event giving rise to an immediate threat to the public health and safety."

Briefly, the criteria provided by the Final Policy Statement are: (1) detection of abnormal degradation of the reactor coolant pressure boundary, (2) boundary conditions for design basis accidents and transients, (3) primary success paths to prevent or mitigate design basis accidents and transients, and (4) functions determined to be important to risk or operating experience. The Commission's final policy statement acknowledged that its implementation may result in the relocation of existing TS requirements to licensee controlled documents and programs.

The staff's review of the proposed change determined that the relocation of the Fermi-2 list of primary containment isolation valves (Table 3.6.3-1) and list of safety systems' motor-operated valves thermal overload protection (Table 3.8.4.3-1) does not eliminate the requirements for the licensee to ensure that the primary containment isolation valves and safety systems' motor-operated valves thermal overload protection are capable of performing their safety function. Although the list of primary containment isolation valves and list of safety systems' motor-operated valves thermal overload protection are relocated from the TS to the plant procedures, the licensee must continue to evaluate any changes to the lists in accordance with 10 CFR 50.59. Should the licensee's determination conclude that an unreviewed safety question is involved, due to either (1) an increase in the probability or consequences of accidents or malfunctions of equipment important to safety, (2) the creation of a possibility for an accident or malfunction of a different type than any evaluated previously, or (3) a reduction in the margin of safety, NRC approval and a license amendment would be required prior to implementation of the change. NRC inspection and enforcement programs also enable the staff to monitor facility changes and licensee adherence to updated final safety analysis report commitments and to take any remedial action that may be appropriate.

The staff's review concluded that 10 CFR 50.36 does not require the list of primary containment isolation valves or the list of safety systems' motor-operated valve thermal overload protection to be retained in TS. Requirements related to the operability, applicability, and surveillance requirements, including performance of testing to ensure operability of the containment isolation valves and motor-operated valve thermal overload protection are retained due to these components importance in mitigating the consequences of an accident. However, the staff determined that the inclusion of the list of primary containment isolation valves and the list of safety systems' motor-operated valves thermal overload protection are an operational detail related to the licensee's safety analyses which are adequately controlled by the requirements of 10 CFR 50.59 and TS 6.5.3 and TS 6.8.

Therefore, the continued processing of license amendments related to revisions of the affected TS Tables 3.6.3-1 and 3.8.4.3-1, where the revisions to those requirements do not involve an unreviewed safety question under 10 CFR 50.59, would afford no significant benefit with regard to protecting the public health and safety.

Other related changes to the TS were approved which remove references to Tables 3.6.3-1 and 3.8.4.3-1 and are considered administrative in nature. The requested changes to TS pages 3/4 3-18 and 3/4 3-19 were not needed because

these pages had previously been removed from the TS by the issuance of amendment No. 100 to Facility Operating License No. NPF-43 dated June 29, 1994.

The staff has concluded, therefore, that relocation of the list of primary containment isolation valves (Table 3.6.3-1) and the list of safety systems' motor-operated valves thermal overload protection (Table 3.8.4.3-1) is acceptable because (1) their inclusion in TS is not specifically required by 10 CFR 50.36 or other regulations; (2) Tables 3.6.3-1 and 3.8.4.3-1 will be relocated to plant procedures in accordance with the guidance in GL 91-08, are adequately controlled by 10 CFR 50.59 and TS 6.5.3 and 6.8, and their inclusion in the TS is not required to avert an immediate threat to the public health and safety; and (3) changes that are deemed to involve an unreviewed safety question, will require prior NRC approval in accordance with 10 CFR 50.59(c).

### 3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Michigan State official was notified of the proposed issuance of the amendment. The State official had no comments.

### 4.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (59 FR 29626). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

### 5.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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AMENDMENT NO. 102 TO FACILITY OPERATING LICENSE NO. NPF-43-FERMI-2

Docket File

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