

July 26, 2007

Mr. Theodore A. Sullivan  
Site Vice President  
Entergy Nuclear Operations, Inc.  
Vermont Yankee Nuclear Power Station  
P.O. Box 0500  
185 Old Ferry Road  
Brattleboro, VT 05302-0500

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION  
LICENSED OPERATOR POSITIVE FITNESS FOR DUTY TEST

Dear Mr. Sullivan:

Your facility reported on July 19, 2007, that an NRC-licensed operator tested positive following a random fitness-for-duty test taken on July 15, 2007. Although we have obtained preliminary information from Patrick Ryan of your staff, this letter is a formal request for information pertaining to this occurrence. Please provide, within 30 days after the date of this letter, answers to the questions listed in the enclosure and other records and information on this operator's fitness-for-duty which are relevant to this occurrence. We request that any personal, proprietary, or safeguards information in your response be contained in a separate enclosure and appropriately marked. The affidavit required by 10 CFR 2.390(b) must accompany your response, where applicable.

You should determine whether the operator meets the requirements of 10 CFR 55.33(a)(1). You should ensure that: (1) the operator meets the general health requirements of ANSI/ANS-3.4-1983; (2) the operator does not have a disqualifying condition under Section 5.3 of that standard; and (3) that documentation describing the designated physician's conclusion that the operator meets the requirements of ANSI/ANS-3.4-1983 is available for review by the NRC. If a conditional license is requested per 10 CFR 55.25, that condition should be documented on NRC Form 396 and transmitted to the NRC.

If you determine that the operator no longer meets the medical qualifications described in 10 CFR 55.33(a)(1), then, in accordance with 10 CFR 55.25, you must notify the NRC via a letter of the operator's permanent incapacitation. For example, you must notify the NRC if you determine, based on your employee assistance program in consultation with your designated physician, that the operator can no longer meet the medical criteria of ANSI/ANS-3.4-1983.

The NRC will evaluate the information in your reply to this letter to determine if further action is warranted pursuant to 10 CFR Part 50 or Part 55. The information supplied will be maintained in NRC Privacy Systems of Records-16 and will be subject to the Privacy Act.

T. A. Sullivan

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If you have any questions concerning this matter, please contact Mr. Marvin D. Sykes, Chief, Operations Branch, (610) 337-5046. The requested information should be sent to Mr. Sykes's attention at the NRC Region I Office, 475 Allendale Road, King of Prussia, PA 19406-1415. Your cooperation is appreciated.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Marsha Gamberoni, Director  
Division of Reactor Safety

Docket No.: 50-271  
Licensee No.: DPR-28

Enclosure: FFD Request for Additional Information

cc w/encl:

M. R. Kansler, President, Entergy Nuclear Operations, Inc.  
G. J. Taylor, Chief Executive Officer, Entergy Operations  
J. T. Herron, Senior Vice President  
M. Balduzzi, Senior Vice President, Northeastern Regional Operations  
J. DeRoy, Vice President, Operations Support  
O. Limpas, Vice President, Engineering  
Sr. Vice President, Engineering and Technical Services  
D. Mannai, Manager, Licensing, Vermont Yankee Nuclear Power Station  
Operating Experience Coordinator, Vermont Yankee Nuclear Power Station  
W. Maguire, General Manager, Plant Operations, Entergy Nuclear Operations, Inc.  
N. Rademacher, Director, Engineering, Vermont Yankee Nuclear Power Station  
J. F. McCann, Director, Licensing  
C. D. Faison, Manager, Licensing  
M. Desilets, Manager, Training and Development  
E. Harkness, Director of Oversight, Entergy Nuclear Operations, Inc.  
Assistant General Counsel, Entergy Nuclear Operations, Inc.  
J. H. Snizek, PWR SRC Consultant  
M. D. Lyster, PWR SRC Consultant  
G. Edwards  
S. Lousteau, Treasury Department, Entergy Services, Inc.  
D. O' Dowd, Administrator, Radiological Health Section, DPHS, DHHS, State of NH  
W. Irwin, Chief, CHP, Radiological Health, Vermont Department of Health  
Chief, Safety Unit, Office of the Attorney General, Commonwealth of Mass.  
D. Lewis, Pillsbury, Winthrop, Shaw, Pittman LLP  
G. D. Bisbee, Esquire, Deputy Attorney General, Environmental Protection Bureau  
J. Block, Esquire

J. P. Matteau, Executive Director, Windham Regional Commission  
D. Katz, Citizens Awareness Network (CAN)  
R. Shadis, New England Coalition Staff  
G. Sachs, President/Staff Person, c/o Stopthesale  
J. Volz, Chairman, Public Service Board, State of Vermont  
Chairman, Board of Selectman, Town of Vernon  
C. Pope, State of New Hampshire, SLO  
D. O'Brien, State of Vermont, SLO  
J. Giarrusso, SLO, MEMA, Commonwealth of Massachusetts

T. A. Sullivan

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E-Mail:

Nancy Salgado, Chief, NRR/DIRS/IOLB  
S. Collins, RA  
M. Dapas, DRA  
D. Holody, RI, OE  
R. Powell, DRP  
B. Norris, DRP  
N. Sieller, DRP  
J. Lamb, RI OEDO  
M. Kowal, NRR  
J. Lubinski, NRR  
J. Kim, PM, NRR  
J. Boska, Backup PM, NRR  
D. Pelton, DRP, Senior Resident Inspector  
B. Sienel, DRP, Resident Inspector  
A. Rancourt, DRP, Resident OA  
M. Sykes, DRS  
M. Gamberoni, DRS

Distribution:

C. Bixler, RI:DRS/OB (with concurrences)

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Sincerely,

/RA/

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Division of Reactor Safety

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J. Block, Esquire  
J. P. Matteau, Executive Director, Windham Regional Commission  
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R. Shadis, New England Coalition Staff  
G. Sachs, President/Staff Person, c/o Stopthesale  
J. Volz, Chairman, Public Service Board, State of Vermont  
Chairman, Board of Selectman, Town of Vernon  
C. Pope, State of New Hampshire, SLO  
D. O'Brien, State of Vermont, SLO  
J. Giarrusso, SLO, MEMA, Commonwealth of Massachusetts

**SUNSI Review Complete:** \_\_\_\_\_ **MDS** \_\_\_\_\_ **(Reviewer's Initials)**

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OFFICE	RI/DRS/OB	RI/DRS/OB	RI/DRS/OB	NRR/IOHS			
NAME	CJBixler/CJB	MDSykes/MDS	MGamberoni/MKG	N. Salgado/F.Guenther			
DATE	07/23/07	07/23/07	07/26/07	07/23/07	for		

OFFICIAL RECORD COPY

ENCLOSURE

Licensed Operator  
Fitness-for-Duty Request for Additional Information

Vermont Yankee Nuclear Power Station is requested to provide the following information concerning the fitness-for-duty occurrence of July 18, 2007, regarding the involved licensed operator:

1. Name, Docket Number, and responsibilities of the operator.
2. A summary of the operator's entire fitness-for-duty testing history. Please include the dates and times the operator was tested, the reasons for the tests (i.e., random, for-cause, or follow-up), the results of the tests, including quantification, and the dates that any tests were confirmed positive.
3. Whether the operator used, sold, or possessed illegal drugs. If so, please provide the details of the circumstances surrounding such use, sale, or possession.

OR

Whether the operator consumed alcoholic beverages within the protected area. If so, please provide the details of the circumstances surrounding such consumption.

4. Whether the operator was at the controls or supervising licensed activities while under the influence of illegal drugs or alcohol. If so, please provide the details of the operator's performance of licensed duties while under the influence.
5. Whether the operator fulfilled a position that was required to meet minimum licensed operating staffing requirements (fire brigade, emergency plan operations, etc.) while under the influence.
6. Whether the operator was involved in procedural errors related to this occurrence. If so, please provide the details of the procedural errors and the consequences of the errors.
7. The extent to which you reviewed the operator's past work history, both on the day of the occurrence and prior to July 18, 2007.
8. Your intentions with regard to the operator's resumption of duties under the 10 CFR Part 50 and Part 55 licenses, including your plans for follow-up testing.