

March 7, 2001

Mr. Robert J. Barrett  
Vice President Operations  
Entergy Nuclear Operations, Inc.  
Indian Point 3 Nuclear Generating Unit 3  
P. O. Box 308  
Buchanan, NY 10511

Subject: NRC OFFICE OF INVESTIGATIONS REPORT 1-2000-026  
(Indian Point 3 Nuclear Generating Station)

Dear Mr. Barrett:

This letter refers to an investigation initiated by the NRC's Office of Investigations (OI) on August 1, 2000, at the Indian Point 3 Nuclear Generating Station to determine if a senior health physics technician engaged in deliberate misconduct by tampering with his urine sample during fitness for duty (FFD) testing on July 17, 2000. The investigation was initiated after you identified the misconduct, investigated the matter, and terminated the employment of the senior health physics technician (SHPT). Based on the evidence developed during its investigation, OI substantiated that the SHPT engaged in deliberate misconduct when he altered his urine sample. A synopsis from the investigative report is enclosed.

With respect to this matter, you took actions in accordance with your policies, procedures, the requirements of your FFD program, and 10 CFR Part 26 regulations. You identified that the urine sample was outside the required temperature range and required the SHPT to provide a second witnessed urine sample. You interviewed the individual and he admitted to adding water to his urine sample and that he had used an illegal drug several days earlier. You had his second urine sample tested to lowest detectable levels and it tested positive for the illegal drug. You subsequently performed an investigation of this matter and then terminated the SHPT's employment.

In addition, your investigation examined the circumstances surrounding an alleged bottle of urine found in a refrigerator in a health physics break room in 1999. Your investigation found that no actions were taken at that time, such as notifying FFD personnel or initiating an event report. Even though your investigation did not establish any connection between the urine sample found in the refrigerator and the possible use of adulterated urine samples, a follow-up event report was written that proposed changes to procedures to preclude a recurrence.

Based on the above, the NRC has determined that you properly implemented your Part 26 program concerning this matter, and no further action by the NRC is warranted. Therefore, no response to this letter is required. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the

Mr. R. J. Barrett

2

NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Reading Room).

Sincerely,

***/RA by J. Wiggins for/***

Hubert J. Miller  
Regional Administrator

Docket No. 05000286  
License No. DPR-64

cc w/encl:

J. Yelverton, Chief Executive Officer  
M. Kansler, Chief Operating Officer  
J. Knubel, Vice President Operations Support  
F. Dacimo, General Manager, Plant Operations  
H. P. Salmon, Jr., Director of Oversight  
D. Pace, Vice President - Engineering  
J. Kelly, Director - Licensing  
C. D. Faison, Licensing  
K. Peters, Licensing Manager  
A. Donahue, Mayor, Village of Buchanan  
J. McCann, Nuclear Safety and Licensing  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
Chairman, Standing Committee on Energy, NYS Assembly  
Chairman, Standing Committee on Environmental Conservation, NYS Assembly  
T. Morra, Executive Chair, Four County Nuclear Safety Committee  
Chairman, Committee on Corporations, Authorities, and Commissions  
The Honorable Sandra Galef, NYS Assembly  
P. D. Eddy, Electric Division, New York State Department of Public Service  
F. William Valentino, President, New York State Energy Research  
and Development Authority  
J. Spath, Program Director, New York State Energy Research  
and Development Authority  
C. Hehl, SRC Consultant  
C. Terry, Niagara Mohawk Power Corporation  
R. Toole, SRC Consultant  
R. Schwarz, SRC Consultant  
County Clerk, West Chester County Legislature  
A. Spano, Westchester County Executive  
R. Bondi, Putnam County Executive  
C. Vanderhoef, Rockland County Executive  
J. Rampe, Orange County Executive  
T. Judson, Central NY Citizens Awareness Network  
M. Elie, Citizens Awareness Network

Mr. R. J. Barrett

3

Distribution w/encl:

ADAMS (PARS)

R. Borchardt, OE (ridsoemailcenter)

S. Figueroa, OE

R. Urban, ORA

J. Shea, RI EDO Coordinator

E. Adensam, NRR (ridsnrrdlpmlpdi)

G. Wunder, NRR

P. Milano, NRR

J. Wilcox, NRR

T. Reis, NRR

D. Screnci, PAO

R. Summers, DRP

K. Jenison, DRP

D. Vito, ORA

R. Junod, DRP

P. Drysdale, SRI - Indian Point 3

B. Letts, OI

DOCUMENT NAME: C:\IP3-FFD-Licensee-Delib.wpd

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/ORA	RI/ORA	RI/DRS	RI/DRP	RI/OI
NAME	RUrban /RJU/	DHolody /DJH	JWhite /JRW/	RBlough /ARB/	BLetts /MAM for/
DATE	2 /28/01	3/6/01	3/2/01	3/1/01	3/6/01

OFFICE	RI/ORA	RI/DRS	RI/RA	RI/DRP	OE *
NAME	BFewell /JBF/	WLanning /JCL for/	HMiller /JTW for/	RSummers (RJS)	RBorchardt
DATE	2/2/01	3/5/01	3/7/01	3/1/01	3/6/01

OFFICIAL RECORD COPY

\* OE Concurrence via E-mail per J. Dixon-Herrity

## SYNOPSIS

This investigation was initiated on August 1, 2000, by the Nuclear Regulatory Commission, Office of Investigations (OI), Region I, to determine if a senior health physics technician (HPT) at the Indian Point 3 Nuclear Generating Station engaged in deliberate misconduct by tampering with his urine sample during fitness-for-duty (FFD) testing on July 17, 2000.

Based on the evidence developed during this investigation, OI substantiated that the senior HPT deliberately altered a urine sample provided to FFD personnel on July 17, 2000.

NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF  
FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION I

Case No. 1-2000-026