



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

May 14, 2012

EA-11-206

Mr. Mark A. Schimmel
Site Vice President
Prairie Island Nuclear Generating Plant
Northern States Power Company, Minnesota
1717 Wakonade Drive East
Welch, MN 55089

**SUBJECT: PRAIRIE ISLAND NUCLEAR GENERATING PLANT; RESULTS OF NRC
INVESTIGATION REPORT NO. 3-2011-004**

Dear Mr. Schimmel:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) to determine if a security shift supervisor working at the Prairie Island Nuclear Generating Plant (PINGP) deliberately violated NRC fitness for duty requirements, specified in Title 10 of the Code of Federal Regulations (10 CFR) Part 26, by attempting to subvert a fitness for duty test. The investigation was initiated on December 21, 2010, and completed on August 22, 2011.

Based on the evidence developed during the investigation, the NRC substantiated that a PINGP security shift supervisor deliberately violated NRC requirements when he provided a urine sample that was not his own, collected at the time of the test. However, the NRC also determined that your staff identified that the sample was outside the specified temperature range and took the appropriate actions as specified in your fitness-for-duty program and 10 CFR Part 26. Therefore, the NRC did not identify any violations of NRC requirements by PINGP and this investigation is closed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>.

M. Schimmel

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If you have any questions, you may contact Mr. Steven Orth at 630-810-4373.

Sincerely,

/RA/

Cynthia D. Pederson
Acting Regional Administrator

Docket Nos. 50-282; 50-306
License Nos. DPR-42; DPR-60

cc: Distribution via Listserv

FACTUAL SUMMARY OF OFFICE OF INVESTIGATIONS REPORT 3-2011-004

On December 21, 2010, the U.S. Nuclear Regulatory Commission's Office of Investigations (OI), Region III Field Office, initiated an investigation to determine whether a security shift supervisor (SSS) at the Prairie Island Nuclear Generating Plant deliberately violated the fitness for duty policy by attempting to subvert a fitness for duty test. The NRC completed its investigation on August 22, 2011.

On July 23, 2010, the SSS was notified that he had to report for a random drug test. According to the test technician, the individual showed up at the drug testing office at approximately 7:20 a.m. The test technician asked the individual if he could urinate for a drug test, and the individual replied that he would have to drink something first. The individual also said he was late for a meeting which he had to attend at the plant, but he would come back by 8:30 a.m. When the individual returned at 8:30 for his test, he completed the paperwork, emptied his pockets, and went into the bathroom to provide a sample.

When the individual exited the bathroom and handed the specimen to the test technician, the technician noticed that the cup did not feel warm, and that the temperature sensor on the cup was not registering. The test technician checked the temperature with a digital thermometer and the reading was 84 degrees Fahrenheit (°F). This temperature was outside the required range specified in Title 10 of the Code of Federal Regulations (10 CFR) Section 26.111(a), which states that temperatures must be between 90° and 100°F. The test technician took the individual's oral temperature (with his consent) and it was 101°F.

The test technician informed the individual that the Fitness for Duty Program Manager (FFDPM) and the Medical Review Officer (MRO) needed to be notified about the low temperature reading. The technician also told the individual it was likely that he would have to provide an observed sample. Upon notification, the MRO told the test technician to arrange for an observed sample; the technician then informed the individual that an observed sample was necessary. The individual asked if he could eat and get something to drink while arrangements for the observed sample were being made, and the test technician agreed. The test technician told the individual that the observed sample was to be done by 10 a.m.

At approximately 9:35 a.m., the test technician received a call from the individual's supervisor. The supervisor informed the test technician that the individual had called him from offsite. According to his supervisor, the individual stated that he was going to have to provide an observed sample; he felt he could not do that, and he understood the ramifications of not participating in the observed test. The supervisor asked the individual to come in and talk to him to see if there were any other options.

The individual never reported for his observed sample. The MRO declared this a refusal to test, and as a result, the security shift supervisor's access authorization was revoked and his employment was terminated in accordance with 10 CFR 26.75(b).

M. Schimmel

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If you have any questions, you may contact Mr. Steven Orth at 630-810-4373.

Sincerely,

/RA/

Cynthia D. Pederson
Acting Regional Administrator

Docket Nos. 50-282; 50-306
License Nos. DPR-42; DPR-60

cc: Distribution via Listserv

bcc: File RIII-2010-1-0083

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*see previous concurrences

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OFFICE	RIII	RIII	RIII	RIII	D: OI
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DATE	03/30/12	03/30/12	03/30/12	04/05/12	04/12/12

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1 OGC "No Legal Objection" received via e-mail from M. Simon on March 30, 2012
2 OE concurrence received via e-mail from L. Casey on March30, 2012.
3 NSIR concurrence received via e-mail from N. Simonian on March 30, 2012