

NOTICE OF VIOLATION

Detroit Edison Company
Enrico Fermi 2 Nuclear Power Station

Docket No. 50-341
License No. NPF-43
EA 88-106

During numerous NRC inspections and investigations conducted in response to events which occurred during the period of 1984 through 1986, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (1989), the particular violations are set forth below:

I. DELIBERATE MATERIAL FALSE STATEMENTS

- A. Section 186 of the Atomic Energy Act of 1954, as amended, requires licensees to ensure that all submissions to the NRC are complete and accurate in all material respects.

As part of a special physical security inspection conducted between November 12 and December 27, 1985, a violation of 10 CFR 73.21 and Section 6.14.4 of the Fermi 2 Nuclear Operations Interfacing Procedure 11.00.114 titled "Protection of Safeguards Information" was cited by an NRC inspector. Specifically, a document containing Safeguards Information was entered into an unsecured Data Processing (DP) system. The licensee's senior security manager (Director of Nuclear Security), when questioned on or about November 13, 1985, told the inspector that he (DNS) was not aware that the DP system had an offsite transmitting capability, that made it unsuitable for storing safeguards information, when he directed such information to be entered into the DP system.

The statement made by the Director of Nuclear Security was a material false statement within the meaning of Section 186. It was false in that it was determined through investigation that the Director of Nuclear Security had been informed both in writing and verbally by his staff that the data processing system was not secure and that Safeguards Information should not be entered into it. The DNS staff notifications took place within about two months before the information was entered into the system and before his statement to the NRC inspector. One such notification was immediately before the information was entered into the system. It was material in that, had the NRC known the information was false, further enforcement action would have been taken at that time.

This is a Severity Level II violation (Supplement III and VII)

- B. Section 186 of the Atomic Energy Act of 1954, as amended, requires licensees to ensure that all submissions to the NRC are complete and accurate in all material respects.

A special physical security inspection was conducted between April 16-18, 1986, because the licensee reported an event of April 11, 1986, that involved documents containing Safeguards

Information being discovered by a contractor supervisor in an unlocked file cabinet in the owner controlled area. When asked about the Safeguards Information documents he allegedly found, the contractor supervisor provided written and verbal statements to the NRC inspector asserting that the documents were discovered by him (the supervisor) outside of the plant protected area, and he denied prior knowledge or possession of the documents.

The statements made by the contractor supervisor were material false statements within the meaning of Section 186. They were false in that it was determined through investigation that the Safeguards Information documents were in the possession of the contractor supervisor prior to the incident and the supervisor took the documents outside of the plant's protected area. He then falsely reported the document as being discovered in the file cabinet and never possessed by the supervisor. They were material in that enforcement action might have been pursued had the NRC known the truth.

This is a Severity Level III violation (Supplements III and VII).

II. FAILURE TO PROPERLY EVALUATE SAFETY RELATED ACTIVITIES AND PROVIDE COMPLETE AND ACCURATE INFORMATION TO NRC

10 CFR Part 50, Appendix B, Criterion III, Design Control, requires the holder of a permit to construct a nuclear power plant to establish measures to verify or check the adequacy of the plant's design and to ensure that design changes, including field changes, are subject to design control measures commensurate with those applied to the original design.

- A. Contrary to the above, beginning in January 1985 and continuing through October 1985, licensee officials became aware of deficiencies in the seismic qualification design program which could have resulted in deficiencies in the design and construction of the plant and failed to establish, in a timely manner, adequate measures to verify or check the adequacy of the plant's design.
- B. Contrary to the above, the licensee failed to establish adequate measures to ensure that design changes, including field changes, were subject to design control measures commensurate with those applied to the original design in that the licensee did not, prior to obtaining the operating license, verify or check the adequacy of the final structural design of the embedment plates with the changed loads on those plates, including any changes in that design made between 1980 and 1985. Specifically, on January 3, 1986, the licensee submitted a License Event Report (LER) notifying NRC that a number of embedded support plates were potentially overloaded in both safety and non-safety related systems. The LER revealed that these hangar loads had not been properly resolved prior to obtaining the operating license.

Collectively, these violations have been evaluated in the aggregate as a Severity Level III problem (Supplement II).

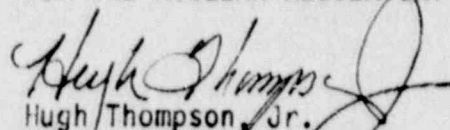
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Pursuant to the provisions of 10 CFR 2.201, Detroit Edison Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective actions that have been taken and the results achieved; (4) the corrective actions that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an Order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

The above response to the Director, Office of Enforcement, should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, U.S. Nuclear Regulatory Commission, 799 Roosevelt Road, Glen Ellyn, Illinois 60137 and a copy to the NRC Resident Inspector at Fermi.

FOR THE NUCLEAR REGULATORY COMMISSION



Hugh Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Dated at Rockville, Maryland
this 12th day of February 1990

The Detroit Edison Company

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