



EA 98-378

UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

September 30, 1998

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

SUBJECT: NRC INSPECTION REPORT NO. 50-341/98014 (DRS) AND NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-1998-010)

Dear Mr. Gipson:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine whether a Fermi 2 nuclear facility radioactive waste supervisor, in the operations department, willfully violated regulatory requirements on February 13, 1998, when he took a water/resin sample from the north condensate backwash receiving tank transfer pump and contaminated the transfer pump room floor. A copy of the investigation report synopsis is enclosed. For tracking purposes only, we have designated this letter as NRC Inspection Report No. 50-341/98014(DRS).

Based on the information developed during the investigation, the NRC has determined that a willful violation of NRC requirements has occurred. The investigation determined that on February 13, 1998, a Fermi 2 nuclear facility radioactive waste supervisor, who was also an NRC-licensed reactor operator, obtained a radioactive water/resin sample from the north condensate backwash receiving tank transfer pump by connecting a drain hose to that system, at a non-routine sample point: (1) without obtaining approval from the Radiation Protection Department to connect the drain hose to that system, and (2) without obtaining a radiological briefing from the Radiation Protection Department prior to connecting the drain hose to that system, in violation of Fermi Technical Specification 6.8.1.a., "Procedures and Programs," and the Fermi Radiation Protection Conduct Manual, MRP04, Revision 4, "Accessing and Working in the Radiologically Restricted Area." As a consequence of the radioactive waste supervisor's activities, the transfer pump room floor was contaminated with radioactive materials. Based, in part, on the facts that the radioactive waste supervisor was a licensed operator, that he was serving in a supervisory position, and that he had received extensive training related to radiation protection procedures, the NRC has concluded that the radioactive waste supervisor acted willfully, in careless disregard of regulatory requirements, when he failed to comply with the requirements of Fermi Technical Specification 6.8.1.a. and the Fermi Radiation Protection Conduct Manual. The activities of the radioactive waste supervisor on February 13, 1998, caused The Detroit Edison Company (DECo) to be in violation of NRC requirements. The violation is cited in the enclosed Notice of Violation (Notice). Although DECo identified the violation, reported it to the NRC, and took immediate corrective actions, including disciplinary action against the

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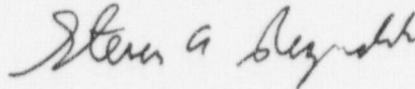
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individual involved in this matter, the NRC is nevertheless concerned about the violation because the individual involved acted willfully and because the individual involved was a supervisor and a licensed operator. The NRC must be able to rely on licensee employees to comply with all established requirements, and willful noncompliance of regulatory requirements by licensee employees cannot be tolerated. Therefore, the NRC is citing the violation in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions (Enforcement Policy)," NUREG 1600.

The NRC has concluded that no specific deficiencies in Fermi's radiation protection program contributed to or caused this event, other than the willful activities of the radioactive waste supervisor, and that information regarding the reason for the violation are adequately addressed in this letter. Therefore, you are not required to respond to this letter unless the information contained in this letter does not accurately reflect your understanding of the matter. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be placed in the NRC Public Document Room (PDR).

Sincerely,



for John A. Grobe, Director
Division of Reactor Safety

Docket No.: 50-341
License No.: NPF-43

Enclosure: As stated

cc w/encl: N. Peterson, Director, Nuclear Licensing
P. Marquardt, Corporate Legal Department
R. Whale, Michigan Public Service Commission
Michigan Department of Environmental Quality
Monroe County, Emergency Management Division
Emergency Management Division, MI Department
of State Police