

Personal Privacy Information - Request Withholding Bracketed Text Under 10 CFR 2.390

December 21, 2007

U.S. Nuclear Regulatory Commission
ATTN: Regional Administrator, Region I
475 Allendale Road
King of Prussia, PA 19406

SUBJECT: Reply to Notice of Violation; IA-07-064

References: Letter from Marsha Gamberoni concerning Notice of Violation (IA-07-064) for Docket No. 55-63019, License No. OP-11589, dated November 28, 2007.

This document contains personal privacy information and I would request that the bracketed text be withheld from public disclosure in accordance with 10 CFR 2.390.

Dear Sir or Madam,

This letter is written in response to NRC Notice of Violation, IA-07-064 that documents a violation of 10 CFR 55.53(j). The following response, explains the reason for the violation including the circumstances surrounding the positive drug test. Also, provided are the corrective steps that have been taken and additional steps that will be taken to avoid any further violation and when full compliance was achieved.

First, I would like to express upon the NRC my understanding of the gravity of this situation. I take absolute and full responsibility for my actions and decisions surrounding the initial circumstances and the subsequent return to work. Through my actions, I have placed my trustworthiness in question which affects not only me, but Entergy, the NRC and the nuclear industry as a whole. I fully recognize and acknowledge the serious nature of this matter. [[

[REDACTED]

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Reason for Violation

I was invited to a social gathering on July 1, 2007. I arrived at the gathering and ate some brownies that were available while talking with the invited guests, some of whom I had never previously known. Approximately a half an hour later, a marijuana cigarette was being passed around from guest to guest. I refused when it came to me because I do not use illegal substances and it also is a condition of my employment in the nuclear industry. An individual, whom I had never met, questioned why I refused. I explained that I work in the nuclear industry as a Licensed Reactor Operator and I do not and cannot use illegal drugs. They then questioned me concerning the brownies that were on

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the kitchen counter. I told them that I had eaten two of them and they then informed all of the invited guests that the brownies contained marijuana. I subsequently chose not to drive home and returned home the next day.

I returned to work on July 4, 2007, not feeling any effects from the drug and performed licensed duties for the first time since returning to work on July 7, 2007. I committed a serious error in judgment in making this decision to return to work. Knowing I had ingested an illegal substance, I should have informed my employer prior to returning to work. Although I did not feel I was physically or mentally impaired, returning to work and performing licensed duties resulted in a violation of Federal Regulations. I now realize that my actions resulted in me performing licensed duties while under the influence as defined in 10CFR 55.53 (j).

On July 15, 2007 I was subject to a random Fitness for Duty test and provided a sample to Entergy. On July 18, 2007, I was notified by the MRO that my sample was positive for marijuana. At that time, I explained the reason for the positive test. He informed me that someone from Entergy would be contacting me shortly.

Corrective Steps Taken and Actions to Prevent Recurrence

Approximately 30 minutes after being notified by the MRO, I talked with Entergy's FFD Supervisor and explained the circumstances surrounding my positive test. My access was immediately suspended in accordance with Entergy Procedures. I was told that Entergy would be contacting me soon to explain the steps I needed to take to regain unescorted access.

On August 4th, [[

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On August 13th, I signed an entry agreement and [[

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On August 22nd, I had my final meeting with Entergy's FFD Supervisor prior to being granted unescorted access. Also, on the same day, I had a meeting with the General Manager of Plant Operations and the Operations Manager where we discussed the circumstance of my positive test and the gravity of the position I had put myself and Entergy in.

On September 5th, [[

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On September 12th, I had a meeting with the Site Vice-President where we discussed my positive test and the steps that I am taking to become a trustworthy employee again.

Since regaining my access, I have been placed on the follow-up testing program per Entergy Procedure EN-NS-102. This procedure states that I will be tested once per month for the first 4 months and once per quarter for the next 2 years and 8 months. In addition, I remain in the random FFD population. I have had 4 successful follow up tests since regaining my access. Additionally, I have notified the Entergy FFD Supervisor and the Operations Management of my progress 3 times since regaining my access.

Further Corrective Steps and Date of Full Compliance

[[[REDACTED]]]

[[Additionally, I will not knowingly put myself in a position or place where illegal drug use is occurring. In the highly unlikely event I happen to find myself in any situation where illegal drug use is occurring, I will immediately vacate the premises or otherwise remove myself from the situation. I have since realized that, even though I would not knowingly use an illegal drug, I fully recognize that I am responsible and accountable for putting myself in a situation where illegal substances were being used and it was inappropriate. Consequently, I have since changed my behavior and do not associate with any persons or situations where illegal substances are kept or used..

I also realize that I made an error in judgment when I became aware that I may have ingested an illegal substance and reported to work several days later. I should have informed my employer prior to returning to work.

I now understand that I need to be more proactive and responsible for my choices about my surroundings and the people I associate with to continue to comply with my reactor operator license, the EAP recommendations and my own well-being.

Full compliance with 10 CFR 55.53(j) was achieved on August 14, 2007 with the completion of a satisfactory pre-access drug and alcohol test. All successive drug tests have also been negative.

In Conclusion

I have been an employee of Vermont Yankee since December 1, 1997. I have strived to be the best and brightest worker I can. I started as a Chemistry Technician and transferred to the position of Auxiliary Operator in June 2001. In January 2006, I was promoted to Alternate Control Room Operator and achieved the goal of becoming a licensed operator in June 2007. I have had an exemplary career and I did not have a single Human Performance error while I have been in the Operations Department. My professional performance and associated behaviors prior to this event have resulted in an

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established high level of trustworthiness and competence. I fully assure you that the circumstances surrounding the event and the serious error in judgment I displayed by returning to work, is and was an isolated case and was completely out of character for me. My otherwise longstanding exemplary work history demonstrates the isolated nature of this event.

As requested in Reference (1), I have never used, sold or possessed illegal drugs onsite. I understand that by law I was considered "under the influence" of marijuana when I tested positive. I do not believe that I was impaired mentally or physically when I returned to work on July 4, 2007 since it had been over 48 hours since the effects of the drug were no longer felt. I understand that I violated my license by ingesting marijuana however, I would never jeopardize the health and safety of the public by coming to work if I felt my judgment was impaired in any way.

Since returning to work, I have been assigned non-licensed duties including helping the Operations Training Department close out the Auxiliary Operator Initial class, setting up for the next AOI class, and teaching Auxiliary Operator Requal. I have also helped with Fire Brigade Live Fire Training Requal. I am continuing to maintain my qualifications as a licensed operator (inactive) by passing the annual LOR exams (simulator, JPM, and written tests). I strongly believe that I am regaining the trust of my peers and Entergy. I am absolutely and unequivocally committed to regaining my trustworthiness to the level prior to the positive test and to continue to perform as the skilled nuclear professional that I have become since joining Vermont Yankee.

If further information is needed regarding this reply, you can contact me at your earliest convenience.

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Sincerely Yours,



Jonathan Picard