

PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

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December 8, 1997 1:02

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IA 97-088

Mr. Michael Redlin
[HOME ADDRESS DELETED]
10 CFR 2.790(a)]

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT 3-97-001)

Dear Mr. Redlin:

This refers to an investigation conducted by the U. S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) to determine if you omitted pertinent information about your prior use of marijuana from your application for unescorted access authorization to the Detroit Edison Company's (DECo) Fermi 2 nuclear plant.

The OI investigation (Enclosure 1 - Report Synopsis) concluded that you deliberately omitted information about your use of marijuana on a DECo "Letter of Certification," dated September 3, 1996. During your transcribed interview with OI, you stated that you had used marijuana on two other occasions between 1986 and 1988. You further stated to OI that between 1984 and 1996 you worked at other nuclear plants, and you did not disclose to those nuclear facilities that you previously used marijuana. 10 CFR 50.5, "Deliberate Misconduct," (Enclosure 2) prohibits any employee of a contractor to an NRC licensee from deliberately providing inaccurate or incomplete information to a licensee if the information is of a material nature to the NRC. Information about prior drug use is evaluated by an NRC licensee to determine if authorization should be granted for unescorted access to a nuclear power plant, and the access authorization program is required by 10 CFR 73.56, "Personnel Access Authorization Requirements for Nuclear Power Plants." The omitted information is material to the NRC because it is reviewed by the NRC to evaluate a licensee's implementation of the personnel access authorization program.

The intentional omission of material information is a violation of 10 CFR 50.5. In carrying out its responsibilities, the NRC must rely on information provided to a licensee by an employee of a contractor to the licensee. The NRC must also rely on the personal integrity of employees working at a nuclear power facility. The violation is described in the enclosed Notice of Violation (Notice), and has been categorized at Severity Level III in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions, NUREG-1600 (Enclosure 3).

The NRC has decided to issue the enclosed Notice of Violation (Notice) in this case, based in part on the actions already taken by DECo. You should be aware that a similar violation on your part in the future will result in consideration of additional sanctions. A future violation of

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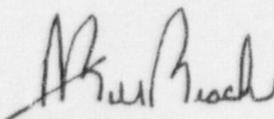
10 CFR 50.5 may result in a civil penalty¹ or an order prohibiting involvement in NRC-licensed activities. The violation may also be referred to the U. S. Department of Justice for possible criminal prosecution.

You are required to respond to the enclosed Notice within 30 days of the date of this letter, and should follow the instructions contained in the Notice. In addition, the NRC requests that you include in your response a statement of how the NRC can be confident (1) of your future trustworthiness while engaged in licensed nuclear activities, and (2) that you will abide by regulations and procedures pertinent to your work.

In accordance with 10 CFR 2.790 of the NRC's Rules of Practice, documents compiled for enforcement purposes are placed in the NRC's Public Document Room (PDR). However, we will delay placing a copy of this letter (with your home address deleted) and Notice of Violation in the PDR for 45 days, to allow you an opportunity to challenge the NRC's basis for issuing the enclosed Notice. If you do not provide an adequate basis for the NRC to withdraw its action, the NRC will consider this matter closed and will place copies of this letter and your response in the PDR.

If you have any questions about this Notice, or questions about how to respond, please contact Mr. Brent Clayton, Region III Enforcement Officer. Mr. Clayton can be contacted at toll free telephone number (800) 522-3025.

Sincerely,



A. Bill Beach
Regional Administrator

Docket No. 50-341
License No. NPF-43

- Enclosures:
1. OI Synopsis
 2. 10 CFR 50.5, "Deliberate Misconduct Rule"
 3. NUREG 1600, "General Statement of Policy and Procedures for NRC Enforcement Actions"
 4. Notice of Violation

cc w/OI report synopsis:
D. R. Gibson, DECo Senior Vice President
for Nuclear Generation

¹ A civil penalty is not normally imposed on unlicensed individuals. See Footnote 10 of the NRC Enforcement Policy.

DISTRIBUTION:

(NOTE: THIS PACKAGE CONCERNS AN ENFORCEMENT ACTION INVOLVING AN INDIVIDUAL AND IS NOT FOR PUBLIC RELEASE UNTIL 45 DAYS FROM THE DATE OF THIS LETTER.)

PUBLIC IE-01

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LChandler, OGC

JGoldberg, OGC

SCollins, NRR

RZimmerman, NRR

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AKugler, NRR

Enforcement Coordinators

RI, RII and RIV

Resident Inspector, Fermi 2

JGilliland, OPA

HBell, OIG

GCaputo, OI

RPaul, OI:RIII (OI No. 3-97-001)

TMartin, AEOD

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PAO:RIII

RIII Allegation Coordinator (AMS No. RIII-1996-A-0159)

OCFO/LFARB w/o encls.

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