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10 CFR 26.719

April 03, 2017
NRC-17-0035

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0009

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

Subject: 10 CFR 26.719(c) 30 Day Report Regarding MRO Staff
Error That Resulted in Non-Compliance with 10 CFR 26.185(a)

Pursuant to 10 CFR 26.719(c), DTE Electric Company (DTE) is submitting a 30 day report detailing a human performance error made by Medical Review Officer (MRO) staff that resulted in a non-compliance with the requirements of 10 CFR 26.185(a) for determining a fitness-for-duty policy violation – MRO review required.

Should you have any questions or require additional information, please contact Mr. Mark O'Connor, Manager – Nuclear Security, at (734) 586-1300.

Sincerely,

Scott A. Maglio
Manager – Nuclear Licensing

Enclosure: 30 Day Report 2017-01

cc: NRC Project Manager
NRC Resident Office
Reactor Projects Chief, Branch 5, Region III
Regional Administrator, Region III

**Enclosure to
NRC-17-0035**

**Fermi 2 NRC Docket No. 50-341
Operating License No. NPF-43**

**30 Day Report 2017-01
per 10 CFR 26.719(c) Reporting Requirements:**

**Unescorted Access Granted Based Upon Receipt of Inaccurate
Pre-Access Drug Screen Results**

Narrative Summary of Issue:

On Wednesday March 1, 2017, a supplemental employee was granted unescorted access at Fermi 2 by the Access Authorization group. This decision was based on a report listing negative drug screens from the Medical Review Officer's (MRO) staff which was later determined to be inaccurate. The unescorted access was granted by Access Authorization personnel in accordance with all requirements of NEI 03-01 "Nuclear Power Plant Access Authorization Program," Fermi 2 Conduct Manual MGA22 "Access Authorization / Background Screening" and Fermi 2 Security Procedure SEP-SE1-13 "Access Authorization."

On Friday March 3, 2017 at approximately 0900, the MRO assistant notified Access Authorization / Fitness for Duty personnel that there were two Federal Custody and Control form numbers listed on the Wednesday March 1, 2017 report for negative drug screens, that had not yet been evaluated and thus had not been declared positive or negative by the MRO. One of the two donors associated with the Custody and Control forms in question, had already been granted unescorted access. This donor / employee's unescorted access was immediately suspended and the employee was removed from the Protected Area at 0919, pending the final evaluation of the employee's drug screen by the MRO. The second donor was not allowed access.

At 0936 on March 3, 2017, after conducting the required interview with the employee, the MRO declared the drug screen in question to be positive. This employee had been inside of the Protected Area on only one occasion, for 43 minutes, from 0836 through 0919 on Friday March 3, 2017. The employee had completed no work during this brief period.

How did this error occur?

On Wednesday March 1, 2017, when the MRO assistant compiled the report of negative drug screen results and forwarded the report to Access Authorization, the report was populated with all of the Federal Custody and Control form numbers for drug screens that Fermi 2 had sent to the Health and Human Services (HHS) certified laboratory on Monday February 27, 2017. The report should have only included those Custody and Control form numbers that had been verified by the HHS certified lab or the MRO to be negative. The MRO assistant stated that it had been the intent to identify and include a notation next to the Custody and Control form numbers that had not yet been verified to be negative on the report, but the MRO assistant failed to do so. As a result, the report received by the Fermi 2 Access Authorization group was inaccurate.

Fermi 2 was in the process of transitioning between MRO service providers at the time of this event. This was only the second report received from the MRO assistant at the new provider.

All other drug screens listed on the two reports of negative drug screens that the new provider had transmitted to Fermi 2 were verified to have been reported properly.

Immediate / Remedial Actions:

The immediate action was to remove the employee from the Protected Area as described above.

In addition, the Supervisor, Security Staff and Lead Specialist, Fitness for Duty (FFD) immediately met with the MRO assistant and supervisory staff to conduct interviews and gather any other information that would be relevant to the Fermi 2 Corrective Action Program investigation. The importance of the accurate reporting of test results, the regulatory requirements of 10 CFR 26 and the use of Human Performance tools were reinforced with the MRO staff.

This event was evaluated for reportability by Fermi 2 management and was determined to require a Safeguards Event Log entry, in accordance with guidance contained in Fermi 2 procedure SEP-SE1-06 "Reporting Security Events," Regulatory Guide 5.66, and Generic Letter 91-03. The event was also evaluated per 10 CFR 26.719 "Reporting requirements" and determined to require the submittal of a report to the NRC within 30 days of completing an investigation, as described in 10 CFR 26.719(c)(1).

Fermi 2 Safeguards Event Report 17-025 and Condition Assessment Resolution Document (CARD) 17-21778 were also generated to document the event.

Apparent / Contributing Causes:

The apparent cause of this event was a Human Performance error made by the MRO assistant to pre-populate the report of negative drug screens with the Custody and Control form numbers of all of the drug screens that had been sent from Fermi 2 to the HHS certified laboratory on March 1, 2017. The MRO assistant had intended to segregate or clearly identify the Custody and Control form numbers that had not yet been verified as negative, but failed to do so prior to sending the report to Fermi 2.

A contributing cause to the event was less than fully effective communication. Fermi 2 FFD personnel failed to ensure that the MRO staff understood exactly what was required when compiling and delivering the report of negative drug screens to Fermi 2. A meeting had been conducted between Fermi 2 FFD personnel and the new MRO and staff, on February 14, 2017 to agree on the format of the report. However, no sample or example of what the report would or should look like was provided by either party during, or following that meeting. Had either Fermi 2 FFD or MRO staff personnel provided a sample report, it could have enhanced communication and potentially prevented the event.

The last contributing cause was the MRO assistant was also experiencing some level of “time pressure” to provide the drug screen results. There were 53 drug screen results which required processing to support a large group of supplemental employees being processed to support Fermi 2 Refueling Outage 18. Fermi 2 FFD personnel placed a number of calls to the MRO assistant on March 1, 2017 inquiring about the status of the report of negative drug screens.

Corrective Actions:

1. A meeting to provide remediation and investigate this condition was conducted on March 3, 2017 (the day of discovery) between Fermi 2 FFD personnel and MRO staff personnel. The use of human performance tools (specifically self-checking and stopping when unsure) were reinforced. The critical nature of error free human performance in the reporting of drug screen results was stressed to the MRO staff. A subsequent meeting was also conducted on March 10, 2017 between the Supervisor, Security Staff and the MRO to discuss and gain alignment on the corrective actions proposed for this event.
2. Fermi 2 FFD personnel developed and delivered a “template” to the MRO staff on March 14, 2017 identifying the exact format and pertinent information that the MRO staff is expected to provide on the report of negative drug screen results.
3. On March 14, 2017, Fermi 2 FFD personnel clarified for the MRO assistant(s) that when Fermi 2 is requesting the report of negative drug screens, only the listing of Federal Custody and Control form numbers for confirmed negative drug screens are required on the report. The signed copies of the individual custody and control forms can be processed and delivered to Fermi 2 at a later date.