

NOV. 06 1992

Docket No. 50-286
EA No. 92-159

Mr. Joseph E. Russell
Resident Manager
New York Power Authority
Indian Point 3 Nuclear Power Plant
Post Office Box 215
Buchanan, New York 10511

Dear Mr. Russell:

Subject: Enforcement Conference Report (NRC Region I Inspection No. 50-286/92-24)

An Enforcement Conference was held at the NRC Region I Office, King of Prussia, Pennsylvania on October 15, 1992. The conference was attended by Mr. R. Beetle and other representatives of the New York Power Authority and members of NRC management and staff. The purpose of the conference was to discuss a Fitness-For-Duty (FFD) event that occurred at the Indian Point 3 Station in Buchanan, New York on August 3, 1992. During that event, an NRC licensed operator who previously tested positive for marijuana, during a licensee-administered random drug test, was reassigned licensed duties prior to obtaining medical assurance as to the operator's fitness to perform licensed duties. Also discussed were your evaluations of two apparent violations, your immediate and long term corrective actions, and your perception of the appropriateness of the apparent violations relative to criteria outlined in the NRC's Enforcement Policy (10 CFR Part 2, Appendix C).

The enclosed Enforcement Conference Report provides additional details regarding the above matters and related topics discussed at this conference.

With respect to the inspection, your staff essentially agreed with the facts documented in our inspection report, with one exception. The fourth paragraph in Section 4, "Follow-Up Testing Program" of NRC Region I Inspection Report No. 50-286/92-24, indicated that, up to the time of the inspection, an NRC-licensed operator who tested positive for use of an illegal drug on August 14, 1990 had not been subjected to any FFD testing since his return to duty on September 3, 1990. During the enforcement conference your staff provided information not previously known or made available to the NRC. Specifically, documentation was provided that the NRC-licensed operator was subjected to a follow-up drug test on March 7, 1991, the results of which were negative. We acknowledge that the sentence in the inspection report is factually incorrect and is hereby corrected.

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We appreciate the information that was provided during the meeting and believe that the meeting was mutually beneficial in understanding and resolving the issues. Our decision regarding enforcement action will be transmitted to you by separate correspondence.

Your cooperation with us is appreciated.

Sincerely,


Richard R. Cooper II, Director
Division of Radiation Safety
and Safeguards

Enclosures: Enforcement Conference Report with Attachments (3)

cc w/encls:

J. Brons, President

R. Beedle, Executive Vice President - Nuclear

G. Goldstein, Assistant General Counsel

P. Kokolakis, Director, Nuclear Licensing - PWR

G. Begany, Mayor, Village of Buchanan

C. Jackson, Nuclear Safety and Licensing Manager (Con Ed)

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
Director, Power Division, Department of Public Service, State of New York

K. Abraham, PAO (2)

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New York, SLO Designee

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bcc w/encls:

Region I Docket Room (with concurrences)

C. Cowgill, DRP

P. Eselgroth, DRP

R. Urban, DRP

G. Tracy, SRI - IP-3

G. Hunegs, SRI - IP-2

W. Cook, SRI - FitzPatrick

V. McCree, OEDO

R. Capra, NRR

N. Conicella, NRR

DRS/EB SALP Coordinator

D. Holody, EO

D. McGuire, Region II

J. Creed, Region III

B. Murray, Region IV

M. Schuster, Region V

B. Grimes, NRR/DRIS

P. McKee, NRR/RSGB

L. Bush, NRR/RSGB

G. McPeck, NRR/RSGB

J. Lieberman, OE

RI:DRSS
King/tmh

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Keinig

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Jayner

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