

NOTICE OF VIOLATION

Detroit Edison Company
Fermi Unit 2

Docket No. 50-341
License No. NPF-43
EA 90-193

During an NRC inspection conducted on October 22-26, 1990 violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, (1990), the violations are listed below:

- A. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the requirements of Part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, as of September 17, 1990, when a shipment of radioactive material left the Fermi Plant for Chem-Nuclear Systems, Inc., Barnwell, South Carolina, the licensee had not made surveys to assure compliance with 10 CFR 20.101. Specifically, the licensee failed to perform an adequate radiation survey on the bottom external surface of the box.

This is a Severity Level IV violation (Supplement IV).

- B. 10 CFR 71.5(a) prohibits transport of licensed material outside the confines of a plant or other place of use, or delivery of licensed material to a carrier for transport, unless the licensee complies with applicable requirements of the regulations, appropriate to the mode of transport, of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 173.441(b)(1) requires that each package be prepared such that the radiation level does not exceed 200 millirem per hour at any point on the external surface of the package unless it is transported by exclusive use shipment in a closed transport vehicle.

Contrary to the above, on September 20, 1990, an external surface of a package being transported in an open vehicle had a radiation level of 380 mrem/hr on the bottom external surface.


This is a Severity Level IV (Supplement V) violation.

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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 U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20055 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) 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 actions as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

FOR THE NUCLEAR REGULATORY COMMISSION


Charles E. Nozelius, Director
Division of Radiation Safety
and Safeguards

Dated at Glen Ellyn, Illinois
this 30 day of November 1990