

March 18, 2011

IA-11-012

Mr. Roger A. Shaffer  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Shaffer:

The U.S. Nuclear Regulatory Commission (NRC) received a letter dated January 19, 2011, from the Palisades Nuclear Plant Site Vice President, informing us that Entergy Nuclear Operations, Inc., no longer has a need to maintain your operating license for the Palisades Nuclear Plant. We also received a letter dated January 31, 2011, from the Palisades Nuclear Plant Site Vice President containing information about your confirmed positive test for marijuana metabolites. We have placed both of these letters in your Title 10 of the Code of Federal Regulations (10 CFR) Part 55 docket file.

As stated in our letter to you dated February 11, 2011, and in accordance with 10 CFR 55.55(a), the determination by Entergy Nuclear Operations, Inc., that you no longer need to maintain a license has caused your License No. SOP-31249-3 to expire as of January 19, 2011. In addition, the following violation is being issued on your docket:

Title 10 CFR 55.53(d) provides that senior operator licenses are subject to, and the licensee shall observe all applicable rules, regulations and orders of the Commission. Title 10 CFR 55.53(j) states, in part, that a licensee shall not use, possess or sell any illegal drugs. Title 10 CFR Part 26.31(d) requires drug testing for marijuana metabolites.

Entergy Procedure EN-NS-102, "Fitness-for-Duty Program," implements 10 CFR Part 26. Section 5.2.4, "Drug and Alcohol Testing," of EN-NS-102 provides, in part, that the confirmatory fitness-for duty test cut-off level for certain substances including marijuana metabolites had been set at 15 ng/ml.

Contrary to the above, on December 20, 2010, you were subject to a random drug test at the Palisades Nuclear Plant in accordance with 10 CFR Part 26.31, and a marijuana metabolite (THC) was detected in your urine. The initial urinalysis showed the presence of THC above the cut-off limit of 50 ng/ml established by EN-NS-102, and the sample was submitted for confirmatory analysis. The confirmatory analysis, which was reported to the Palisades Nuclear Plant on December 22, 2010, indicated that THC was present in your specimen that exceeded the 15 ng/ml cut-off level established in Section 5.2.4 of Procedure EN-NS-102. This indicated that you, as a licensed senior reactor operator, used an illegal drug, marijuana.

This is a Severity Level III violation (Section 6.4).

The purpose of the Commission's fitness-for-duty requirements is, in part, to provide reasonable assurance that persons are not under the influence of any substance which in any way adversely affects their ability to safely and competently perform licensed duties. The use of illegal drugs is a serious matter which undermines the 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 U.S. Nuclear Regulatory Commission, ATTN: Mark Satorius, Regional Administrator, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532 and marked, "Open by Addressee Only - Response to a Notice of Violation; IA-11-012."

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 maintain the 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 10 CFR 2.390 of the NRC's "Rules of Practice," enforcement actions are made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), 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 Mr. Hironori Peterson of my staff. Mr. Peterson can be reached at either the address listed above or (630)-829-9707.

Sincerely,

/RA/

Steven A. Reynolds, Director  
Division of Reactor Safety

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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>.

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Sincerely,  
**/RA/**  
Steven A. Reynolds, Director  
Division of Reactor Safety

Docket No. 55-31949  
License No. SOP-31249-3

\*See previous concurrence  
FILE NAME: G:\ORAI\IICS\ENFORCEMENT\Enforcement Cases 2011\IA-11-012 Licensed Operator FFD\IA-11-012 Palisades Licensed Operator FFD Ltr and NOV.docx

- Non-Public, sensitive
- Publicly Available, non-sensitive (after 30 days)

OFFICE	RIII	RIII	RIII	RIII	RIII
NAME	Pelke*	Peterson*	Heck**	Orth	Reynolds
DATE	03/15/11	03/15/11	03/17/11	03/17/11	03/18/11

**OFFICIAL RECORD COPY**

\*\* No Legal Objection

Letter to Roger A. Shaffer from Steven A. Reynolds dated March 18, 2011

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