



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064**

**January 9, 2002**

IA-01-058

Jeanne Kittler  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

**SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE**

Dear Ms. Kittler:

The Nuclear Regulatory Commission (NRC) received a letter dated October 19, 2001, from Energy Northwest informing us of your confirmed positive test for alcohol (copy enclosed). We also received a letter dated December 5, 2001, informing us that Energy Northwest no longer had a need to maintain your operating license for the Columbia Generating Station, (CGS) (copy enclosed). We will place both of these letters in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by the facility licensee that you no longer need to maintain a license has caused your License SOP-43739-1 to expire as of December 5, 2001.

The confirmed positive test on September 12, 2001, identified a violation of 10 CFR 55.53(j). The purpose of the Commission's Fitness-for-Duty 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 alcohol, such that the operator exceeds the cutoff limits specified in 10 CFR Part 26, Appendix A, or in the licensee's fitness-for-duty program, is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. Thus, the violation is categorized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", NUREG-1600. This violation is described in the enclosed Notice of Violation.

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, in accordance with 10 CFR Part 55. Since your NRC license has expired and you are no longer employed at CGS, you are not required to respond to the Notice of Violation at this time unless you contest the violation. Should you contest the Notice of Violation, a response is required within 30 days of the date of this letter addressing the specific basis for disputing the violation. This response should be sent to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and be marked "Open by Addressee Only." If you reapply for an operating license, you will need to satisfy not only the requirements of 10 CFR 55.31, but also those of 10 CFR 2.201, by addressing the reasons for the violation and the actions you have taken 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 and to abide by all fitness-for-duty and other license requirements and conditions.

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 in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (Public Electronic Reading Room). A copy of this letter (without Enclosures 2 and 3) and the enclosed Notice of Violation with your address removed will be made available to the Public after 45 days unless you provide a sufficient basis to withdraw this violation.

Should you have any questions concerning this action, please contact Anthony T. Gody of my staff. Mr. Gody can be reached at either the address listed above or telephone number (817) 860-8159.

Sincerely,

*/RA/*

Ellis W. Merschoff  
Regional Administrator

Docket No. 55-40902  
License No. SOP-43739-1

Enclosures:

1. Notice of Violation
2. Energy Northwest Letter G02-01-142
3. Energy Northwest Letter G02-01-160

**Limited, Immediate Distribution w/enclosure 2 only and w/HOME ADDRESS DELETED:**

OE: Attention/Lead Secretary  
 D. Trimble, IQPB  
 W. B. Jones, DRP  
 SRI, CGS  
 L. Hurley  
 G. Sanborn - EA File

**Delayed Distribution (45-day Hold) w/enclosure 1 only and w/HOME ADDRESS DELETED**  
**Delayed Distribution to be made only with OE approval:**

PUBLIC DOCUMENT ROOM

Mr. J. V. Parrish (HOLD FOR 45 DAYS)  
 Chief Executive Officer  
 Energy Northwest  
 P.O. Box 968; MD 1023  
 Richland, Washington 99352-0968

E-mail to OEMAIL

DOCUMENT NAME: S:\DRS\REPORTS\ML023110172.wpd

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

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OFFICIAL RECORD COPY

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\*Previously concurred.

ENCLOSURE 1

NOTICE OF VIOLATION

Jeanne Kittler  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790(a)]

Docket No. 55-40902  
License No. SOP-43739-1  
IA-01-058

As a result of a notification from Energy Northwest dated October 19, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 55.53(j) states, in part, that the licensee shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol. "Under the influence" is defined in 10 CFR 55.53(j) to mean that the "licensee exceeded, as evidenced by a confirmed positive test, the lower of the cutoff levels for drugs or alcohol contained in 10 CFR Part 26, Appendix A, of this chapter, or as established by the facility licensee."

Contrary to the above, on September 12, 2001, Jeanne Kittler, a licensed senior reactor operator at the Columbia Generating Station who, at that time, held an NRC senior reactor operator license issued under 10 CFR Part 55, performed activities authorized by her license while under the influence of alcohol. Specifically, Ms. Kittler assumed station Shift Manager duties on that date before being subjected to a breath alcohol test which showed that she was under the influence of alcohol. Ms. Kittler's breath alcohol screen and subsequent blood alcohol levels were confirmed through "for cause" testing to be between .151 and .180, a level that exceeded the cutoff level for alcohol (.04) contained in 10 CFR Part 26, Appendix A, and that established by the facility licensee.

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

No response to the Notice of Violation is required at this time. However, pursuant to the provisions of 10 CFR 2.201, Jeanne Kittler (former licensee) is hereby provided notice that, should she reapply for an operating license, she will need to satisfy not only the requirements of 10 CFR 55.31, but also those of 10 CFR 2.201, by addressing the reasons for the violation and the actions that have been taken to prevent recurrence in order to ensure the ability and willingness to carry out the special trust and confidence placed in licensed operators and to abide by all fitness-for-duty and other license requirements and conditions. Also pursuant to the provisions of 10 CFR 2.201, should the former licensee wish to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission regarding this Notice of Violation, it should be sent within 30 days of the date of this Notice to ATTN: Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and be marked "Open by Addressee Only." The reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (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. Where good cause is shown, consideration will be given to extending the response time.

If the former licensee contests this enforcement action, a copy of the response should be provided, with the basis for the denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because the response will be made 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), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of the response that identifies the information that should be protected and a redacted copy of the response that deletes such information. If the former licensee requests withholding of such material, it must specifically identify the portions of the response that is being sought to have withheld and provide in detail the bases for the claim of withholding (e.g., explain why the disclosure of 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.

Dated this 9th day of January 2002