UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

June 8, 2023

EA-23-067

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

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR FERMI POWER PLANT, UNIT TWO (EPID: L-2023-LLD-0000) – TECHNICAL SPECIFICATION 3.7.2, EMERGENCY EQUIPMENT COOLING WATER (EECW) / EMERGENCY EQUIPMENT SERVICE WATER (EESW) SYSTEM AND ULTIMATE HEAT SINK (UHS)

Dear Peter Dietrich:

By your letter dated June 6, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23157A026), you requested that the U.S. Nuclear Regulatory Commission (NRC) exercise discretion to not enforce compliance with Action B.1 required in Fermi-2 Technical Specification (TS) Limiting Condition for Operation (LCO) 3.7.2, “Emergency Equipment Cooling Water (EECW)/Emergency Equipment Service Water (EESW) System and Ultimate Heat Sink (UHS).”

Your letter documented information previously discussed with the NRC in a telephone conference on June 2, 2023, at 6:00 p.m. (All times discussed in this letter refer to Eastern Daylight Time). The principal NRC staff members who participated in the telephone conference are listed in the Enclosure. The staff determined the information in your letter requesting the Notice of Enforcement Discretion (NOED) was consistent with your verbal request.

On June 1, 2023, at approximately 8:00 a.m., you notified the senior resident inspector of the potential request for a NOED. On June 2, 2023, at 6:00 p.m., you verbally requested that a NOED be granted pursuant to the NRC's Enforcement Manual, Appendix F, "Notices of Enforcement Discretion," dated October 1, 2019. Specifically, you requested the NOED be effective up to 36 hours past the TS 3.7.2, LCO Action B.1 expiration, (i.e., until 4:00 p.m. on Sunday, June 4, 2023). You asked for enforcement discretion to allow continued plant operation for the time needed to restore the EECW/EESW equipment to operable status. This letter documents the issue and our telephone conversation on June 2, 2023, at 6:00 p.m., during which NRC staff granted this NOED request at 7:27 p.m. on June 2, 2023. We understand you restored the EECW/EESW system to an operable status at 1:19 a.m. on June 3, 2023, after cleaning the “A” EECW/EESW heat exchanger and completing required surveillance testing. Since you were able to complete the maintenance activities within the original TS LCO completion time of 72 hours, you did not have to enter the NOED period.

During the teleconference on June 2, 2023, you stated that the Division 1 EECW/EESW system was taken out of service for planned maintenance. During the post maintenance surveillance test, the measured differential pressure across the “A” heat exchanger and the “C” heat exchanger exceeded the operability limit. You stated that due to the extensive troubleshooting that was required and because you started the LCO at the beginning of the surveillance, a significant portion of the Technical Specification allowed 72-hour completion time had already elapsed before a cause was identified.

You stated that the direct cause of the high differential pressure was due to the clogging of the heat exchangers with ferrous material. You also stated that the maintenance activities necessary to restore at least one Division 1 EECW/EESW heat exchanger were estimated to take up to an additional 36 hours beyond the end of the 72-hour completion time. Lastly, you stated that although it has been demonstrated that the ferrous material had been removed from the system, the requested NOED period would ensure sufficient margin existed to return the equipment to operable status.

You also stated during the teleconference on June 2, 2023, and as further elaborated in your June 6, 2023, letter, that this requested enforcement discretion would not result in more than a minimal increase in risk and no adverse consequences to the environment would occur. You stated that your staff reached this conclusion after consideration of the safety significance and potential consequences of extending the TS completion time.

Your staff performed a quantitative risk assessment of operating the plant with both Division 1 EECW/EESW heat exchangers unavailable in support of repairs to an EECW/EESW Division 1 heat exchanger for a period of up to five days for enforcement discretion. Other equipment that was unavailable were incorporated into the risk assessment. These included:

- Main Steam Drain Line Inboard Isolation Valve
- Main Steam Drain Line Outboard Isolation Valve
- Emergency Hotwell Supply Pump
- Division 2 EECW/EESW Heat Exchanger
- Station Air West Receiver Tank
- Combustion Turbine Generator 11-2

You stated that the risk associated with operating the plant with both Division 1 EECW/EESW heat exchangers unavailable in support of repairs to an EECW/EESW Division 1 heat exchanger for a period of up to five days for enforcement discretion was found to meet the threshold specified in the NRC Enforcement Manual, Appendix F, "Notices of Enforcement Discretion." NRC risk analysts also independently corroborated your risk assessment.

To mitigate risk to the plant, you stated that equipment protections would be in effect in accordance with your protected equipment procedures until the Division 1 EECW/EESW system was restored.

These protective actions included:

- Elective maintenance will not be performed on the following Division 2 Systems:
    - Emergency Equipment Service Water
    - Emergency Equipment Cooling Water
    - Emergency Diesel Generators

  - Switchgear
  - Core Spray
  - Residual Heat Removal
  - Standby Gas Treatment System
  - Control Center Heating, Ventilation, and Air Conditioning
  - Batteries and Battery Chargers
  - Mechanical Draft Cooling Towers and Fans
  - High Pressure Coolant Injection
- Restricted access to all previously stated systems
- Signage defining systems under protection both within and when entering protected areas
- Operations will brief on risk-significant actions
- Mitigating actions are in place to prevent mayflies from impacting onsite/offsite power source

Based on the staff's evaluation of your request, the NRC concluded that granting this NOED was consistent with the NRC's Enforcement Policy and Manual and had no adverse impact on public health and safety or the environment. Therefore, we intend to exercise discretion not to enforce compliance with TS 3.7.2, Required Action B.1 for the period from June 3, 2023, at 4:00 a.m. until June 4, 2023, at 4:00 p.m. The verbal approval was provided on June 2, 2023, at 7:27 p.m.

After the verbal approval of the enforcement discretion, the NRC staff noted that you were able to restore the EECW/EESW system at 1:19 a.m. on June 3, 2023, which was within the allowed completion time as required per Technical Specification 3.7.2. In addition, as discussed during the teleconference on June 2, 2023, the NRC staff agreed with your determination that a follow-up TS amendment was not necessary.

As stated in the NRC Enforcement Policy, the NRC will take action, to the extent that any violation was involved, for the root cause that led to the noncompliance for which this NOED was necessary. Per Title 10 of the *Code of Federal Regulations* (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 (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC website at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Sincerely,

Signed by Kozal, Jason
on 06/08/23

Jason Kozal, Deputy Division Director
Division of Operating Reactor Safety

cc: Distribution via LISTSERV®

Letter to Peter Dietrich from Jason Kozal dated June 08, 2023.

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