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**DTE Energy**



10 CFR 73.71(a)(4)

September 29, 2008  
NRC-08-0062

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington D C 20555

Reference: Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43

Subject: Safeguards Event Report No. 2008-S01, "Unescorted  
Access Revoked Upon Discovery of Adverse Information"

Pursuant to 10 CFR 73.71(a)(4), Detroit Edison is hereby submitting the enclosed Safeguards Event Report (SER), No. 2008-S01. This SER documents a reportable event that occurred on August 7, 2008 involving the revocation of an employee's unescorted access upon the discovery of adverse information.

No new commitments are made.

Should you have any questions or require additional information, please contact Mr. Thomas Stack of my staff at (734) 586-1112.

Sincerely,



cc: NRC Project Manager  
NRC Resident Office  
Director, Division of Nuclear Security  
Office of Nuclear Security and Incident Response  
Reactor Projects Chief, Branch 4, Region III  
Regional Administrator, Region III  
Supervisor, Electric Operators,  
Michigan Public Service Commission

1E74  
NRR

# LICENSEE EVENT REPORT (LER)

(See reverse for required number of digits/characters for each block)

Estimated burden per response to comply with this mandatory collection request: 80 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimate to the Records and FOIA/Privacy Service Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

<b>1. FACILITY NAME</b> Fermi 2	<b>2. DOCKET NUMBER</b> 05000341	<b>3. PAGE</b> 1 OF 3
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**4. TITLE**  
Unescorted Access Revoked Upon Discovery of Adverse Information

5. EVENT DATE			6. LER NUMBER			7. REPORT DATE			8. OTHER FACILITIES INVOLVED	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
08	07	2008	2008	S01	00	09	29	2008		05000
									FACILITY NAME	DOCKET NUMBER
										05000

<b>9. OPERATING MODE</b>  1	<b>11. THIS REPORT SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFRs: (Check all that apply)</b>											
	<input type="checkbox"/> 20.2201(b)	<input type="checkbox"/> 20.2203(a)(3)(i)	<input type="checkbox"/> 50.73(a)(2)(i)(C)	<input type="checkbox"/> 50.73(a)(2)(vii)								
<b>10. POWER LEVEL</b>  100	<input type="checkbox"/> 20.2201(d)	<input type="checkbox"/> 20.2203(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(viii)(A)								
	<input type="checkbox"/> 20.2203(a)(1)	<input type="checkbox"/> 20.2203(a)(4)	<input type="checkbox"/> 50.73(a)(2)(ii)(B)	<input type="checkbox"/> 50.73(a)(2)(viii)(B)								
	<input type="checkbox"/> 20.2203(a)(2)(i)	<input type="checkbox"/> 50.36(c)(1)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)(A)								
	<input type="checkbox"/> 20.2203(a)(2)(ii)	<input type="checkbox"/> 50.36(c)(1)(iii)(A)	<input type="checkbox"/> 50.73(a)(2)(iv)(A)	<input type="checkbox"/> 50.73(a)(2)(x)								
	<input type="checkbox"/> 20.2203(a)(2)(iii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(v)(A)	<input checked="" type="checkbox"/> 73.71(a)(4)								
	<input type="checkbox"/> 20.2203(a)(2)(iv)	<input type="checkbox"/> 50.46(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(v)(B)	<input type="checkbox"/> 73.71(a)(5)								
<input type="checkbox"/> 20.2203(a)(2)(v)	<input type="checkbox"/> 50.73(a)(2)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(v)(C)	<input type="checkbox"/> OTHER									
<input type="checkbox"/> 20.2203(a)(2)(vi)	<input type="checkbox"/> 50.73(a)(2)(i)(B)	<input type="checkbox"/> 50.73(a)(2)(v)(D)										

Specify in abstract below or in NRC Form 366A

**12. LICENSEE CONTACT FOR THIS LER**

FACILITY NAME Thomas P. Stack, Manager—Nuclear Security	TELEPHONE NUMBER (Include Area Code) 734-586-1112
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**13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT**

CAUSE	SYSTEM	COMPONENT	MANU-FACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANU-FACTURER	REPORTABLE TO EPIX

<b>14. SUPPLEMENTAL REPORT EXPECTED</b>  <input type="checkbox"/> YES (If yes, complete 15. EXPECTED SUBMISSION DATE) <input checked="" type="checkbox"/> NO	<b>15. EXPECTED SUBMISSION DATE</b>	MONTH	DAY	YEAR

**ABSTRACT (Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)**

On May 23, 2008 a licensee employee was granted unescorted access authorization to the protected and vital areas after the requirements of 10 CFR 73.56 were satisfied in accordance with the Physical Security Plan and facility procedures. On July 29, 2008 a review of the background information revealed that the employee failed to provide adverse information during inprocessing. Upon discovery, the employee's unescorted access was suspended on July 29, 2008 pending further investigation.

On August 7, 2008 the investigation was completed and confirmed that the employee did not fully disclose the relevant details of criminal history during his request for unescorted access on May 21, 2008. The employee's unescorted access was subsequently revoked. The criminal charges that were not reported were sufficient to have caused the employee to be denied unescorted access if reported when unescorted access was requested. The incident was reported to the NRC on August 7, 2008, in accordance with 10 CFR 73.71.

**LICENSEE EVENT REPORT (LER)**

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**17. NARRATIVE** (If more space is required, use additional copies of NRC Form 366A)

**Initial Plant Conditions:**

Mode 1  
Reactor Power 100%

**Description of the Event**

On May 21, 2008 a licensee employee requested unescorted access be reinstated. During inprocessing, the employee self-disclosed recent criminal history. The employee was interviewed on May 22nd concerning his criminal history providing details surrounding two recent events. The employee stated he was to plead guilty to a misdemeanor on May 23rd and another misdemeanor charge was dismissed. Subsequently, the adverse information was dispositioned and reinstated unescorted access was granted to the employee on May 23, 2008. On July 28, 2008 the employee provided a verbal update on the misdemeanor charge he plead guilty to on May 23rd. He was requested by Nuclear Security to provide documentation from the court. On July 29th, the employee inadvertently provided a notice to appear in court for a misdemeanor charge that on May 23rd he stated was dismissed. Upon discovery, the employee's unescorted access was suspended on July 29, 2008 pending further investigation.

On July 30, 2008 the employee was interviewed and provided additional details about the self-disclosed misdemeanor he had previously stated was dismissed. Additional information was requested from the employee and the applicable court as investigative actions continued. On August 7, 2008 the investigation was completed and confirmed that the employee did not fully disclose the relevant details of criminal history during his request for unescorted access on May 21, 2008. The employee's unescorted access was revoked. The criminal charges that were not reported were sufficient enough to have caused the employee to be denied unescorted access if reported when unescorted access was requested. The incident was reported within one hour to the NRC on August 7, 2008, in accordance with 10 CFR 73.71 (Event #44391).

**Significant Safety Consequences and Implications**

The event had no adverse impact on the health and safety of the public. A transaction report was generated for the keycard activity from May 23, 2008 through July 29, 2008. The report revealed the employee never entered any vital areas. The employee's supervisor performed a review to determine if the employee had been involved in any safety-related work activity. The review was completed on August 7, 2008 and concluded the employee did not perform any tasks on plant safety-related equipment. There was no evidence of unusual behavior that would cause the employee's supervisor to take any action under the Behavior Observation Program. This event did not threaten any plant safety systems. Local law enforcement assistance was not required, nor was there any media interest.

**Cause of the Event**

The cause of the event was the licensee employee did not fully disclose the relevant details of criminal history during his request for unescorted access on May 21, 2008. All elements of the access authorization program described in the NRC approved Physical Security Plan were appropriately implemented by Detroit Edison.

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**Corrective Actions**

This event was entered into the Fermi 2 corrective action program. The employee was escorted from site and unescorted access was revoked. The investigation revealed that there was procedure guidance in place for the elements of this event and there were no procedure violations.

**Additional Information**

A. Failed Components: None

B. Previous Safeguards Event Reports with Similar Conditions:

SER 2001-S01 & SER 2004-S02 describe similar events where individual access was revoked due to discovery of adverse information after access was granted. As with this event, both of the previous events did not identify any programmatic or organizational weakness and specific corrective actions were not taken to prevent reoccurrence of these events.