

April 19, 2007

EA-07-069

Mr. Donald K. Cobb
Assistant Vice President
Nuclear Generation
The Detroit Edison Company
6400 North Dixie Highway
Newport, MI 48166

SUBJECT: FERM1 1 NON-CITED VIOLATION (NRC OFFICE OF INVESTIGATIONS
REPORT NO. 3-2006-029)

Dear Mr. Cobb:

This refers to information provided by your staff to the U.S. Nuclear Regulatory Commission (NRC) on August 29, 2006, that a former Fermi 1 contract senior radiation protection technician had falsified three radiological surveys. This matter was investigated by your staff and the NRC Office of Investigations (OI). The synopsis from the OI Report is enclosed.

Based on the information developed during the investigations, the NRC has concluded that a violation of NRC requirements occurred. In summary, on August 28, 2006, a contract senior radiation protection technician falsified the removable radiological contamination results of two daily and one weekly routine surveys (Radiological Survey Forms 05798R06, 05799R06, and 05800R06). The results for the surveys were reported by the technician as less than the minimum detectable concentration; however, the technician did not analyze the samples. The actions of the technician placed Fermi 1 in violation of 10 CFR 50.9, "Completeness and Accuracy of Information," 10 CFR 20.2103(a), "Records of Surveys," and 10 CFR 20.1501, "General," and the violation is categorized in accordance with the NRC Enforcement Policy at Severity Level IV.

This matter was identified and immediately investigated by your staff. Your corrective actions included, but were not limited to: (1) implementing disciplinary actions; (2) issuing Condition Assessment Resolution Document No. 0610304; (3) re-performing the surveys in question due to the falsified data with no abnormal results; and (4) reviewing previous surveys performed by the technician. Therefore, after considering the circumstances of this case and after consulting with the Director, Office of Enforcement, this violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A.1.d of the Enforcement Policy.

Please feel free to contact Mr. James Cameron, Chief, Decommissioning Branch, NRC Region III office, if you have any questions. Mr. Cameron can be reached at telephone number (630) 829-9833.

You are not required to respond to this letter unless the description herein does not reflect your corrective actions or your position. If you contest the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator and Enforcement Officer, Region III, and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The response should be clearly marked as a "Reply to EA-07-069."

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response (should you choose to respond) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/ADAMS.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA by Gary L. Shear Acting for/

Steven A. Reynolds, Director
Division of Nuclear Materials Safety

Docket No. 050-00016
License No. DPR-9

Enclosure:
OI Report Synopsis

cc w/encl: Compliance Supervisor
G. White, Michigan Public Service Commission
Planning Manager, Emergency Management Division
MI Department of State Police
R. Gatson, Manager, Nuclear Licensing
D. Pettinari, Legal Department
Michigan Department of Environmental Quality
Waste and Hazardous Materials Division
M. Yudasz, Jr., Director, Monroe County
Emergency Management Division
Supervisor - Electric Operators
Wayne County Emergency Management Division

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Sincerely,
/RA by Gary L. Shear Acting for/
 Steven A. Reynolds, Director
 Division of Nuclear Materials Safety

Docket No. 050-00016

License No. DPR-9

Enclosure:

OI Report Synopsis

cc w/encl: Compliance Supervisor
 G. White, Michigan Public Service Commission
 Planning Manager, Emergency Management Division
 MI Department of State Police
 R. Gatson, Manager, Nuclear Licensing
 D. Pettinari, Legal Department
 Michigan Department of Environmental Quality
 Waste and Hazardous Materials Division
 M. Yudasz, Jr., Director, Monroe County
 Emergency Management Division
 Supervisor - Electric Operators
 Wayne County Emergency Management Division

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DATE	4/18/07		4/18/07		4/18/07		4/19/07
OFFICE	OE		OGC		RIII:EICS		RIII:DNMS
NAME	CCarpenter ²		MClark ³		GShear		Gshear for SReynolds
DATE	4/17/07		4/18/07		4/19/07		4/19/07

Official Record Copy

¹OI concurrence is for release of the OI synopsis only

²OE concurrence received 4/17/07 from C. Carpenter via e-mail from D. Starkey

³OGC concurrence received 4/18/07 from M. Clark via e-mail from D. Starkey

Letter to Donald K. Cobb from Steven A. Reynolds dated April 19, 2007

SUBJECT: ENRICO FERMI UNIT 1 NON-CITED VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2006-029)

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SYNOPSIS

This investigation was initiated on September 11, 2006 by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, Region III, to determine if a contract senior radiation protection technician at the Fermi 1 Nuclear Power plant willfully falsified radiological surveys.

Based upon the evidence developed, this investigation did substantiate the allegation that a former contract senior radiation protection technician willfully falsified radiological surveys.