



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 26, 2021

Mr. Peter Dietrich
Senior Vice President
and Chief Nuclear Officer
DTE Electric Company
Fermi 2 – 260 TAC
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERMI, UNIT NO. 2 - ISSUANCE OF AMENDMENT NO. 219 REGARDING THE REVISION OF TECHNICAL SPECIFICATIONS TO ADOPT TECHNICAL SPECIFICATION TASK FORCE (TSTF)-529 (EPID L-2020-LLA-0244)

Dear Mr. Dietrich:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has issued the enclosed Amendment No. 219 to Renewed Facility Operating License No. NPF-43, for Fermi Unit 2 (Fermi 2). The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated October 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20302A480).

The amendment revises Fermi 2 TS Sections 1.3, "Completion Times," and 3.0, "Limiting Condition for Operation (LCO) Applicability" and "Surveillance Requirement (SR) Applicability." The changes clarify and expand the use and application of the Fermi 2 TS usage rules and are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF-529, Revision 4, "Clarify Use and Application Rules," dated February 29, 2016 (ADAMS Accession No. ML16062A271).

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's monthly *Federal Register* notice.

Sincerely,

/RA/

Surinder S. Arora, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-341

Enclosures:

1. Amendment No. 219 to NPF-43
2. Safety Evaluation

cc: Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DTE ELECTRIC COMPANY

DOCKET NO. 50-341

FERMI 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 219
Renewed License No. NPF-43

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by DTE Electric Company dated October 28, 2020, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. NPF-43 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 219, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this renewed license. DTE Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Nancy L. Salgado, Chief
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Renewed Facility
Operating License No. NPF-43
and Technical Specifications

Date of Issuance: April 26, 2021

ATTACHMENT TO LICENSE AMENDMENT NO. 219

FERMI 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

DOCKET NO. 50-341

Renewed Facility Operating License No. NPF-43

Replace the following page of the Renewed Facility Operating Licenses No. NPF-43 with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the area of change.

REMOVE

- 4 -

INSERT

- 4 -

Technical Specifications

Replace the following pages of the Appendix A, Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

1.3-1

3.0-2

3.0-5

INSERT

1.3-1

1.3-1a

3.0-2

3.0-5

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 219, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated into this renewed license. DTE Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

DTE Electric Company shall abide by the agreements and interpretations between it and the Department of Justice relating to Article I, Paragraph 3 of the Electric Power Pool Agreement between DTE Electric Company and Consumers Power Company as specified in a letter from The Detroit Edison Company to the Director of Regulation, dated August 13, 1971, and the letter from Richard W. McLaren, Assistant Attorney General, Antitrust Division, U.S. Department of Justice, to Bertram H. Schur, Associate General Counsel, Atomic Energy Commission, dated August 16, 1971.

(4) Deleted

(5) Deleted

(6) Deleted

(7) Deleted

(8) Deleted

(9) Modifications for Fire Protection (Section 9.5.1, SSER #5 and SSER #6)*

DTE Electric Company shall implement and maintain in effect all provisions of the approved fire protection program as described in its Final Safety Analysis Report for the facility through Amendment 60 and as approved in the SER through Supplement No. 5, subject to the following provision:

- (a) DTE Electric Company may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.

1.0 USE AND APPLICATION

1.3 Completion Times

| | |
|-------------|--|
| PURPOSE | The purpose of this section is to establish the Completion Time convention and to provide guidance for its use. |
| BACKGROUND | Limiting Conditions for Operation (LCOs) specify minimum requirements for ensuring safe operation of the unit. The ACTIONS associated with an LCO state Conditions that typically describe the ways in which the requirements of the LCO can fail to be met. Specified with each stated Condition are Required Action(s) and Completion Times(s). |
| DESCRIPTION | <p>The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO.</p> <p>Unless otherwise specified, the Completion Time begins when a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and an ACTIONS Condition is entered. The “otherwise specified” exceptions are varied, such as a Required Action Note or Surveillance Requirement Note that provides an alternative time to perform specific tasks, such as testing, without starting the Completion Time. While utilizing the Note, should a Condition be applicable for any reason not addressed by the Note, the Completion Time begins. Should the time allowance in the Note be exceeded, the Completion Time begins at that point. The exceptions may also be incorporated into the Completion Time. For example, LCO 3.8.1, “AC Sources - Operating,” Required Action A.2, requires declaring required feature(s) supported by an inoperable diesel generator, inoperable when the redundant required feature(s) are inoperable. The Completion Time states, “4 hours from discovery of an inoperable EDG concurrent with inoperability of redundant required feature(s).” In this case the Completion Time does not begin until the conditions in the Completion Time are satisfied.</p> <p>Required Actions must be completed prior to the expiration of the specified Completion Time. An ACTIONS Condition</p> |

(continued)

1.3 Completion Times

DESCRIPTION
(continued)

remains in effect and the Required Actions apply until the Condition no longer exists or the unit is not within the LCO Applicability.

If situations are discovered that require entry into more than one Condition at a time within a single LCO (multiple Conditions), the Required Actions for each Condition must be performed within the associated Completion Time. When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the discovery of the situation that required entry into the Condition, unless otherwise specified.

Once a Condition has been entered, subsequent divisions, subsystems, components, or variables expressed in the Condition, discovered to be inoperable or not within limits, will not result in separate entry into the Condition, unless specifically stated. The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition, unless otherwise specified.

(continued)

3.0 LCO APPLICABILITY (continued)

- LCO 3.0.4 When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall only be made:
- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;
 - b. After performance of a risk assessment addressing inoperable systems and components, consideration of the results, determination of the acceptability of entering the MODE or other specified condition in the Applicability, and establishment of risk management actions, if appropriate (exceptions to this Specification are stated in the individual Specifications); or
 - c. When an allowance is stated in the individual value, parameter, or other Specification.

This specification shall not prevent changes in MODES or other specified conditions in the Applicability that are required to comply with ACTIONS or that are part of a shutdown of the unit.

- LCO 3.0.5 Equipment removed from service or declared inoperable to comply with ACTIONS may be returned to service under administrative control solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to LCO 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY.
-

- LCO 3.0.6 When a supported system LCO is not met solely due to a support system LCO not being met, the Conditions and Required Actions associated with this supported system are not required to be entered. Only the support system LCO ACTIONS are required to be entered. This is an exception to LCO 3.0.2 for the supported system. In this event, an evaluation shall be performed in accordance with Specification 5.5.11, "Safety Function Determination Program (SFDP)." If a loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

(continued)

3.0 LCO APPLICABILITY (continued)

SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

SR 3.0.4 Entry into a MODE or other specified condition in the Applicability of an LCO shall only be made when the LCO's Surveillances have been met within their specified Frequency, except as provided by SR 3.0.3. When an LCO is not met due to Surveillances not having been met, entry into a MODE or other specified condition in the Applicability shall only be made in accordance with LCO 3.0.4.

This provision shall not prevent entry into MODES or other specified conditions in the Applicability that are required to comply with ACTIONS or that are part of a shutdown of the unit.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 219 TO

RENEWED FACILITY OPERATING LICENSE NO. NPF-43

DTE ELECTRIC COMPANY

FERMI 2

DOCKET NO. 50-341

1.0 INTRODUCTION

By application dated October 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20302A480), DTE Electric Company (licensee) requested changes to the technical specifications (TSs) for Fermi, Unit No. 2 (Fermi 2).

The proposed changes would revise Fermi 2 TS Sections 1.3, "Completion Times," and 3.0, "Limiting Conditions for Operation (LCO) Applicability" and "Surveillance Requirement (SR) Applicability." Specifically, these changes would clarify and expand the use and application of the Fermi 2 TS usage rules and are consistent with the U.S. Nuclear Regulatory Commission (NRC)-approved Technical Specifications Task Force (TSTF) Traveler TSTF-529, Revision 4, "Clarify Use and Application Rules," dated February 29, 2016 (ADAMS Accession No. ML16062A271). TSTF-529, Revision 4, was approved by the NRC by letter dated April 21, 2016 (ADAMS Package Accession No. ML16060A441).

2.0 REGULATORY EVALUATION

2.1 Description of Subject TS Sections

LCOs specify minimum requirements for ensuring safe operation of the unit. The actions associated with an LCO state conditions that typically describe the ways in which the requirements of the LCO can fail to be met. Specified with each stated condition are required action(s) and completion time(s).

Fermi 2 TS Section 1.3, "Completion Times," currently describes completion times as follows:

The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO. Required Actions must be

completed prior to the expiration of the specified Completion Time. An ACTIONS Condition remains in effect and the Required Actions apply until the Condition no longer exists or the unit is not within the LCO Applicability.

If situations are discovered that require entry into more than one Condition at a time within a single LCO (multiple Conditions), the Required Actions for each Condition must be performed within the associated Completion Time. When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the time of discovery of the situation that required entry into the Condition.

Once a Condition has been entered, subsequent divisions, subsystems, components, or variables expressed in the Condition, discovered to be inoperable or not within limits, will not result in separate entry into the Condition, unless specifically stated. The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition.

Fermi 2 TS LCO 3.0.1 through LCO 3.0.9 establish the general requirements applicable to all specifications and apply at all times, unless otherwise stated. Similarly, SR 3.0.1 through SR 3.0.4 establish the general requirements for surveillances that are applicable to all specifications and apply at all times, unless otherwise stated.

2.2 Description of TS Changes

The proposed change will revise Fermi's TS Sections 1.3, "Completion Times," and 3.0, "LCO Applicability" and "SR Applicability." The proposed changes are described in more detail below.

2.2.1 Proposed Changes to "Time of Discovery"

Fermi 2 TS Section 1.3, "Description," currently states, in part, the following (with emphasis added on "time of"):

The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO.

Fermi 2 TS Section 1.3, "Description," also currently states, in part, the following (with emphasis added on "time of"):

If situations are discovered that require entry into more than one Condition at a time within a single LCO (multiple Conditions), the Required Actions for each Condition must be performed within the associated Completion Time. When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the time of discovery of the situation that required entry into the Condition.

The proposed Fermi 2 TS Section 1.3 would delete “time of” from the previous statements and read as follow:

The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO.

[...]

If situations are discovered that require entry into more than one Condition at a time within a single LCO (multiple Conditions), the Required Actions for each Condition must be performed within the associated Completion Time. When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the discovery of the situation that required entry into the Condition.

The adequacy of this change is discussed in Section 3.1.1.1 of this safety evaluation (SE).

2.2.2 Proposed Addition to “Completion Times”

The licensee proposed to add the following paragraph to Fermi 2 TS Section 1.3 under “Description”:

Unless otherwise specified, the Completion Time begins when a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and an ACTIONS Condition is entered. The “otherwise specified” exceptions are varied, such as a Required Action Note or Surveillance Requirement Note that provides an alternative time to perform specific tasks, such as testing, without starting the Completion Time. While utilizing the Note, should a Condition be applicable for any reason not addressed by the Note, the Completion Time begins. Should the time allowance in the Note be exceeded, the Completion Time begins at that point. The exceptions may also be incorporated into the Completion Time. For example, LCO 3.8.1, “AC Sources - Operating,” Required Action A.2, requires declaring required feature(s) supported by an inoperable diesel generator, inoperable when the redundant required feature(s) are inoperable. The Completion Time states, “4 hours from discovery of an inoperable EDG concurrent with inoperability of redundant required feature(s).” In this case the Completion Time does not begin until the conditions in the Completion Time are satisfied.

The proposed change augments the NRC staff’s expectation that a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and a Condition is entered.

The adequacy of this change is evaluated in Section 3.1.1.2 of this SE.

2.2.3 Proposed Addition of “Unless Otherwise Specified”

Fermi 2 TS Section 1.3, “Description,” currently states the following (with emphasis added on “unless otherwise specified”):

The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO.

The licensee proposed to add the following sentence right after the above statement to Fermi 2 TS Section 1.3, which contains the phrase “unless otherwise specified”:

Unless otherwise specified, the Completion Time begins when a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and an ACTIONS Condition is entered.

In addition, the licensee proposed adding the phrase “unless otherwise specified” to the following two statements:

When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the discovery of the situation that required entry into the Condition, unless otherwise specified.

and

The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition, unless otherwise specified.

The adequacy of this change is evaluated in Section 3.1.1.3 of this SE.

2.2.4 Proposed Changes to LCO 3.0.4

Fermi 2 TS LCO 3.0.4 currently states, in part:

When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall only be made:

- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;
- b. After performance of a risk assessment addressing inoperable systems and components, consideration of the results, determination of the acceptability of entering the MODE or other specified condition in the Applicability, and establishment of risk management actions, if appropriate; exceptions to this Specification are stated in the individual Specifications, or

- c. When an allowance is stated in the individual value, parameter, or other Specification.

The licensee proposed to clarify the b. statement above by placing the statement regarding exceptions in parenthesis and replacing the last comma with a semicolon. The proposed Fermi 2 TS LCO 3.0.4 would state, in part, the following:

When an LCO is not met, entry into a MODE or other specified condition in the Applicability shall only be made:

- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;
- b. After performance of a risk assessment addressing inoperable systems and components, consideration of the results, determination of the acceptability of entering the MODE or other specified condition in the Applicability, and establishment of risk management actions, if appropriate (exceptions to this Specification are stated in the individual Specifications); or
- c. When an allowance is stated in the individual value, parameter, or other Specification.

The adequacy of this change is evaluated in Section 3.1.2 of this SE.

2.2.5 Proposed Changes to TS SR 3.0.3

Fermi 2 SR 3.0.3 currently states the following:

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

The licensee proposed Fermi 2 TS SR 3.0.3 states the following (the additional sentence is underlined):

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

The adequacy of this change is evaluated in Section 3.1.3 of this SE.

2.3 Regulatory Requirements, Licensing Information, Guidance Documents

The NRC staff considered the following regulatory requirements, guidance, and licensing information during its review of the proposed changes:

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36(c), requires TSs to include the following categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) LCOs; (3) SRs; (4) design features; (5) administrative controls; (6) decommissioning; (7) initial notification; and (8) written reports.

Section 50.36(c)(2) of 10 CFR states, in part, that:

Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specifications until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specifications until the condition can be met.

Section 50.36(c)(3) of 10 CFR states that:

Surveillance requirements are requirements relating to test, calibration, or inspection to assure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions for operation will be met.

The NRC staff's guidance for review of the TSs is in NUREG 0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR [Light-Water Reactor] Edition," Chapter 16, Revision 3, "Technical Specifications," dated March 2010 (ADAMS Accession No. ML100351425). As described therein, as part of the regulatory standardization effort, the NRC staff has prepared standard technical specifications (STSs) for each of the LWR nuclear steam supply systems and associated balance-of-plant equipment systems. The licensee's proposed amendment is based on TSTF-529, Revision 4, which is an NRC-approved change to the improved STSs. The NRC staff's review includes consideration of whether the proposed changes are consistent with TSTF-529, Revision 4. Special attention is given to TS provisions that depart from the improved STSs, as modified by NRC-approved TSTF travelers, to determine whether proposed differences are justified by uniqueness in plant design or other considerations so that 10 CFR 50.36 is met. In addition, the guidance states that comparing the change to previous STS can help clarify the TS intent.

3.0 TECHNICAL EVALUATION

During the review of TSTF-529, Revision 4, the NRC staff considered the guidance on acceptance criteria of the SRP sections described in Section 2.3 of this SE, and, in particular, the acceptance criteria in Chapter 16, "Technical Specifications," of NUREG-0800, Revision 3. Additionally, the NRC staff evaluated the proposed changes to Fermi 2 TS against what is required to be in the TS under 10 CFR 50.36(c).

3.1 Requested Changes

3.1.1 Proposed Changes to Section 1.3, "Completion Times"

3.1.1.1 Proposed Changes to "Time of Discovery"

The only mention of the term "time of discovery" in relation to completion times is in Fermi 2 TS Section 1.3 (quoted in Section 2.2.1 of this SE). Throughout the Fermi 2 TSs, the term "discovery" is used to describe the point in time that it is recognized that the requirements of an LCO are not met. For example, TS LCO 3.0.2 states, in part, "Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5 and LCO 3.0.6." In addition, the Bases to LCO 3.0.2, state, in part, "LCO 3.0.2 establishes that upon discovery of a failure to meet an LCO, the associated ACTIONS shall be met."

The proposed change to Fermi 2 TS Section 1.3 would delete "time of" from the previous statements. The NRC staff finds the proposed change acceptable because it makes Section 1.3 consistent with the language used throughout the rest of the TS. This provides clarity to the term "discover" and, therefore, provides a clear and objective application of the TS Required Actions and associated Completion Times. The change is editorial since it does not change the requirements currently in the TS. Therefore, the NRC Staff finds the proposed change acceptable.

3.1.1.2 Proposed Addition to "Completion Times"

The licensee also proposed to add the following paragraph to Section 1.3 of Fermi 2 TS under Description:

Unless otherwise specified, the Completion Time begins when a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and an ACTIONS Condition is entered. The “otherwise specified” exceptions are varied, such as a Required Action Note or Surveillance Requirement Note that provides an alternative time to perform specific tasks, such as testing, without starting the Completion Time. While utilizing the Note, should a Condition be applicable for any reason not addressed by the Note, the Completion Time begins. Should the time allowance in the Note be exceeded, the Completion Time begins at that point. The exceptions may also be incorporated into the Completion Time. For example, LCO 3.8.1, “AC Sources - Operating,” Required Action A.2, requires declaring required feature(s) supported by an inoperable diesel generator, inoperable when the redundant required feature(s) are inoperable. The Completion Time states, “4 hours from discovery of an inoperable EDG concurrent with inoperability of redundant required feature(s).” In this case the Completion Time does not begin until the conditions in the Completion Time are satisfied.

The operating shift crew is responsible for overall control of facility operation. As part of that responsibility, the operating shift crew must be aware of the status of the plant and condition of structures, systems and components (SSCs). This includes status of degraded or nonconforming conditions that may affect plant operation. Therefore, the proposed change simply augments the NRC staff’s expectation that a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and a Condition is entered. The phrase “and an ACTIONS Condition is entered” in the above proposed insertion, is necessary to accommodate circumstances in which LCO 3.0.6 allows an LCO to not be met without entry into the Conditions. In those circumstances, a Completion Time does not begin. In addition, an example is added to the proposed insertion in order to explain the concept presented.

The NRC staff finds the proposed change acceptable since it clarifies senior reactor operators’ responsibilities and the allowances of LCO 3.0.6 and, therefore, provides a clear and objective application of Femi 2 TS Required Actions and associated Completion Times.

3.1.1.3 Proposed Addition of “Unless Otherwise Specified”

The phrase, “unless otherwise specified,” in Femi 2 TS Section 1.3, refers to those instances in which TS LCOs define the start of the completion time as different from “discovery.” For example, Femi 2 TS 3.8.1, “AC Sources - Operating,” Required Action B.2, calls for declaring required feature(s) supported by an inoperable diesel generator inoperable when the redundant required feature(s) are inoperable. The Completion Time states, “4 hours from discovery of Condition B concurrent with inoperability of redundant required feature(s).” In this case, the Completion Time does not begin until the conditions in the completion time are satisfied.

As discussed in Section 2.2.3 of this SE, the licensee proposed to add the following sentence to Femi 2 TS Section 1.3, which contains the phrase “unless otherwise specified:”

Unless otherwise specified, the Completion Time begins when a senior licensed operator on the operating shift crew with responsibility for plant operations makes the determination that an LCO is not met and an ACTIONS Condition is entered.

In addition, the licensee proposed adding the phrase “unless otherwise specified” to the following two statements in Fermi 2 TS Section 1.3:

When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the discovery of the situation that required entry into the Condition, unless otherwise specified.

and

The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition, unless otherwise specified.

The addition of the phrase “unless otherwise specified” acknowledges that there are instances, as indicated in the individual TS, when the completion time does not start at discovery. These exceptions are varied, such as when a Required Action Note or SR Note provides an alternative time to perform specific tasks, such as testing, without starting the Completion Time. While utilizing the Note, should a Condition be applicable for any reason not addressed by the Note, the Completion Time begins. Should the time allowance in the Note be exceeded, the Completion Time begins at that point as well.

The NRC staff finds the proposed change acceptable since it clarifies that there are exceptions and therefore provides a clear and objective application of Fermi 2 TS Required Actions and associated Completion Times.

3.1.2 Proposed Changes to LCO 3.0.4

As stated in Section 2.2.4 of this SE, the current Fermi 2 TS LCO 3.0.4 contains three options, (a, b, and c). Paragraph a ends with a semicolon and paragraph b ends with “, or.”

The LCO 3.0.4.b, “After performance of a risk assessment ... stated in the individual Specifications, or,” could lead to operator misinterpretation. Operators could misapply this statement by believing the “or” applies to the phrase regarding exceptions and that LCO 3.0.4.a, b, and c apply concurrently.

The licensee proposed to clarify this sentence by placing the statement regarding exceptions in parenthesis and replacing the ending comma with a semicolon. The proposed Fermi 2 TS LCO 3.0.4 would state the following: “After performance of a risk assessment ... if appropriate (exceptions to this specification are stated in the individual specifications); or.”

The NRC staff finds that the change is editorial since it does not change the requirements currently in the TS. The NRC staff finds the proposed change acceptable since it removes potential for misapplication of LCO 3.0.4 allowances, and therefore, provides a clear and objective application of the Fermi 2 TS Required Actions.

3.1.3 Proposed Changes to SR 3.0.3

The NRC has typically interpreted SR 3.0.3, which is quoted in Section 2.2.5 of this SE, as inapplicable to SRs that have never been previously performed. This is because the allowance provided by SR 3.0.3 is based on the fact that the SR was satisfactorily met in the past and the

most probable result of performing the SR is the verification of conformance with the requirements. Therefore, there is reasonable expectation the SR will be met when performed.

However, the NRC staff recognizes that there are instances in which an SR may not have been performed in the past, but there is still a reasonable expectation the SR will be met when performed. For example, an SR requires testing of a relay contact. A licensee finds the relay contact has never been tested as required in accordance with a particular SR. That licensee, however, finds there is a reasonable expectation the SR will be met when performed because the subject relay contact has been tested by another SR or historical operation of the subject relay contact has been successful.

The delay period allowed by Fermi 2 TS SR 3.0.3 offers adequate time to complete SRs that have been missed. In addition, this delay period permits the completion of an SR before complying with required actions or other remedial measures that might preclude completion of the SR. The NRC staff finds the application of the delay period provided by Fermi 2 TS SR 3.0.3 acceptable for use on SRs that have never been performed so as long as licensees can provide an adequate determination of reasonable expectation the SR will be met when performed.

The licensee's proposed Fermi 2 TS LCO SR 3.0.3 states the following (the new sentence reflecting the inclusion of SRs that have never been performed is underlined):

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When making a determination of reasonable expectation that the SR will be met when performed, licensees should consider many factors. These factors include, but are not limited to, things such as the period of time since the SR was last performed, or whether the SR, or a portion thereof, has ever been performed, and many other indications, tests, or activities that might support the expectation that the SR will be met when performed. It is not sufficient to infer the behavior of the associated equipment from the performance of similar equipment. The rigor of determining whether there is a reasonable expectation an SR will be met when performed should increase based on the length of time since the last performance of the SR. If the SR has been performed recently, a review of the SR history and equipment performance may be sufficient to support a reasonable expectation that the SR will be met when performed. For SRs that have not been performed for a long period or that have never been performed, a rigorous evaluation based on objective evidence should provide a high degree of confidence that the

equipment is capable of performing its specified safety function(s). The evaluation should be documented in sufficient detail to allow a knowledgeable individual to understand the basis for the determination.

The proposed change, which expands the scope of SR 3.0.3 to SRs that have never been performed, is acceptable because it requires there to be an adequate determination of a reasonable expectation the SR will be met when performed. In addition, the proposed change augments plant safety since it could prevent unnecessary shutdowns by providing adequate time to complete SRs that have never been performed but are likely to achieve satisfactory results.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations on, the Michigan State official was notified of the proposed issuance of the amendment on March 24, 2021. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes requirements with respect to the installation or use of facility components located within the restricted area as defined in 10 CFR Part 20 and changes SRs. The NRC 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, as published in the *Federal Register* on January 26, 2021 (86 FR 7115), and there has been no public comment on such finding. 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.

6.0 CONCLUSION

The Commission 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) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: C. Tilton, NRR

Date of issuance: April 26, 2021

SUBJECT: FERMI, UNIT NO. 2 - ISSUANCE OF AMENDMENT NO. 219 REGARDING THE REVISION OF TECHNICAL SPECIFICATIONS TO ADOPT TECHNICAL SPECIFICATION TASK FORCE (TSTF)-529 (EPID L-2020-LLA-0244) DATED APRIL 26, 2021

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