

Detroit
Edison

William S. Orser
Senior Vice President

Fermi 2
6400 North Dixie Highway
Newport, Michigan 48106
(313) 536-5001



April 22, 1992
NRC-92-0031

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

- References: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
- 2) NRC Inspection Report No. 50-341/92003,
dated March 23, 1992

Subject: Response to Notices of Violation 92-003-01, 92-003-02,
and 92-003-04

Attached is Detroit Edison's response to the Notices of Violation contained in Reference 2. These violations were for failure to perform confirmatory breath alcohol tests (92-003-01), failure to remove access in a timely fashion for an individual who had a positive drug test (92-003-04) and failure to perform drug screens during "for cause" testing (92-003-02). These violations occurred between March, 1990 and December, 1991.

The violations noted did not result in conditions which were adverse to safety. Nevertheless, as a result of these violations and findings from internal quality assurance audits, Detroit Edison has taken significant actions to strengthen the Fitness For Duty (FFD) Program and procedures at Fermi 2. Actions taken to address each individual violation are detailed in the attachment to this letter. Most notably, Detroit Edison has consolidated responsibility for all Fermi 2 FFD program functions required by 10 CFR 26, with the exception of the Employee Assistance Program, under the Fermi 2 site security organization. Detroit Edison will be discussing the implementation of this major change in the administration of the FFD program with NRC Region III management in a meeting currently scheduled for April 30, 1992.

Detroit Edison believes these violations are not indicative of more significant deficiencies in administration of the FFD program at Fermi 2. However, the Compliance Section within Nuclear Security is currently conducting a thorough evaluation of all areas of FFD program administration. In addition, Nuclear Quality Assurance will also be conducting a surveillance prior to the meeting on April 30th.

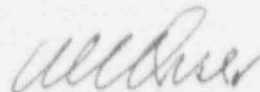
920011
9204270352 920422
PDR ADOCK 05000341
G PDR

TEO1
Add: NRR/DRIS/RSG/B
Ar End
11

U.S. Nuclear Regulatory Commission
April 22, 1992
NRC-92-0031
Page 2

Should you have any questions regarding this response, please contact
James M. Joy, Senior Compliance Engineer, at (313) 586-1617.

Sincerely,



cc: T. G. Colburn
A. B. Davis
R. W. DeFayette
S. Stasek
Region III

Statement of Violation 92-003-01:

"10 CFR 26.24(g) requires, in part, that tests for alcohol must be administered by breath analysis, and a breath alcohol content indicating a blood concentration of 0.04 percent or greater must be considered a positive test. 10 CFR 26.24(g) further provides that a confirmatory test for alcohol shall be done with another breath measurement device.

Contrary to the above, on 12 occasions during the period from October 1, 1990 to May 25, 1991, the licensee did not perform a confirmatory test for alcohol after obtaining positive test results that the breath alcohol content of the person tested indicated a blood concentration of 0.04 percent or greater."

Reason For The Violation:

The root cause of this violation was that corporate medical work instructions used by the medical department, who performed Fitness For Duty (FFD) collection activities, did not contain the requirement to perform a second test on another breath analyzer device. The Fermi 2 interfacing procedure FIP-AD4-02 requires that each breath alcohol screening consist of two breath measurements and also requires that the results compare, plus or minus 10% of the average of the two measurements (as required by 10CFR26). The FIP also requires that if the above testing results in a blood alcohol concentration of 0.04 percent or greater, a second confirmatory test (also consisting of two measurements) using another device be performed. The medical department work instruction did not detail the latter requirement and the medical department personnel were under the belief that obtaining the second measurement for the screening test was fulfilling the confirmatory test requirement.

Corrective Actions Taken And Results Achieved:

The Fitness for Duty Program Administrator (FDPA) discovered that medical personnel were utilizing the incorrect work instruction and not following the FIP, in regard to confirmatory alcohol testing, in July of 1991. A Deviation Event Report (DER) was written and the following actions taken in response:

- 1) The Fitness for Duty Program Manager (FDPM) and the Medical Director/Medical Review Officer (MRO) discussed the differences between the corporate medical work instructions and FIP AD4-02. A thorough review of 10CFR26 was performed and agreement reached that each test was to consist of two breath analyses and in the event of an initial positive test, a second test would be performed on a separate breath analyzer device.

- 2) The MRO immediately notified all medical staff that a second test (using a second breath analysis device) was required when an initial positive was received, that a test consisted of two breath alcohol measurements, and to disregard the medical work instructions and follow the directions provided in procedure FIP-AD4-02.

In addition, a letter has been placed in the background files of each of the twelve individuals, for whom a second confirmatory test was not performed, describing the circumstances of the incomplete testing and that the sanctions applied per 10CFR26 were removed. A letter was also sent to each of the individuals as well as to their employers with the similar information. Additionally, the database for Integrated Nuclear Data Exchange (INDEX) was updated, correcting the FFD Suitable Inquiry Questions.

Corrective Actions Taken To Avoid Further Violations:

The MRO issued a memorandum on August 2, 1991 directing all medical staff to discontinue the use of the inappropriate medical work instructions and to follow the procedure guidance in FIP-AD4-02.

The appropriate actions to be followed were covered with collection personnel and each collection person acknowledged an understanding of the requirements by reading and signing a memo detailing the procedure.

The Medical Department has since been relieved of FFD collection responsibilities by Nuclear Security.

Date When Full Compliance Will Be Achieved:

Detroit Edison is currently in compliance with 10 CFR 26.24(g). The corrective actions to prevent recurrence will ensure that full compliance is maintained.

Statement of Violation for 92-003-02

"Section 2.1(a) of Appendix A to 10 CFR Part 26 states, "Licensees shall, as a minimum, test for marijuana, cocaine, opiates, amphetamines, phencyclidine, and alcohol for pre-access, for cause, random, and follow-up tests.

Contrary to the above, between January 23, 1991, and December 13, 1991, there were four for-cause tests, that did not test for marijuana, cocaine, opiates, amphetamines, or phencyclidine."

Reason For The Violation:

The root cause of this violation was that procedural direction was not properly followed. FIP-AD4-02 requires both alcohol and drug screens be taken during "for-cause" testing, unless the individual refuses.

Corrective Actions Taken and Results Achieved:

The FFD collection staff was informed of the failure to follow procedural directions and instructed in the proper actions to be taken in all FFD testing.

Corrective Actions Taken To Avoid Further Violations:

The Medical Department has since been relieved of FFD responsibilities and Nuclear Security is performing all FFD collection activities.

A new procedure, SEP AD4-02, has been written and implemented providing additional guidance for collection personnel stressing the need to perform a complete FFD test, both alcohol and drug tests, in all cases.

Date When Full Compliance Will Be Achieved:

Detroit Edison is currently in compliance with 10 CFR 26, Appendix A, Section 2.1(a). The corrective actions to prevent recurrence will ensure that full compliance is maintained.

Statement of Violation for 92-003-04

"10 CFR 26.27(b)(2) states in part that a confirmed positive drug test must result in immediate removal from activities within the scope of Part 26.

Contrary to the above, on March 23, 1990, the Medical Department advised the Security Department that an individual had a positive drug test. However, the individual was not removed from activities within the scope of Part 26 until March 26, 1990."

Reason For The Violation:

The Medical Department made verbal notification to the Nuclear Security, Personnel Security section of a positive result for a FFD drug screen. No formal requirement existed for the MRO to notify only the FDPM or FDPA of confirmed positive test results. The person who received the notification believed the results were from a prior FFD positive drug screen for the individual and, therefore, took no action to have access denied.

Corrective Actions Taken And Results Achieved:

The individual who tested positive was escorted from the protected area and access revoked.

The nuclear security person involved, and other appropriate members of the security section were advised of the incident and the correct actions to be taken.

A meeting was held with the Director, Health and Safety, instructing him that all further notifications of positive results shall be made directly to the Fitness For Duty Program Manager (FDPM) or the Fitness For Duty Program Administrator (FDPA) or designees in their absence.

Corrective Actions Taken To Avoid Further Violations:

A letter was issued from the Director, Health and Safety to the MRO and alternates instructing them that all future notifications of positive drug screen results must be made directly to the FDPM or the FDPA or their designees.

The Medical Department has since been relieved of FFD responsibilities and Nuclear Security is fully implementing the FFD program with the exception of Employee Assistance Program (EAP). The MRO will report directly to the FDPM or delegate all FFD notifications of drug screen results.

Attachment
NRC-92-0031
Page 5

Date When Full Compliance Will Be Achieved:

Detroit Edison is currently in compliance with 10 CFR 26.27(b)(2).
The corrective actions to prevent recurrence will ensure that full
compliance is maintained.