



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
January 27, 1992

Docket Nos. 50-333
and 55-8615

Board Notification 92-01

MEMORANDUM FOR: The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque
Atomic Safety and Licensing Board Panel and All Parties

FROM: Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

SUBJECT: NEW INFORMATION POTENTIALLY RELEVANT AND MATERIAL
TO THE COMMISSION AND LICENSING BOARD PROCEEDINGS
IN THE MATTER OF NEW YORK POWER AUTHORITY (JAMES A.
FITZPATRICK NUCLEAR POWER PLANT) AND MR. DAVID M.
MANNING, SENIOR REACTOR OPERATOR AT FITZPATRICK

In conformance with the Commission's policy on notification of the Commission and the Licensing Boards of new, relevant, and material information, this memorandum calls attention to the information presented below.*

On January 22, 1992, Mr. Ralph Beedle, Executive Vice President of Nuclear Generation for NYPA, informed NRC staff management that on the morning of January 21, 1992, Mr. David M. Manning was notified to report for a urinalysis drug test (random selection). Instead of reporting for the test, Mr. Manning left the FitzPatrick site. NYPA management concluded that this refusal to submit to testing should be considered a positive drug test and took steps to deny Mr. Manning unescorted access to the plant. Furthermore, following discussions with Mr. Manning on January 22, 1992, NYPA management concluded

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*These are separate but related proceedings involving the amendment of a 10 CFR Part 50 license and the related suspension of a Senior Reactor Operator's 10 CFR Part 55 license. On January 21, 1992, the Licensing Board terminated the FitzPatrick proceeding by granting a joint motion submitted by the NRC staff and the New York Power Authority (NYPA) to approve a settlement agreement. However, that proceeding may not be final agency action at this time. The Manning proceeding is still pending before the Licensing Board. Accordingly, this "Board Notification" is made simultaneously to the Commission and the Licensing Board.

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YA 2/11/92
updated on 2/7/92

January 27, 1992

that Mr. Manning's reasons for not reporting for drug testing were unacceptable and terminated his employment. Pursuant to 10 CFR 55.55, "Expiration," Mr. Manning's Senior Reactor Operator license expired upon termination of his employment by NYPA.

In accordance with 10 CFR 50.74, "Notification of Change in Operator or Senior Operator Status," NYPA is preparing a letter to formally notify the NRC of the termination of Mr. Manning's employment. This letter must be submitted within 30 days of the date of termination of employment. A copy of this letter will subsequently be forwarded to the Commission, the Atomic Safety and Licensing Board Panel and appropriate parties.

This information is being brought to the attention of the Commission and the Licensing Board as information which may be relevant and material to issues which may be pending before the Commission and the Licensing Board.

ORIGINAL SIGNED BY:

Steven A. Varga, Director
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cc: See attached list

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*See previous concurrence

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| OFFICE | DRPE | | | | |
| NAME | SVarga | | | | |
| DATE | 1/27/92 | | | | |

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Steve A. Varga, Director
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Office of Nuclear Reactor Regulation

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| NAME | KVogan (1) | BMcCabe:rb | RCapra <i>rac</i> | <i>BMS</i> | JCalvo <i>rac</i> |
| DATE | 1/27/92 | 1/27/92 | 1/27/92 | 1/27/92 | 1/27/92 |
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| DATE | / /92 | | | | |

Board Notification 92-01 dated January 27, 1992

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Adjudicatory File (2)
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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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