

August 3, 1995

IA 95-019

Mr. Robert W. Ingle  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: RESPONSE TO NOTICE OF VIOLATION DATED JUNE 23, 1995

Dear Mr. Ingle:

Thank you for your response dated July 15, 1995, to our Notice of Violation (Notice) issued on June 23, 1995, concerning your confirmed positive test for marijuana. We have evaluated your response to the Notice and found that it meets the requirements of 10 CFR 2.201.

Your request for a hearing prior to any NRC action regarding your 10 CFR Part 55 license has been noted by the staff. We have already issued a Notice of Violation for your confirmed positive test for marijuana and there are no formal hearing rights for that enforcement action. We do not intend to take any other action for the confirmed positive test for marijuana.

Currently, you continue to maintain an NRC license, OP-20199-1, which will expire on March 3, 1998. However, on March 29, 1995, you were notified by this office of an unacceptable score on your NRC-administered requalification examination and restricted from performing licensed duties with fuel in the reactor until you successfully pass an NRC-administered re-examination.

Notwithstanding the above, the Tennessee Valley Authority does maintain control over its need for you to retain your license in accordance with 10 CFR 55.55(a) (enclosed). Specifically, your license is issued contingent upon your employment with TVA and their determination of your need for a license. Should TVA determine, and notify the NRC, that you no longer need to maintain a license, the termination action by NRC is not subject to any formal hearing rights.

Finally, in your response letter you communicated several concerns related to the licensee's implementation of the access authorization and fitness-for-duty programs in your case. We are currently evaluating the information that you provided and will contact you by separate correspondence of our actions to address these specific issues.

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R. Ingle

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This letter closes the NRC action related to the enforcement action. Should you have any questions regarding this letter, please contact me at (404) 331-5680.

Sincerely,

(Original signed by A. F. Gibson)

Albert F. Gibson, Director  
Division of Reactor Safety

Docket No. 55-20326  
License No. OP-20199-1

Enclosure: As stated

cc w/enc1 (ADDRESS DELETED):  
J. A. Scalice, Vice President,  
Watts Bar Nuclear Plant  
Part 55 Docket File

Distribution:

- J. Lieberman, OE
- R. Rosano, OE
- B. Summers, OE:EA File (2 ltrhd)
- S. Richards, HOLB, NRR
- A. Mendiola, HOLB, NRR
- F. Guenther, HOLB, NRR
- B. Uryc, EICS
- L. Watson, EICS
- C. Julian, DRP
- K. VanDoorn, Watts Bar Senior Resident Inspector
- B. Michael, DRS
- PUBLIC

\*See previous concurrence sheets

SEND TO PUBLIC DOCUMENT ROOM? YES NO						
OFFICE	RII:DRS*	RII:DRS	RII:DRS*	RII:DRP*	RII:EICS*	RII:ORA*
SIGNATURE			<i>[Signature]</i>			
NAME	Mernstes:mee/btm	GHopper, Act SC	TPeebles	CJulian	BUryc	JBFewe11
DATE	7/ /95	7/ /95	8/3 /95	7/ /95	7/ /95	7/ /95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

SEND TO PUBLIC DOCUMENT ROOM? YES NO						
OFFICE	HQ:OE	HQ:HOLB	HQ:HOLB	RII:DRS		
SIGNATURE				<i>[Signature]</i>		
NAME	JGray	AMendiola	SRichards	AGibson		
DATE	7/ /95	7/ /95	7/ /95	7/3 /95	7/ /95	08 / / 95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

R. Ingle

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SIGNATURE						
NAME	Mernstes:mee/btm	GHopper, Act SC	TPeebles	CJulian	BUyc	JBFewell
DATE	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95	7/31 /95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

SEND TO PUBLIC DOCUMENT ROOM? YES NO						
OFFICE	HQ:OE	HQ:HOLB	HQ:HOLB	RII:DRS		
SIGNATURE						
NAME	JGray	AMendiola	SRichards	AGibson		
DATE	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95	07 / / 95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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SIGNATURE	<i>ME</i>	<del>GHopper</del>	<i>TPeebles</i>	<i>Julian</i>				
NAME	MErnstes:mee/btm	GHopper, Act SC	TPeebles	CJulian	BUryc	JBFewell		
DATE	7/31/95	7/ /95	7/31/95	7/28/95	7/ /95	7/ /95		
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO		

SEND TO PUBLIC DOCUMENT ROOM?							YES	NO
OFFICE	HQ:OE	HQ:HOLB	HQ:HOLB	RII:DRS				
SIGNATURE								
NAME	JGray	AMendiola	SRichards	AGibson				
DATE	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95	07 / / 95		
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO		

(a) Neither the license nor any right under the license may be assigned or otherwise transferred.

(b) The license is limited to the facility for which it is issued.

(c) The license is limited to those controls of the facility specified in the license.

(d) The license is subject to, and the licensee shall observe, all applicable rules, regulations, and orders of the Commission.

(e) If a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section. To maintain active status, the licensee shall actively perform the functions of an operator or senior operator on a minimum of seven 8-hour or five 12-hour shifts per calendar quarter. For test and research reactors, the licensee shall actively perform the functions of an operator or senior operator for a minimum of four hours per calendar quarter.

(f) If paragraph (e) of this section is not met, before resumption of functions authorized by a license issued under this part, an authorized representative of the facility licensee shall certify the following:

(1) That the qualifications and status of the licensee are current and valid; and

(2) That the licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator as appropriate and in the position to which the individual will be assigned. The 40 hours must have included a complete tour of the plant and all required shift turnover procedures. For senior operators limited to fuel handling under paragraph (c) of this section, one shift must have been completed. For test and research reactors, a minimum of six hours must have been completed.

(g) The licensee shall notify the Commission within 30 days about a conviction for a felony.

(h) The licensee shall complete a requalification program as described by § 55.59.

(i) The licensee shall have a biennial medical examination.

(j) The licensee shall not consume or ingest alcoholic beverages within the protected area of power reactors, or the controlled access area of non-power reactors. The licensee shall not use, possess, or sell any illegal drugs. The licensee shall not perform activities authorized by a license issued under this part while under the influence of alcohol or any prescription, over-the-counter, or illegal substance that could adversely affect his or her ability to safely and competently perform his or her licensed duties. For the purpose of this paragraph, with respect to alcoholic beverages and drugs, the term "under the influence" means 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. The term "under the influence" also means the licensee could be mentally or physically impaired as a result of substance use including prescription and over-the-counter drugs, as determined under the provisions, policies, and procedures established by the facility licensee for its fitness-for-duty program, in such a manner as to adversely affect his or her ability to safely and competently perform licensed duties.

(k) Each licensee at power reactors shall participate in the drug and alcohol testing programs established pursuant to 10 CFR part 26. Each licensee at non-power reactors shall participate in any drug and alcohol testing program that may be established for that non-power facility.

(l) The licensee shall comply with any other conditions that the Commission may impose to protect health or to minimize danger to life or property.

[52 FR 9460, Mar. 25, 1987, as amended at 56 FR 32070, July 15, 1991]

#### § 55.55 Expiration.

(a) Each operator license and senior operator license expires six years after the date of issuance, upon termination of employment with the facility licensee, or upon determination by the facility licensee that the licensed individual no longer needs to maintain a license.

(b) If a licensee files an application for renewal or an upgrade of an existing license on Form NRC-398 at least 30 days before the expiration of the existing license, it does not expire until disposition of the application for renewal or for an upgraded license has been finally determined by the Commission. Filing by mail or telegram will be deemed to be complete at the time the application is deposited in the mail or with a telegraph company.

#### § 55.57 Renewal of licenses.

(a) The applicant for renewal of a license shall—

(1) Complete and sign Form NRC-398 and include the number of the license for which renewal is sought.

(2) File an original and two copies of Form NRC-398 with the appropriate Regional Administrator specified in § 55.5(b).

(3) Provide written evidence of the applicant's experience under the existing license and the approximate number of hours that the licensee has operated the facility.

(4) Provide a statement by an authorized representative of the facility licensee that during the effective term of the current license the applicant has satisfactorily completed the requalification program for the facility for which operator or senior operator license renewal is sought.

(5) Provide evidence that the applicant has discharged the license responsibilities competently and safely. The Commission may accept as evidence of the applicant's having met this requirement a certificate of an authorized representative of the facility licensee or holder of an authorization by which the licensee has been employed.

(6) Provide certification by the facility licensee of medical condition and general health on Form NRC-396, to comply with §§ 55.21, 55.23 and 55.27.

(b) The license will be renewed if the Commission finds that—

(1) The medical condition and the general health of the licensee continue to be such as not to cause operational errors that endanger public health and safety. The Commission will base this finding upon the certification by the facility licensee as described in § 55.23.

(2) The licensee—

(i) Is capable of continuing to competently and safely assume licensed duties;

(ii) Has successfully completed a requalification program that has been approved by the Commission as required by § 55.59; and

(iii) Has passed the requalification examinations and annual operating tests as required by § 55.59.

(3) There is a continued need for a licensee to operate or for a senior operator to direct operators at the facility designated in the application.

(4) The past performance of the licensee has been satisfactory to the Commission. In making its finding, the Commission will include in its evaluation information such as notices of violations or letters of reprimand in the licensee's docket.

[52 FR 9460, Mar. 25, 1987, as amended at 59 FR 5938, Feb. 9, 1994]

#### § 55.59 Requalification.

(a) *Requalification requirements.* Each licensee shall—

(1) Successfully complete a requalification program developed by the facility licensee that has been approved by the Commission. This program shall be conducted for a continuous period not to exceed 24 months in duration.

(2) Pass a comprehensive requalification written examination and an annual operating test.

(i) The written examination will sample the items specified in §§ 55.41 and 55.43 of this part, to the extent applicable to the facility, the licensee, and any limitation of the license under § 55.53(c) of this part.

(ii) The operating test will require the operator or senior operator to demonstrate an understanding of and the ability to perform the actions necessary to accomplish a comprehensive sample of items specified in § 55.45(a) (2) through (13) inclusive to the extent applicable to the facility.

(iii) In lieu of the Commission accepting a certification by the facility licensee that the licensee has passed written examinations and operating tests administered by the facility licensee within its Commission-approved program developed by using a systems approach to training under paragraph