

Notice of Violation
and
Proposed Imposition of Civil Penalty

Detroit Edison Company
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Docket Number 50-341
License Number NPF- 43
EA 97-201

During two NRC inspections conducted from February 1 through June 26, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

A. Violation Assessed a Civil Penalty

10 CFR 50, Appendix B, Criterion XVI, "Corrective Actions," requires, in part, that measures be established to assure that conditions adverse to quality are promptly corrected, and in the case of significant conditions adverse to quality, that measures be established to assure that the cause of the condition is determined and corrective actions taken to preclude recurrence.

Contrary to the above, on October 26, 1995, a Motor Control Center (MCC) fuse disconnect switch installed in a safety system failed to remain closed, a significant condition adverse to quality. The licensee failed to promptly determine the cause of the condition and take corrective actions to preclude recurrence. As a result, several MCC fused disconnect switches failed to remain closed in March and April 1997. (01013)

This is a Severity Level III violation (Supplement I) - \$50,000

B. Violation Not Assessed a Civil Penalty

10 CFR 50, Appendix B, Criterion XVI, "Corrective Actions," requires, in part, that measures be established to assure that conditions adverse to quality are promptly corrected, and in the case of significant conditions adverse to quality, that measures be established to assure that the cause of the condition is determined and corrective actions taken to preclude recurrence.

Contrary to the above, as of February 18, 1997, corrective actions for a significant condition adverse to quality, a motor pinion gear malfunction on High Pressure Coolant Injection Valve E4150-F006 were not adequate to preclude recurrence. Specifically, in 1989, Limitorque issued Maintenance Update 89-01 informing the licensee that motor pinion gears could rotate on the valve shaft and cause valve failure if not properly secured and recommending corrective actions for Limitorque motor operated valve operators. One of the recommended corrective actions was to drill the shaft and seating the setscrew into the hole. The licensee's corrective

actions were inadequate in that the setscrew for valve E4150-F006 was not seated into a drilled hole, and valve E4150-F006 failed to perform during the conduct of a surveillance test on February 16, 1997, due to its motor pinion gear rotating on the shaft. (02013)

This is a Severity Level IV Violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, Detroit Edison Company (the Licensee) 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 of Violation and Proposed Imposition of Civil Penalty (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, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps 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 or a Demand for Information may be issued as to 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.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty, in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation(s) listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) 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, U.S. Nuclear Regulatory Commission, Region III and a copy to the NRC Resident Inspector at the Fermi facility.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois
this 23rd day of September 1997