



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

January 20, 2022

Peter Dietrich
Senior Vice President
and Chief Nuclear Officer
DTE Electric Company
6400 N. Dixie Highway
Newport, MI 48166

SUBJECT: ISSUANCE OF EXEMPTION FROM 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214 FOR FERMI-2 INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Dietrich:

By letter dated July 27, 2021 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21208A259), DTE Electric Company (DTE) submitted a request to the U.S. Nuclear Regulatory Commission (NRC) for an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) 72.44(d)(3) for Independent Spent Fuel Storage Installation (ISFSI) located at the Fermi-2 (Fermi 2) site. Specifically, in its July 27, 2021 letter, DTE requested relief regarding the 60-day requirement in 10 CFR 72.44(d)(3), so that the annual effluent release report for the Fermi 2 ISFSI may be submitted prior to May 1, rather than on or before March 1, of each year to align with the submittal of the Annual Radioactive Effluent Release Report (ARERR) as required by Fermi-2 Renewed Facility Operating License, No. NPF-43, Technical Specification 5.6.3, "Radioactive Effluent Release Report."

The NRC staff reviewed DTE's exemption request for the Fermi 2 ISFSI. As discussed in detail in the enclosed safety evaluation report, the NRC staff cannot grant Fermi 2's exemption as requested because 10 CFR 72.44(d)(3) does not apply to DTE. However, an exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214 would achieve DTE's requested outcome. Consequently, the NRC staff reviewed an exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214. A summary of the NRC staff's review is included in the enclosed safety evaluation report.

Based upon the staff's evaluation, the NRC has determined that, pursuant to 10 CFR 72.7, "Specific Exemptions," the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Accordingly, the NRC, on its own initiative, grants DTE an exemption from 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214. The exemption is effective immediately. This exemption allows DTE to submit its annual effluent release report for the Fermi 2 ISFSI prior to May 1 of each year to align with its submittal of the ARERR as required by Fermi 2 Renewed Facility Operating License (No. NPF-43) Technical Specification 5.6.3, "Radioactive Effluent Release Report". All other requirements of 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214 shall be met.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the

publicly available records component of the NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me at (301) 415-5722, or Tilda Liu of my staff at (404) 997-4730.

Sincerely,

Yaira Diaz-Sanabria, Chief
Storage and Transportation Licensing Branch
Division of Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No. 72-71
License No. NPF-43
EPID No. L-2021-LLE-0037

Enclosure:
Safety Evaluation Report

cc: Listserv
Margaret Offerle, DTE Electric Co.

SUBJECT: ISSUANCE OF EXEMPTION FROM 10 CFR 72.212(a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214 FOR FERMI-2 INDEPENDENT SPENT FUEL STORAGE INSTALLATION

DOCUMENT DATE: January 20, 2022

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