

MAR 29 1985

Docket No.: 50-341

The Honorable Donald W. Riegler, Jr.
United States Senator
1850 McNamara Federal Building
Detroit, Michigan 48226

Dear Senator Riegler:

As I indicated in my letter dated March 19, 1985, I am sending you a copy of our response to the petition filed by Ms. Jennifer Puntenney on behalf of the Safe Energy Coalition requesting certain actions with respect to the Fermi-2 facility. In our response, we deny the request based on a number of considerations. Our basis for denial is explained in our response. I note that the decision is currently subject to the Commission's review in accordance with 10 CFR 2.206 of our regulations.

For your information, a low power license for the Fermi-2 facility was issued on March 20, 1985. Fuel loading began shortly before 10:00 p.m. that day and by March 23, 1985, about 20 percent of the fuel bundles had been loaded into the core.

If you have any questions on this matter, please contact me.

Sincerely,

Original signed by
Darrell G. Eisenhower

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Ltr to Ms. Puntenney
dated March 20, 1985

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAR 20 1985

Docket No.: 50-341
(10 CFR 2.206)

Ms. Jennifer E. Puntenney
Safe Energy Coalition
17736 Five Point Drive
Detroit, Michigan 48240

Dear Ms. Puntenney: . . .

This is in response to your letter dated January 28, 1985, on the behalf of the Safe Energy Coalition (SECO) requesting that the Commission take specific actions under 10 CFR 2.206 with respect to the Fermi-2 facility.

For the reasons set forth in the enclosed "Director's Decision under 10 CFR 2.206," your request has been denied. A copy of the decision will be referred to the Secretary for the Commission's review in accordance with 10 CFR 2.206. For your information, the enclosed notice is being filed with the Office of the Federal Register for publication.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision
2. Federal Register Notice

~~85-327452-1p~~

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

DETROIT EDISON COMPANY
(Fermi-2 Facility)

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Docket No. 50-341
(10 CFR 2.206)

DIRECTOR'S DECISION UNDER 10 CFR 2.206

By petition dated January 28, 1985, Jennifer E. Puntenney, on behalf of the Safe Energy Coalition, (hereinafter referred to as the petitioner or SECO) requested pursuant to 10 CFR 2.206 that the Director of the Office of Nuclear Reactor Regulation take specific action to investigate several areas of concern with regard to the Fermi-2 facility, prior to issuance of a license for the operation of that facility. The actions requested are summarized as follows:

- ° Investigate information system problems, including the consistency of computer data systems, systems coding/ coding maintenance, and related data retrieval;
- ° Investigate the lack of records for the as-built design of the facility electrical and instrumentation systems;
- ° Require the Detroit Edison Company (DECo) to perform additional tests to verify the adequacy of radiological systems in view of modifications made to those systems, and provide proprietary information for the NUS Corporation portable radwaste system for the interim processing of liquid and solid radwastes.

~~85-327-526 24pp.~~

- ° Require DECo to install an alternate safe shutdown system prior to licensing to ensure compliance with NRC fire protection guidelines; and
- ° Confirm the adequacy of the General Electric Mark I containment design.

By letter dated March 11, 1985, the Director acknowledged receipt of the petition and informed the petitioner that her request was being addressed by the NRC staff. DECo provided its comments on the petition in its letter dated February 22, 1985. A notice that the petition was being reviewed was published in the Federal Register (50 FR 10561, March 15, 1985). The NRC has since completed its review of the areas of concern identified by the petitioner, and for the reasons stated in this decision, the petition is denied.

Background:

The Detroit Edison Company holds Construction Permit No. CPPR-87, issued by the Atomic Energy Commission (predecessor to the Nuclear Regulatory Commission) on September 26, 1972, authorizing construction of the Fermi-2 facility, located on the western shore of Lake Erie, in Frenchtown Township, Monroe, County, Michigan. In October 1974, DECo submitted an application for an operating license for Fermi-2. The application was docketed on April 4,

1975 and the operational safety and environmental review initiated by the NRC staff at that time. Hearings on the operating license application were held before an Atomic Safety and Licensing Board, at the conclusion of which the Board authorized issuance of an operating license. See LBP-82-96, 16 NRC 1408 (1982), aff'd, ALAB-730, 17 NRC 1057 (1983).

In addressing each area of concern presented in the petition which follows, portions of the petition are excerpted followed by the NRC findings and determinations on each concern.

1) COMPUTER SYSTEMS

Statement of Concern:

Information systems at Fermi-2 are "awful" according to sources we have been in contact with. Consistency in the different data systems and their coding has not been maintained. Further, input into the data base has not been consistent with the codes used for indexing documents. There is difficulty retrieving data and there has not been time to fix these problems. To compound the situation Detroit Edison has reduced personnel that take care of all documentation and vaults. Further allegations by our sources reveal that despite the Construction Team Assessment (CAT) conducted in the Summer

of 1984 by Duke Power, the problem of how long it takes to retrieve the documentation has not been addressed at Fermi-2. Retrieval of information for many critical parts of the plant is not readily available, some not available at all and could take days to retrieve.

In addition to the above information the following documentation is available on this matter: In an October 6, 1984 letter (EF-72264) Wayne Jens, Detroit Edison's Vice President, Nuclear Operations, to B. J. Youngblood, Chief of Licensing at the NRC, Branch 1, the schedule and problems of the Emergency Information System (ERIS) and the Safety Parameter Display System (SPDS) are described.

ERIS, the automated data acquisition system provides data for the SPDS and for the dose assessment function. The SPDS is a primary function for the control room operations personnel. These systems electronically interface with many plant systems. The schedule for acceptance of critical plant systems has been delayed according to this letter. June, 1985 was the anticipated implementation date. But, a December 12, 1984 letter (EF-72264) from Wayne Jens to T. M. Novak, NRC Assistant Director for Licensing, in Attachment C, it is indicated the ERIS/SPDS completion date has been changed to December 1985.

The computer systems in our view must be operational and functional in a highly automated nuclear plant. NUREG-0737, Supplement I supports the need for this matter to be thoroughly investigated and resolved before fuel loading.

NRC Response:

The Emergency Response Information System (ERIS) is a computer-based data acquisition and display system. ERIS provides two major functions: (1) display of plant parameters to allow rapid and reliable assessment of the safety status of the plant (SPDS), and (2) display of meteorological and radiological information to allow appropriate implementation of on-site and off-site emergency actions. The ERIS system provides no automatic plant protection function and no automatic process control function. The ERIS is designed to provide plant personnel with concise displays of emergency information, and does not provide or initiate any process or system control function.

The Emergency Response Information System and the Safety Parameter Display System are not required to be operational at the time a nuclear plant is issued an Operating License. Supplement 1 of NUREG-0737 (which proposed the requirement) provides that the schedule for the systems will be established on a plant-by-plant basis.

The ERIS/SPDS is not necessary for the safe operation of the plant, but would be used to display plant data and prepare radiation dose assessments in the event of an accident at the plant. These functions will be accomplished by other computer-based systems and manual calculations until the ERIS/SPDS is operational. These interim measures are similar to those in use at many operating nuclear power stations. The adequacy of Detroit Edison's interim measures was demonstrated in two full-scale emergency exercises, the most recent of which was held June 26-27, 1984. DECo's completion date of December 31, 1985, is within the envelope of the completion dates found acceptable by the NRC for operating nuclear power plants and plants under construction.

The staff's review of the Emergency Response Information System's SPDS function is ongoing. The staff has reviewed Detroit Edison's Safety Analysis regarding the Fermi-2 SPDS and concluded that it is acceptable for the utility to continue implementing its SPDS Program. If, during its review of the Fermi-2 SPDS, the staff identifies a significant deficiency in the expected performance of the system, the NRC will direct DECo to make appropriate modifications to the Fermi-2 SPDS.

The other ERIS functions (dose assessment and meteorological monitoring) will be revised as necessary after the ERIS system is fully implemented. That evaluation will be done under the Emergency Response Facilities Appraisal Program conducted by the NRC Office of Inspection and Enforcement.

The petitioner also raised a concern relative to the reliability of data retrieval. This matter is addressed in the staff's response to Concern #2 which immediately follows.

2) AS-BUILT DESIGNS

Statement of Concern:

In the SALP #5 report (Systematic Assessment of Licensee Performance) issued recently, the problems of lack of records for the as-built designs for the electrical and instrumentation systems are raised. Delays in fuel loading at Fermi-2 as of this date are contingent on the correction of this problem.

According to the Michigan Public Service Commission's (PSC) Staff Investigation into the Enrico Fermi-2 Nuclear Project, February 1984, Detroit Edison's internal audits showed that there has been serious problems with document control, inadequate paperwork associated with construction and no adequate control on the design process. Throughout the project several thousand design changes have been made accordingly to PSC.

These criticisms from the Michigan PSC staff has raised our concerns that other areas in addition to the electrical and instrumentation systems

identified by the SALP report could be problematic. Sources at the plant have told us that documentation is not there for many systems that underwent design changes over the last fifteen years. These sources indicate documentation was not recorded or it was lost.

Further investigation into other areas besides electrical and instrumentation for confirmation that all records and documentation of design changes has been completed properly and fully. Because of the alleged problems mentioned earlier in Matter No. 1, that is with the coding, indexing and retrieval of information from the plants data base systems, the Safe Energy Coalition would like your office to investigate how safety issues in No. 1 and 2 interface. The total picture must be looked at.

NRC Response:

The petition's statement relating to the recently issued SALP 5 report (Systematic Assessment of Licensee Performance) identifying problems with the as-built plant versus the design in the electrical and instrumentation systems is correct. That SALP assessment was based on NRC inspections which identified violations of NRC regulations and other Detroit Edison Company (DECo) commitments to the NRC; subsequent NRC inspections found additional problems in these areas. ^{1/} The

^{1/} See NRC Inspection Reports 50-341/84-14, 17, 45, 49, 50, 57, 62, 68, and 85-04, 09.

Duke Construction Appraisal Team (CAT) evaluation performed by the Duke Power Company acting as an independent reviewer, also identified findings in these areas. ^{2/} On February 16, 1985, DECo identified the as-built versus design matter as construction deficiencies to the NRC in accordance with 10 CFR 50.55(e). These deficiencies were only related to instrumentation and control and electrical areas of the plant, and they encompassed the problems identified by the NRC. The DECo report provided a description of the deficiencies, an analysis of safety implications, and a corrective action program.

DECo's corrective actions concerning this matter were assessed during NRC inspections, and were reviewed and discussed at two public meetings held at the Fermi-2 site on February 13 and 20, 1985. As a result of these efforts, the NRC Staff concludes that the corrective action program set forth in DECo's 50.55(e) report, as revised in subsequent correspondence between DECo and the NRC, is adequate to resolve this issue. ^{3/} The NRC conducted further inspection efforts at Fermi-2 and concluded that the corrective actions necessary to support issuance of a license permitting fuel load and low power testing were adequately implemented. The remaining issues will be completed as required by conditions to the operating license.

^{2/} See Duke Power Report, Fermi-2 Final Assessment of Construction dated July 1984.

^{3/} See NRC Region III letters to DECo dated March 8 and 13, 1985 and DECo letter to the NRC Region III dated March 9, 1985.

The petitioners assert that further investigation was needed into other areas besides electrical and instrumentation to confirm that all records and documentation of design changes have been completed properly and fully. As-built problems of the magnitude of those found in the electrical and instrumentation areas have not been identified during NRC inspections of other plant areas. In those instances where the NRC found problems in the mechanical, piping, piping support, and structural areas, those problems were analyzed and satisfactorily resolved without requiring hardware modifications. The problems in those areas were judged to be isolated cases and not indicative of the problems uncovered in the electrical and instrumentation area. The NRC staff, therefore, did not require the scope of DECO's corrective action program to be extended beyond the electrical and instrumentation areas.

Design changes are not unusual at a nuclear plant, and in fact, provisions must be in place for an orderly implementation of proposed changes. Changes occur as a result of many reasons including construction problems, and thus field changes are made. These changes are subsequently reviewed to ensure that the final as-built configuration satisfies design criteria. For Fermi-2, the NRC does not have a concern related to this area.

The petitioner questioned how it's Concern Nos. 1 and 2 interface. The issue associated with the as-built plant versus the design in the electrical and instrumentation systems is not related to the problems alleged in the area of computer systems (Concern No. 1). The computer systems can be divided into two separate areas as follows:

1. The computer and associated ERIS-SPDS system and,
2. The Automated Records Management Systems (ARMS).

The ERIS-SPDS is a non safety-related system used as an augmented aid during operations and reactor transients. The ARMS system is an integral part of DECo's records management system. The NRC identified deficiencies in this system as early as 1979. Subsequent inspections to assess the performance of this system continued as part of the normal inspection program. The primary deficiency identified by the NRC was DECo's failure to properly post design changes against drawings. DECo has taken corrective action in the intervening period which the NRC staff found acceptable. The deficiencies identified in the computer system cited above are not related to the deficiencies identified in safety-related electrical and instrumentation drawings and their representation of the as-built plant.

3) RADWASTE PROCESSING SYSTEM

Statement of Concern:

The Radwaste Processing System will not be tested and functional at the time of fuel load according to two letters from Wayne Jens to B. J. Youngblood, Chief of the NRC Licensing Branch No. 1, dated October 11, 1984 (EF-71992) and December 18, 1984 (EF-72035). Detroit Edison plans to use the NUS Corporation's portable radwaste system for liquid and solid radioactive waste. Portions of the permanent facility as indicated in a December 12, 1984 letter (Wayne Jens to T. M. Novak) (EF2-72028-Attachment C) necessary to support the vendor radwaste system are to be completed before initial criticality and the complete system by "warranty run." In addition, Edison has no program for disposal of potentially radioactive oil.

In 1979, Detroit Edison engineers found serious design flaws with almost every subsystem of the Radwaste Processing Facility at Fermi-2. In an April 1980 study by the NUS Corporation, "Report of Evaluations: Enrico Fermi-2, Solid and Liquid Radwaste Systems," confirmed that "the system as designed and installed was inoperable, inefficient, unsafe, and uneconomic." Edison engineers were further criticized by the Michigan Public Service Commission staff investigation in February 1984 for ignoring "numerous elementary design consideration and basic laws of physics." Some of these included: extremely poor piping arrangements, locations of valves and motors, disregard for radiation exposure levels, unnecessary and excessive person power, etc.

The report further states that "modifications to the Radwaste facility have been extensive including the rip out of large components, piping, and relocation of equipment, etc. Inherent features of the original design will continue to inhibit efficient operation of the radwaste system."

The Safe Energy Coalition believes it is the responsibility under the Atomic Energy Act and Code of Federal Regulations to ensure the safe operation of this facility. This, in our opinion is not the case at this time. We request further investigation into this matter and insist on making public the NUS Corporation's proprietary portable radwaste system. The public has the right to know what systems are being used to protect their environment, health and safety.

NRC Response:

With respect to the SECO concern about the radioactive waste processing systems not being fully tested and functional at the time of fuel load, the NRC is aware of this situation and considers it acceptable for licensing. ^{4/} DECo previously informed the NRC that the permanent systems might not be available, prior to the start of fuel loading, and has submitted descriptions of the temporary systems for review and approval. The NRC has reviewed the temporary

^{4/} See Sections 11.2.1 and 11.2.3 of Supplement No. 5 to the Fermi-2 SER, March 1985.

system for processing liquid radwaste and has found it to be acceptable for plant operation up to 5% of full power. DECo will be required to have the approved permanent liquid radwaste system operational before plant operation is permitted to exceed 5% of rated thermal power.

The temporary solidification system is currently being reviewed by the NRC, and is not required to be completed for licensing. DECo will not be permitted to solidify radwaste until the system has been approved by the NRC. The temporary solidification system design proposed by DECo is a proven technology so that the NRC review will consider detailed plant-specific requirements. This review may require minor design modifications. The solidification system's general design acceptability is, therefore, not in question.

SECO has also requested the NRC make available to the public, the NUS Corporation (NUS) proprietary report, describing the portable radwaste system to be used at Fermi-2, in order to be convinced of the safety of that system. The system in question is described in a non-proprietary report which has been filed in the PDR and docketed since May 1983. The NRC finds that this non-proprietary

report contains sufficient information on the portable system design to assess its safety and reliability implications. Nonetheless, the NRC has offered to make arrangements with SECO through Ms. Puntenney which will permit SECO to review the requested proprietary information under an appropriate protective agreement.

With respect to SECO's concern relative to contaminated oil, DECo, has not proposed to a specific program for the disposal of possibly contaminated oil at the Fermi-2 facility. A similar situation exist at other operating nuclear power plants. This is not unusual because contaminated oil may be safely stored on site for extended periods of time prior to disposal. Prior to any removal, the method for disposal must be approved by the NRC. For example, if the oil is to be solidified and shipped for disposal, the solidifications must be performed in accordance with NRC-approved processes, and the product must meet the applicable Commission regulations. As such, the absence of a DECo commitment at this time does not constitute or indicate either a lack or disregard for public safety or a failure to meet NRC requirements.

Lastly, the design deficiencies alluded to by SECO were identified in a DECo internal review. Subsequently, DECo has modified the system. The modified system was reviewed by the NRC and found to meet all applicable regulatory requirements. ^{5/} Nonetheless, as requested by SECO, the NRC conducted a

^{5/} See Section 11, "Radioactive Waste Management," of Supplement No. 3 to the Fermi-2 SER.

further review of the radwaste systems and has reaffirmed its prior findings on the radwaste system design; i.e., when fully constructed and made operational these systems will meet all regulatory requirements and protect the health and safety of the public.

4) FIRE PROTECTION

Statement of Concern:

The Safe Energy Coalition is still not satisfied with the NRC's discretionary decision to allow Detroit Edison to fuel load and operate Fermi 2 without an alternate shutdown system in place. . . .

To allow Detroit Edison the option to delay installing an alternate shutdown system until the first fuel outage (1986) is inexcusable with the length of time Edison has had to reroute cables and design and implement an alternate shutdown capability elsewhere in the plant.

The Safe Energy Coalition vehemently opposes the continued relaxing for NRC strict standards for fire protection knowing the realized hazards that fires pose at nuclear plants, especially with the Fermi 2 plant design without the alternate shutdown system in place.

In the M.D. Lynch summary document of July 11, 1984, Detroit Edison supplied the NRC with a brief fire protection history for Fermi 2. In this summary, Edison's knowledge of the Browns Ferry Fire of March 22, 1975 was well documented by themselves with review groups and task forces formed to deal with the issue of fire protection. During this time Detroit Edison had Fermi-2 shutdown from 1974-77 for financial reasons and to catch up on their engineering design backlog. Regulatory guides were issued in 1976 and 1977, ANSI Standards were released in 1979, followed by NRC regulations, Appendix R in 1980. DECo has had ample time to implement the needed defense in depth fire protection that includes the most critical component, an alternate shutdown capability.

We request that full implementation, prior to fuel load and low power operation, of the shutdown system be required. Further investigation, explanation, and justification for NRC approval of Edison's fire protection systems is in order. We regard this as a very serious matter and would like public hearings called under Section 2.202 (Show Cause).

NRC Response:

The alternate shutdown system proposed by DECo and approved by the NRC, ^{6/} will allow the reactor to be maintained in a safe shutdown condition from outside the control room in the event electrical circuits are damaged in the control room due to a fire. The alternate shutdown system is required to be fully installed and operational no later than December 31, 1986; it may be fully operational as early as October 1985. ^{7/} However, redundant

^{6/} See Section 9.5.1 of Supplement No. 5 to the Fermi-2 SER.

^{7/} See License No. NPF-33, Condition 2.C(10(d)).

shutdown systems are already in place and with the separation provided in the Fermi-2 control room, and the required interim procedures, there is reasonable assurance that at least one division of shutdown systems will be available in the event of a control room fire.

The delay in implementing, the alternate shutdown system occurred in mid-1984 when it was determined that the electrical panels and ventilation system for the control room was not installed in accordance with the design approved in the Supplement No. 2 to Fermi-2 SER and because the as installed fire protection features in the relay room were considered marginal. ^{8/} DECo proposed to provide an alternate shutdown capability independent of the control room and the relay room which would physically and electrically isolate these areas. ^{9/} The NRC concluded that this new design is more desirable than the original design, and granted a delay in implementation while imposing interim compensatory measures. ^{10/}

The NRC has accepted DECo's proposed schedule for operability of the independent alternate shutdown system, with the provision that compensatory measures be taken in the interim. These compensatory measures include the development of procedures to maintain the plant in a safe shutdown in the event of limited

^{8/} See Section I.A of Appendix E to Supplement No. 5 of the Fermi-2 SER.

^{9/} Ibid.

^{10/} See Section VII.C and VII.D of Appendix E to Supplement No.5 of the Fermi-2 SER.

fire damage in the control room. These procedures must be fully tested and the plant operating personnel trained in the use of the procedures prior to initial criticality. Compensatory measures have also been taken to limit the fire damage in the control room to one electrical division. These measures include a fire watch in the control room and modifications to the control room panels to limit fire damage to one panel. The compensatory procedures and equipment have been reviewed and accepted by the NRC. ^{12/} The alternate shutdown system and the interim compensatory measures are discussed in detail in Section 9.5.1 and Appendix E of Supplement 5 to the Fermi-2 SER.

Based on DECo's schedule for operability of the alternate shutdown system, and on the adequacy of the interim compensatory measures to be implemented, DECo meets the requirements for fire protection as required by General Design Criterion 3 of Appendix A to 10 CFR Part 50. -

^{12/} See Section VII.D of Appendix E to Supplement No. 5 of the Fermi-2 SER.

5) GENERAL ELECTRIC MARK I BOILING WATER REACTOR AND CONTAINMENT

Statement of Concern:

Serious problems have become apparent with this older, obsolete reactor design, particularly in regards to the constructability and accessibility and the ability of the containment to hold in a serious accident. Design modifications had to be made at Fermi-2 to the torus and the drywell steel. The small containment, defects in the pressure-suppression system (torus) and the volumes of possible failures for this type of reactor cannot be, in our view, ignored in licensing this plant. It should not be put in the "generic, unresolved" category of the NRC to be solved sometime in the future.

In the book, the Occult of the Atom ^{13/} by Daniel Ford, as early as 1971, the Atomic Energy Commission (AEC) through its safety analysts proposed to senior AEC officials the banning of "the pressure-suppression containment scheme" of which Fermi-2 is included. Technical analysis was never challenged and no objections were raised on scientific grounds. The reply by Joseph Hendrie, Senior AEC official, was the following: "the acceptance of pressure-suppression containment concepts by all elements of the nuclear field, including Regulatory and the A.C.R.S., is firmly embedded in the conventional wisdom. Reversal of this hallowed policy, particularly at this time, could well be

^{13/} Correct title is Cult of the Atom.

the end of nuclear power. It would throw into question the continued operation of licensed plants, would make unlicensable the G.E. and Westinghouse ice-condenser plants now in review and would generally create more turmoil than I can stand thinking about."

This matter has been ignored for too long. The Safe Energy Coalition requests resolution of this generic issue and guarantees from the NRC that Fermi-2's reactor design and operation will not either endanger public health and safety, increase worker exposure, or contaminate the surroundings environment. More thorough investigations and hearings are, we feel, warranted. Fuel loading should not be expedited because of lack of solutions.

NRC Response:

The Mark I containment design, which is used in the Fermi-2 facility, represents a containment concept which has evolved into a proven design. This evolution has spanned a 20-year period of operating experience and testing. With the completion of each test program, whenever the results showed them to be necessary and whenever indicated by operating experience, additional design specifications have been added to the Mark I design. DECo has incorporated all of these changes into the containment design for the Fermi-2 facility. At the present time, there are no ongoing generic test programs for the Mark I design.

All of the test programs have been completed with the exception of plant-specific confirmatory testing of the safety relief valve quencher device. ^{14/} DECo is required to complete this test program prior to start of the second cycle of operation, as stated in Supplement No. 5 to the Fermi-2 SER. ^{15/} The results of the generic test programs have been reviewed by the NRC and acceptance criteria published in several NUREG reports as identified below. Therefore, the NRC has concluded that there are no outstanding generic safety issues associated with the Mark I containment design as used in the Fermi-2 facility.

It is true, as the petitioner indicates, that a number of safety issues had been raised since the Mark I concept was first developed for the Humboldt Bay Nuclear Power Plant in the period 1958-1962. However, at no time was it shown that the containment would fail as a result of the various concerns; modifications have been recommended and implemented at the Fermi-2 facility and other plants to maintain acceptable design margins. These concerns were documented in a memorandum written by Dr. S. H. Hanauer in 1972. Dr. Hanauer at that time was technical advisor to the AEC's Director of Regulation. It is believed that the references in the SECO petition, to concerns stated by senior AEC officials, were identified in the above mentioned memorandum. These concerns were also the subject of considerable interest by several

^{14/} See Section 3.8.1 of Supplement No. 5 to the Fermi-2 SER, and License No. NPF-33, Condition 2.C(4).

^{15/} Ibid.

members of the U.S. Congress and the public during 1978. To address the issues cited above and to summarize the technology of water suppression containments, including the Mark I design, the NRC issued NUREG-0474 in July 1978. In the judgement of the NRC, NUREG-0474 demonstrated that: (1) the safety issues had been satisfactorily identified; (2) the licensed BWR facilities could withstand the containment loads associated with these concerns; and (3) a comprehensive program of tests was underway to investigate the details of the pressure suppression phenomena.

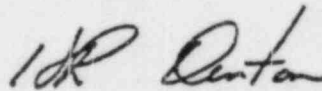
Since the issuance of NUREG-0474, the ongoing testing programs have been completed. The NRC reported in NUREG-0661, "SER on Mark I Containment Long-term Program," dated July 1980, an evaluation of the test program results. Included within the report, were acceptance criteria that, if followed, would result in an acceptable containment design. DECo demonstrated compliance with these criteria in its plant-specific analysis report. The NRC found the Fermi-2 report acceptable. ^{16/} With this satisfactory finding, the NRC concludes that the containment design for Fermi-2 is acceptable, subject to satisfactory completion of the confirmatory items related to in-plant testing of the safety relief valves, with no outstanding unresolved safety issues.

^{16/} See Section 3.8.1 in both Supplement Nos. 3 and 5 to the Fermi-2 SER.

Conclusion:

For the reasons stated in the NRC responses above, the petitioner's request has been denied.

A copy of this decision is being filed with the Office of the Secretary of the Commission, for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. This decision will become the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the decision within that time.



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland,
this 20th day of March 1985.

U. S. NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-341DETROIT EDISON COMPANYFERMI-2NOTICE OF ISSUANCE OF A DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a decision pursuant to 10 CFR 2.206 concerning a petition filed by Jennifer E. Puntenney on behalf of the Safe Energy Coalition of Michigan. The Petitioner requested that the Commission take action to ensure adequate resolution of certain alleged deficiencies in the Fermi-2 facility before authorizing fuel load and low-power operation of the plant. The alleged deficiencies concern the adequacy of computer systems, as-built electrical systems and instrumentation, the radwaste processing system, fire protection systems, and the containment design.

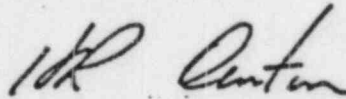
Upon consideration of the Petitioner's request, the staff has determined that adequate measures have been taken to resolve the issues raised by the Petitioner or that remaining corrective actions need not be completed prior to fuel-load and low-power operation. The reasons for this decision are more fully explained in a "Director's Decision under 10 CFR 2.206" (DD-85-4) issued today which is available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the Monroe County Library, Reference Department, 3700 South Custer Road, Monroe, Michigan 41861.

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A copy of the decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, takes review of the decision within that time.

Dated at Bethesda, Maryland, this 20th day of March 1985.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "H.R. Denton", is written over the typed name.

Harold R. Denton, Director
Office of Nuclear Reactor Regulation