

May 8, 2017  
EN 17-014

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: DTE Energy Company, Michigan  
Fermi, Unit 2  
Docket No.: 50-341

EA-17-012

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation (NOV) will be issued on or about May 11, 2017, to DTE Energy Company (DTE Energy), for a violation associated with a White Significance Determination Process finding identified during an inspection of Fermi, Unit 2 nuclear power plant. The White finding, an issue of low to moderate safety significance, involved DTE Energy's failure to maintain the ability to accurately declare a General Emergency Classification and to develop and issue accurate protective action recommendations during the implementation of the site's Emergency Plan in response to a rapidly progressing accident. This is a violation of or Title 10 of the Code of Federal Regulations 50.54(q)(2). Specifically, DTE Energy failed to accurately analyze the effect of increasing background radiation on the site's Standby Gas Treatment System accident range radiation monitor. As configured at the time of inspection, the accident range monitor's inability to accurately monitor radiation levels in the gas flow in a rapidly developing casualty is a violation of 10CFR50.47(b)(9) and would have impacted the licensee's ability to meet Emergency Plan requirements.

In accordance with the NRC Enforcement Policy, this NOV is considered an escalated enforcement action because it is associated with a White finding.

On February 24, 2017, the NRC issued a preliminary determination letter for this issue, provided DTE Energy the results of the inspection, and offered the opportunity to attend a Regulatory Conference or respond in writing. In a letter dated April 4, 2017, DTE Energy responded that they accepted the violation but requested enforcement discretion in the form of a deviation that would not move the site to the regulatory response column of the action matrix, primarily because there were limited opportunities to foresee and correct the issue. After considering the additional information provided by DTE Energy, the NRC has determined that the licensee had adequate opportunities to identify and correct the problem but the site staff failed to understand the radiological implications of the issue. Consequently, Fermi, Unit 2 will move to the regulatory response column of the Reactor Oversight Program Action Matrix as a result of this violation.

The licensee has not yet been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Final Significance Determination  
Telephone Notification of Licensee

May 11, 2017  
May 11, 2017

The State of Michigan will be notified.

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