



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

July 25, 2024

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

SUBJECT: CONFIRMATION OF CONTINUATION OF LICENSE FOR THE ENRICO FERMI
ATOMIC POWER PLANT, UNIT 1, WHILE IN DECOMMISSIONING

Dear Mr. Dietrich:

This letter provides confirmation that Possession-Only License (POL) No. DPR-9 for the Enrico Fermi Atomic Power Plant, Unit 1 (Fermi 1) continues to be in effect past its current expiration date of March 20, 2025, with no need to amend the license or otherwise specifically address extension of the expiration date. The confirmation is provided in response to your letter dated July 10, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24193A112).

The U.S. Nuclear Regulatory Commission's (NRC's) regulations in Paragraph (b) of Section 50.51, "Continuation of license," of Title 10 of the *Code of Federal Regulations* (10 CFR), state, in part, that the license for a facility continues in effect beyond the expiration date provided the facility has permanently ceased operations and is therefore in a decommissioning status. Fermi 1 permanently ceased operation in November 1972, and DTE Electric Company, the current licensee for Fermi 1, has indicated that it plans to complete license termination activities by 2032 in accordance with the decommissioning timeliness requirements in Paragraph (a)(3) of 10 CFR 50.82, "Termination of license." In addition, the facility operating license for Fermi 1, POL No. DPR-9, was converted to a POL in 1976, such that DTE is authorized to possess, but not operate, the nuclear facility. As such, Fermi 1 meets the continued effectiveness considerations of 10 CFR 50.51(b) because the facility is permanently shut down and the license continues to (only) authorize ownership and possession of the facility.

The ongoing decommissioning at Fermi 1 will be pursued in accordance with the remaining conditions of 10 CFR 50.51(b), which require that the facility be maintained in a safe condition and that the licensee conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and the provisions of the specific 10 CFR Part 50 license for the facility. Therefore, DTE Electric Company does not need to submit an application to amend POL No. DPR-9 to extend the expiration date of the license, which is March 20, 2025, and the NRC will consider the license to remain in effect until the Fermi 1 license is terminated by the NRC at the conclusion of the decommissioning process.

If you have any questions regarding this position, please contact your NRC project manager, Marlayna Doell, at 301-415-3178, or via email at marlayna.doell@nrc.gov.

Sincerely,



Signed by Warnek, Nicole
on 07/25/24

Nikki S. Warnek, Acting Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-016
License No.: DPR-9

cc: Distribution via Fermi Listserv

Enrico Fermi Atomic Power Plant, Unit 1 - NRC Position on Continuation of Possession-Only License No. DPR-9 Past the Current Expiration Date (Docket No. 50-016) DATE July 25, 2024

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ADAMS Accession No.: ML24199A218; Ltr ML24199A218

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