



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257

September 11, 2012

IA-12-037

Peter E. Reynolds  
**[HOME ADDRESS REMOVED  
PER 10 CFR 2.390]**

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Reynolds:

The Nuclear Regulatory Commission (NRC) received a letter dated June 22, 2012, from Tennessee Valley Authority's Browns Ferry Nuclear Plant, informing us of your confirmed positive test for alcohol. We plan to place this letter in your 10 CFR Part 55 docket file.

During a telephone conversation on August 16, 2012, with Ms. Carolyn Evans, Regional Attorney and Enforcement Officer, and other members of the NRC Region II staff, we informed you that the NRC was considering escalated enforcement for an apparent violation of 10 CFR 55.53(j). This requirement prohibits you, as a holder of an NRC license, from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol. We also informed you that we had sufficient information regarding the apparent violation and your corrective actions to make an enforcement decision without the need for a predecisional enforcement conference or a written response from you. You indicated that you did not believe that a predecisional enforcement conference was needed.

Accordingly, based on the information contained in TVA's letter of June 22, 2012, and our in-office review of this matter, the NRC has determined that a violation of 10 CFR 55.53(j) occurred. The violation is cited in the enclosed Notice of Violation (NOV), and is categorized as a Severity Level III violation in accordance with the NRC Enforcement Policy. 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. Performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. Please note that, in accordance with 10 CFR 26.75, future similar violations will substantially affect your authorization for unescorted access to the protected area of a licensed facility. In addition, note that as provided in 10 CFR 55.61, the NRC could have taken action to suspend or revoke your license resulting from a confirmed positive test for alcohol in violation of the conditions and cutoff levels established by 10 CFR 55.53(j), and any repetition of this conduct in the future may result in revocation of your license.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan 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 of a nuclear power facility. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, will be 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. 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/foia-privacy.html>.

Should you have any questions concerning this action, please contact Mr. Mark Franke of my staff. Mr. Franke can be reached at either the address listed above or at (404) 997-4436.

Sincerely,

*/RA: H. Christensen for/*

Terrence Reis, Director  
Division of Reactor Safety

Docket No. 55-23267  
License No. OP-21700

Enclosure:  
Notice of Violation

cc: w/ encl and w/ HOME ADDRESS DELETED

Browns Ferry Nuclear Plant  
ATTN: Mr. K. J. Polson  
Site Vice President  
1101 Market Street  
Chattanooga, TN 37402-2801

CERTIFIED MAIL NO. 7007 2680 0001 1175 6120  
**RETURN RECEIPT REQUESTED**

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Sincerely,

**/RA: H. Christensen for/**  
 Terrence Reis, Director  
 Division of Reactor Safety

Docket No. 55-23267  
 License No. OP-21700

Enclosure:  
 Notice of Violation

cc: w/ encl and w/ HOME ADDRESS DELETED

Browns Ferry Nuclear Plant  
 ATTN: Mr. K. J. Polson  
 Site Vice President  
 1101 Market Street  
 Chattanooga, TN 37402-2801

CERTIFIED MAIL NO. 7007 2680 0001 1175 6120

**RETURN RECEIPT REQUESTED**

**(\*) = PLEASE SEE PREVIOUS PAGE FOR CONCURRENCES**

PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE       SENSITIVE       NON-SENSITIVE  
 ADAMS:  Yes      ACCESSION NUMBER: \_\_\_\_\_       SUNSI REVIEW COMPLETE       FORM 665 ATTACHED

OFFICE	RII:DRS	RII:DRS	RII:DRS	RII:EICS	OE	NRR	NSIR
SIGNATURE	*	*	*	SES for	Via email	Via email	Via email
NAME	RBALDWIN	MWIDMANN	MFRANKE	CEVANS	LCASEY	LCASEY for	LCASEY for
DATE	9/11/2012	9/11/2012	9/11/2012	9/ /2012	9/ /2012	9/ /2012	9/ /2012
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

Distribution w/ encl [HOME ADDRESS REMOVED]:

W. Borchardt, OEDO

M. Weber, OEDO

E. Leeds, NRR

J. Wiggins, NSIR

C. Scott, OGC

R. Zimmerman, OE

E. Julian, SECY

B. Keeling, OCA

Enforcement Coordinators

RI, RIII, RIV

E. Hayden, OPA

C. McCrary, OI

H. Bell, OIG

L. Casey, OE

J. Bowen, NRR

V. McCree, RII

L. Wert, RII

G. Guthrie, RII

M. Franke, RII

M. Widmann, RII

L. Douglas, RII

C. Evans, RII

S. Sparks, RII

R. Hannah, RII

J. Ledford, RII

J. Pelchat, RII

RIDSNNRRDIRS

PUBLIC

OEMAIL

## NOTICE OF VIOLATION

Peter E. Reynolds  
**[NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390(a)]**

Docket No. 55-23267  
License No. OP-21700  
IA-12-037

As a result of a notification from Tennessee Valley Authority's Browns Ferry Nuclear Plant on June 22, 2012, and an NRC in-office review, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 55.53(j) prohibits the licensee from performing 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."

TVA procedure NPG-SPP-14.1, Revision 3, Section 3.3.2B(3), states that a confirmed positive test result for alcohol must be declared when the result of the confirmatory test is 0.02 percent breath alcohol content (BAC) or higher and the donor had been in a work status for at least 2 hours at the time the initial test was concluded.

Contrary to the above, the licensee performed licensed duties on May 17, 2012, immediately before the submission of a breath sample which indicated that the licensee was under the influence of alcohol. Specifically, the licensee's breath test sample was 0.024 percent BAC, and the confirmatory test sample was 0.030 percent BAC. A positive test result was determined by the facility licensee because the licensee met or exceeded the administrative level of 0.02 percent BAC and was in work status more than 2 hours prior to the time the initial test was concluded. Based on this, the licensee exceeded cutoff levels for alcohol as established by the facility licensee.

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

Pursuant to the provisions of 10 CFR 2.201, Mr. Peter E. Reynolds (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 245 Peachtree Center Avenue NE, Suite 1200, Atlanta, Georgia, 30303-1257, and marked "Open by Addressee Only" and a copy to the NRC Resident Inspector at the Browns Ferry Nuclear Plant, with a similar marking within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; IA-12-037" 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. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

Because your response will be 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>, 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your 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 2.390(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. 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/foia-privacy.html>.

Dated this 11<sup>th</sup> day of September 2012