



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

August 31, 2000

IA-00-037

Anthony N. Xenakis
[ADDRESS DELETED
PER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Xenakis:

The Nuclear Regulatory Commission (NRC) has received a letter dated August 14, 2000, from Mr. William R. Matthews, Vice President - Nuclear Operations, of the Virginia Electric and Power Company, informing us of your confirmed positive test for the use of illegal drugs (copy enclosed). We plan to place this letter in your 10 CFR Part 55 docket file.

Based on this confirmed positive test, the NRC has concluded that your actions were in violation of 10 CFR 55.53(j), which states that a holder of an operator or senior operator license shall not use, possess, or sell any illegal drugs. The purpose of this requirement 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 which undermines the special trust and confidence placed in you as a licensed operator. The violation is categorized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions - May 1, 2000," (NUREG-1600), because the use of illegal drugs by a licensed operator is a significant regulatory concern. This violation is described in the enclosed Notice of Violation. Please note that, in accordance with 10 CFR 26.27(b), future similar violations will substantially affect your authorization for unescorted access to the protected area of a licensed facility.

The purpose of this letter is to make clear to you the consequences of your violation of NRC requirements governing fitness-for-duty as a licensed operator. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence in order to ensure your ability and willingness to carry out the special trust and confidence placed in you as a licensed operator of a nuclear power facility. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, enforcement actions are made available electronically for public inspection

CERTIFIED MAIL NO. P 154 568 143
RETURN RECEIPT REQUESTED

in the NRC Public Document Room or from the Public Available Records (PARS) components of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). A copy of this letter, without its enclosures and with your address removed, and any response you provide will be made publicly available unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation. At the time this letter is released to the public, a copy will also be provided to Virginia Electric and Power Company.

Should you have any questions concerning this action, please contact Michael E. Ernstes at (404) 562-4638.

Sincerely,

/RA/

Charles A. Casto, Director
Division of Reactor Safety

Docket No. 55-8642
License No. OP-6150-4

Enclosures: 1. Notice of Violation
2. Letter from Facility Licensee

cc w/encl 1 and w/HOME ADDRESS DELETED
[HOLD FOR 45 DAYS - EICS]:
ATTN: Mr. David A. Christian
Senior Vice President and Chief
Nuclear Officer
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

NOTICE OF VIOLATION

Anthony N. Xenakis
[ADDRESS DELETED
PER 10 CFR 2.790]

Docket No. 55-8642
License No. OP-6150-4
IA-00-037

As a result of a notification from the Virginia Electric and Power Company dated August 14, 2000, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions - May 1, 2000," NUREG-1600, the violation is listed below:

10 CFR 55.53(j) states that the licensee shall not use, possess, or sell any illegal drugs.

Contrary to the above, the licensee used illegal drugs, as evidenced by a confirmed positive test conducted on June 29, 2000. The test specimen results exceeded the lower of the cutoff levels for drugs contained in 10 CFR Part 26.

This is a Severity Level III violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Anthony N. Xenakis is hereby required to submit a written statement of explanation to the U. S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 61 Forsyth Street, S. W., Suite 23T85, Atlanta, Georgia 30303, and marked "Open by Addressee Only" within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response may be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Dated this 31st day of August 2000

Enclosure 1

Distribution w/encl 1 [HOME ADDRESS DELETED]:

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