



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351
December 6, 1995

"Public"

EA 95-233

Mr. D. R. Gipson
Senior Vice President
Nuclear Generation
The Detroit Edison Company
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 50-341/95013 AND OFFICE OF INVESTIGATION REPORT NO. 3-93-023

Dear Mr. Gipson:

Enclosed are the results of an Office of Investigation (OI) Investigation and Special Inspection conducted by S. G. DuPont of this office on October 18 through November 21, 1995. The inspector reviewed activities authorized for your Fermi 2 facility. The purpose of the inspection was to determine whether activities authorized by your license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the inspector discussed our findings with members of your staff. A copy of the OI Report Synopsis is attached with this report.

Areas examined during the inspection are identified in the report. The inspection consisted of selective examinations of procedures and representative records and interviews with personnel.

Based on this inspection's results, certain of your activities appeared to be in violation of NRC requirements. Two violations are set forth in the attached Notice of Violation (Notice) and are discussed below. A third violation is being considered for escalated enforcement action and is discussed later in this letter.

The two violations detailed in the attached Notice are of concern because they involved a supervisor, Refuel Floor Coordinator, making unauthorized modifications and performing unauthorized maintenance on refuel floor equipment. Further, we are concerned with these issues because they speak to inadequate training and your staff's failure to identify the unauthorized modification as a root cause of an event on the refueling floor. For these two violations, you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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The identified apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995). The apparent violation involved a supervisor, Refuel Floor Coordinator, deliberately crossing a radiation safety barrier without donning the required protective clothing. The deliberate disregard of radiological control requirements is a serious concern. Further, it appears that your staff had sufficient information to identify the deliberate act but failed to do so. Because this issue is being considered for escalated action, no Notice of Violation is presently being issued. Please be advised that the number and characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review.

A predecisional enforcement conference to discuss this apparent violation has been scheduled for December 19, 1995. Per discussions with your staff, the responsible Refuel Floor Coordinator and the Director, Nuclear Fuel and Reactor Engineering are invited to attend. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition to addressing the specific apparent violation, we request you address the missed opportunities to identify the apparent deliberate violation of radiological requirements.

In addition, the conference provides you an opportunity to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violation, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

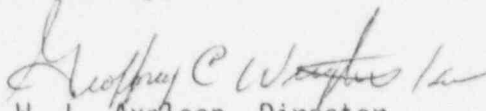
You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violation is required at this time.

D. R. Gipson

-3-

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,


W. L. Axelson, Director
Division of Reactor Projects

Docket No. 50-341
License No. DPF-43

Enclosures:

1. Notice of Violation
2. Inspection Report
No. 50-341/95013
3. Synopsis of Office of Investigations,
Report of Investigation, Case No. 3-93-023

cc w/encls: J. Conen, Principal
Compliance Engineer
P. A. Marquardt, Corporate
Legal Department
James R. Padgett, Michigan Public
Service Commission
Michigan Department of
Public Health
Monroe County, Emergency
Management Division

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Sincerely,

/s/G. C. Wright, Deputy Director for
W. L. Axelson, Director
Division of Reactor Projects

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P. A. Marquardt, Corporate
Legal Department
James R. Padgett, Michigan Public
Service Commission
Michigan Department of
Public Health
Monroe County, Emergency
Management Division

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