



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

January 15, 2009

IA-09-002

Mr. Paul M. Alley  
[NOTE: HOME ADDRESS  
DELETED UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Alley:

The Nuclear Regulatory Commission (NRC) has received a letter dated December 12, 2008, from the Tennessee Valley Authority (TVA), informing us that the Sequoyah Nuclear Plant no longer has a need to maintain your operating license for the Sequoyah Nuclear Plant. We also received a separate letter dated December 12, 2008, from TVA containing information about your confirmed positive Fitness-For-Duty (FFD) test for marijuana. We plan to place both of these letters from TVA in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by your facility licensee that you no longer need to maintain a license has caused your license SOP-21010-2 to expire as of December 12, 2008. In addition, the following violation is being issued on your docket:

10 CFR 55.53(j) prohibits the use of illegal drugs (marijuana) and prohibits the licensee from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of drugs. "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."

10 CFR 26.10(a) requires, in part, that nuclear power plant personnel perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance which in any way adversely affects their ability to safely and competently perform their duties. 10 CFR 26 Appendix A, Subpart B, paragraph 2.7(f)(2) specifies, in part, a confirmatory test cut-off level for marijuana metabolites of 15 ng/ml.

Contrary to the above, the licensee violated 10 CFR 55.53(j), as evidenced by a confirmed positive test for that drug resulting from a urine sample submitted on November 3, 2008.

This is a Severity Level III violation (Supplement I)

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 illegal drugs is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. This violation is categorized as a Severity Level III violation in accordance with the NRC Enforcement Policy because the use of illegal drugs by licensed operators is a significant regulatory concern.

Because your license has expired, 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 II, 61 Forsyth Street SW, Suite 23T85, Atlanta, GA, 30303-8931 and marked, "Open by Addressee Only - Response to a Notice of Violation; IA-09-002."

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. 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 2.390 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 and from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. A copy of this letter with your address removed will be made available to the Public unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Should you have any questions concerning this action, please contact either Mr. Malcolm T. Widmann ([Malcolm.Widmann@NRC.gov](mailto:Malcolm.Widmann@NRC.gov)) or Mr. Richard S. Baldwin ([Richard.Baldwin@NRC.gov](mailto:Richard.Baldwin@NRC.gov)) of my staff.

They can be reached at either the address listed above or 404-562-4550 and 404-562-4642, respectively.

Sincerely,

**/RA R. Croteau for/**

Kriss M. Kennedy, Director  
Division of Reactor Safety

Docket No. 55-21045  
License No. SOP-21010-2

**CERTIFIED MAIL: 7007-2680-0002-0816-7471**  
**RETURN RECEIPT REQUESTED**

cc: Mr. William R. Campbell, Jr.  
Chief Nuclear Officer and Executive Vice President  
Tennessee Valley Authority  
3R Lookout Place  
1101 Market Street  
Chattanooga, TN 37402-2801

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R. Pascarelli, NRR ((Regulatory Conferences Only))

B. Moroney, NRR (PM: SEQ)

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OFFICE	RII:DRS	RII:DRS	RII:DRS	RII:EICS			
SIGNATURE	*/RA/	/RA/	/RA R. Croteau for/	/RA/			
NAME	RBaldwin	MWidmann	KKenndey	C, Evans			
DATE	01/05/2009	01/15/2009	01/15/2009	01/15/2009	1/	1/ /2009	1/ /2009
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES	YES NO	YES NO