

March 23, 2001

IA-01-009

Joseph Bieri
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Bieri:

This refers to your letter dated February 21, 2001, in response to the Notice of Violation (Notice) issued to you on February 9, 2001, by the U.S. Nuclear Regulatory Commission (NRC). The Notice was issued for your failure on November 19, 2000, to participate in the fitness for duty (FFD) testing program at the American Electric Power Company's (AEP) D. C. Cook Nuclear Power Plant. In your February 21, 2001 letter, you stated that you were not asked or directed to participate in FFD testing on November 19, 2000.

In response to your letter of February 21, 2001, we made an additional inquiry of AEP and established that on November 19, 2000, you were approached by shift management and told that a question had been raised about your fitness for duty. The inquiry also determined that you were told that a FFD test would be necessary to resolve that question. The NRC has concluded that the violation occurred as stated and neither an adequate basis for withdrawing the violation nor reducing the severity level was provided.

In addition to the above, we noted a statement in your letter that you felt you were singled out for FFD testing because you had expressed concerns with plant operability and restart. Members of the NRC Region III staff contacted you on March 7, 2001, to discuss this matter and learned that you did not believe that the FFD testing issue was related to raising nuclear safety concerns. Rather, you were expressing your frustration with the FFD issue in general. You also stated that you did not know of any nuclear safety concerns that had not been appropriately addressed.

Please contact David Hills, Chief, Operations Branch, if you have any questions. Mr. Hills can be reached at toll free telephone number: 1-800-522-3025, or (630) 829-9500.

J. Bieri

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html>.

Sincerely,

/RA/

James L. Caldwell
Deputy Regional Administrator

Docket No. 55-32160
License No. OP-31047

cc: R.P. Powers, Senior Vice President
Nuclear Engineering Group, AEP

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¹ B. A. Berson on vacation and unavailable for final review. However, he reviewed draft on March 20, 20001, and he did not have any comments.

² OE concurrence received from Nick Hilton, OE, on 3/22/01.

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