



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 6, 1995

IA 95-049

Mr. Eugene Bolton
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: DEMAND FOR INFORMATION

Dear Mr. Bolton:

The enclosed Demand for Information (DFI) is being issued as a result of an NRC investigation by the Office of Investigations (OI) which in part, concluded the following: 1) you knowingly maintained and substituted a cold urine sample at the time you were required to submit to a Fitness-For-Duty (FFD) test, and that you knew your actions were in violation of procedures when you submitted the sample; and 2) you admitted to successfully providing bogus samples in the past. A copy of the synopsis of the investigation is enclosed.

Previously, the New York Power Authority (NYPA) had reported similar findings to the NRC in March 1993. As a result of your actions, NYPA terminated your employment with them in May 1993.

The purpose of the Commission's FFD requirements is to provide reasonable assurance that nuclear power plant personnel work in an environment that is free of drugs and alcohol and the effects of the use of these substances. The use of illegal drugs is a serious matter. In addition, the submission of a false urine sample is also a significant concern to the NRC because it indicates a willingness on your part to subvert the purpose of the facility licensee's FFD program by deliberately providing a bogus urine sample to the licensee.

Your actions in this matter constitute a deliberate violation of the requirements of 10 CFR 50.5 because you deliberately provided to the Licensee information (the false urine sample) that was inaccurate in some respect material to the NRC, and because that false information would have caused NYPA to be in violation of 10 CFR 50.9(a) with regard to FFD records required to be maintained by 10 CFR Part 26. Any response that you provide to the enclosed DFI will be considered before the NRC determines whether enforcement action should be taken against you.

A copy of this letter and its enclosures are being sent to Mr. Leslie M. Hill, Jr., Site Executive Officer, the NYPA, Indian Point 3. NYPA is not required to provide a response to the Demand for Information, but may do so if it desires within 30 days under oath or affirmation.

Questions concerning this DFI should be addressed to James Lieberman, Director, Office of Enforcement, who can be reached at (301) 415-2741.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter with your address removed, its enclosures, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your

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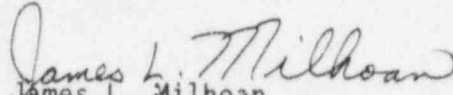
Mr. Eugene Bolton

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response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of the information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection, described in 10 CFR 73.21.

The responses directed by this letter and the enclosed Demand for Information are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



James L. Milhoan
Deputy Executive Director for
Nuclear Reactor Regulation,
Regional Operations and Research

Docket No. 50-286
License No. DPR-64

Enclosures:

1. OI Synopsis
2. Demand for Information

cc w/encls:

L. Hill, Site Executive Officer

SYNOPSIS

On May 10, 1993, this investigation was initiated by the Nuclear Regulatory Commission, Office of Investigations, Region V, to determine if a senior production technician at New York Power Authority, Indian Point 3 Nuclear Power Station: (1) understood he was violating procedures when he substituted a urine sample at the time he was required to submit to an unannounced drug screening examination; (2) had successfully provided bogus samples for Fitness-for-Duty (FFD) tests in the past; (3) understood that changing the operability call on the auxiliary feed pump was something he was not permitted to do; and (4) understood that the ventilation system failed a surveillance test, and he had an obligation to inform his supervisor of the failure prior to a reactor mode change.

Based on testimonial and documentary evidence obtained during the conduct of this investigation, it is concluded the technician knowingly maintained and substituted a [cold] urine sample at the time he was required to submit to an unannounced drug screening examination; completed and signed his drug testing forms and did not disclose his use of a controlled substance; knew he was violating procedures when he substituted a urine sample at the time he was required to submit to the unannounced drug screening examination; and admitted successfully providing bogus samples for FFD tests in the past.

The technician admitted he understood that he was not permitted to change the operability call on the auxiliary feed pump, adding he changed the call after being told to do this by a supervisor who denied giving him permission to make the change.

The technician admitted he understood that the ventilation system failed, and he had an obligation to inform his supervisor prior to a mode change. He stated that he told two of his supervisors, and both of these individuals acknowledged the failure, but denied telling their management to remove the surveillance test from the list of activities that needed to be performed before a mode change.