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DTE Energy



10 CFR 73.71

January 26, 2009
NRC-09-0004

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-S02, "Fitness for Duty (FFD)
Testing Results in Reinstated Access Authorization being Revoked"

Pursuant to 10 CFR 73.71(a)(4), Detroit Edison is submitting the enclosed Safeguards Event Report (SER), No. 2008-S02. This SER documents a reportable event that occurred on December 4, 2008 involving the revocation of an employee's reinstated unescorted access upon the review of employee's drug testing results.

No new commitments are made in this letter.

Should you have any questions or require additional information, please contact Mr. Mark Findlay 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

IE74
NRB

NRC FORM 366 (9/2007)	U.S. NUCLEAR REGULATORY COMMISSION	APPROVED BY OMB: No. 3150-0104 8/31/2010	Expires
<h2 style="margin: 0;">LICENSEE EVENT REPORT (LER)</h2> <p style="margin: 0;">(See reverse for required number of digits/characters for each block)</p>		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 , 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.	

1. FACILITY NAME Fermi 2	2. DOCKET NUMBER 05000341	3. PAGE 1 OF 3
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4. TITLE
Fitness for Duty (FFD) Drug Testing Results in Reinstated Access Authorization being Revoked

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
12	04	08	2008	S02	00	01	26	09		05000
									FACILITY NAME	DOCKET NUMBER
										05000

9. OPERATING MODE 1	11. THIS REPORT SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR§: (Check all that apply)			
10. POWER LEVEL 100	<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)
	<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)(ii)(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)(iii)	<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 Mark Findlay Manager, Nuclear Security Fermi 2	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	MANUFACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX

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

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

On December 1, 2008 a contract employee was granted reinstated unescorted access authorization to the protected area after the requirements of 10 CFR 73.56 were satisfied in accordance with the Physical Security Plan and facility procedures. Unescorted access was granted pending results of a pre-access drug screen and reinstated access background check. The reinstated access background check was completed on December 1, 2008. On December 4, 2008 the results of the drug screen were determined to be positive for an illegal substance.

The employee's unescorted access was immediately suspended on December 4, 2008. A badge transaction report showed that the employee did not enter the protected area since being granted unescorted access. A review of the employee's safety-related work activity revealed no anomalies. The request for unescorted access would have been denied had this adverse information been known at the time access authorization was being evaluated. The incident was reported to the NRC on December 4, 2008 in accordance with 10 CFR 73.71.

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE
Fermi 2	05000341	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	2 OF 3
		2008	-- S02 --	00	

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 December 1, 2008 a contract employee requested reinstated unescorted access to the protected area. When inprocessing the employee completed a number of forms including a Self-Disclosure Information Form which asked if the employee "ever used, sold, or possessed illegal drugs or abused legal drugs?" The employee answered this question; "no". The request for reinstated unescorted access was dispositioned after the requirements of 10 CFR 73.56 were satisfied in accordance with the Physical Security Plan and facility procedures. There was no adverse information in the employee's background file that would have precluded granting unescorted access. On December 1, 2008 the employee was granted unescorted access pending completion of a pre-access drug screen and reinstated access background check. The reinstated access background check was completed on December 1, 2008 with no adverse information found. On December 4, 2008 the pre-access drug screen was determined to be positive for an illegal substance.

Upon discovery of the positive drug test result, the employee's unescorted access was immediately suspended. A badge transaction report was generated from December 1, 2008 through December 4, 2008. The report revealed the employee had not entered the protected area since being granted unescorted access. A review of the employee's safety-related work was completed on December 5, 2008 with no anomalies identified.

The request for unescorted access would have been denied had this adverse information been known at the time access authorization was being evaluated, The incident was reported within one hour to the NRC on December 4, 2008 in accordance with 10 CFR 73.71 (Event # 44695).

Cause of the Event

The cause of the event was that the contract employee did not disclose illegal substance use during their request for unescorted access on December 1, 2008. All elements of the access authorization program described in the NRC-approved Physical Security Plan were appropriately implemented by Detroit Edison.

Analysis of the Event

The event had no adverse impact on the health and safety of the public. A badge transaction report was generated for the keycard activity from December 1, 2008 through December 4, 2008. The report revealed that the employee did not enter the protected area. 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 December 5, 2008 and concluded that 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

LICENSEE EVENT REPORT (LER)

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE
Fermi 2	05000341	YEAR	SEQUENTIAL NUMBER	REVISION NUMBER	3 OF 3
		2008	-- S02 --	0	

Behavior Observation Program. This event did not threaten any plant safety systems. Local law enforcement assistance was not required, and there was no media interest.

Corrective Actions

This event was entered into the Fermi 2 Corrective Action Program. The employee's unescorted access was revoked. The investigation revealed that adequate procedure guidance is in place for the elements of this event and there were no procedure violations by Nuclear Security personnel evaluating access authorization.

Additional Information:

A. Failed Components--None

B. Previous Safeguards Event Reports (SERs) with Similar Conditions:

SER 2004-S02: Safeguards Event Report (SER) No. 04-S02 "Unescorted Access Revoked Upon Discovery of Adverse Information"

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

These two SERs describe similar events where the employee did not disclose or did not fully disclose adverse information when requesting unescorted access during inprocessing. This event is the first one involving a confirmed positive drug screen received after granting reinstated unescorted access authorization.