



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

July 29, 2013

IA-2013-026

Mr. Anthony Bullard
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION U.S. NUCLEAR REGULATORY COMMISSION OFFICE
OF INVESTIGATIONS REPORT NUMBER 2-2012-035

Dear Mr. Bullard:

This letter refers to the results of an investigation completed by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) on March 22, 2013. The purpose of the investigation was to review the facts and circumstances surrounding your actions to deliberately submit information to a licensee that you knew to be incomplete, or inaccurate in a material respect. The NRC's review of the investigation resulted in the identification of one apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(2), involving your deliberate submittal of a urine sample to Florida Power and Light Company's (FPL) Turkey Point Nuclear Plant during a random drug screen that you knew was not yours. The results of the investigation, including a factual summary of the OI report, were forwarded to you by certified mail letter dated June 10, 2013.

In the letter transmitting the investigative results, we provided you the opportunity to respond to the apparent violation within 30 days of the date of our letter, or request a predecisional enforcement conference (PEC). During a telephone conversation with NRC Region II representatives on June 27, 2013, you stated that you did not desire a predecisional enforcement conference and that you would not be providing a written response. As such, the NRC is proceeding with its enforcement action based on the results of the OI investigation.

Based on the information developed during the investigation, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). Specifically, on June 13, 2012, while employed as a contract general foreman at the Turkey Point Nuclear Plant, you signed paperwork certifying a urine specimen you provided during a random drug screen was yours and was not adulterated. At the time, you submitted this urine sample to FPL you knew that it was not your own. Your actions to submit a false sample in an attempt to subvert testing were determined to be in violation of 10 CFR 50.5(a)(2) which, in part, states that an employee of a licensee contractor may not

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Return Receipt Requested

deliberately submit to the licensee information that the person submitting the information knows to be incomplete, or inaccurate in some respect, material to the NRC. The information was material to the NRC because licensees, through Fitness For Duty (FFD) testing programs, provide the requisite assurance for the early detection of individuals who may not be fit to perform their duties, and reasonable assurance that workplaces subject to 10 CFR Part 26 testing are free from the presence and effects of illegal drugs and alcohol. Given the significance of the underlying issue, and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In determining the appropriate sanction in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, after consultation with the Director, Office of Enforcement, and in consideration given the fact that FPL's review of your work history at the Turkey Point facility did not identify any questionable or substandard work, and their prompt response to your actions, including termination of your access to the Turkey Point Nuclear Plant, I have decided to issue the enclosed Notice of Violation. Additionally, 10 CFR Part 26.75 (b) states in pertinent part that, any act or attempted act to subvert the testing process, including, an attempt to provide a substituted or adulterated specimen, for any test required under 10 CFR 26.31(c) must result in the immediate unfavorable termination of unescorted authorization and permanent denial of authorization thereafter.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, if you decide to provide one, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its Enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room, or from the NRC's Agencywide Documents Access and Management 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. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being, or have been, considered for enforcement action, whether such action was taken or not. The NRC-3 system

A. Bullard

3

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>.

If you have any questions, please call Mr. Binoy Desai at (404) 997-4519.

Sincerely,

/RA/

Victor M. McCree
Regional Administrator

Enclosure:
Notice of Violation

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>.

If you have any questions, please call Mr. Binoy Desai at (404) 997-4519.

Sincerely,

/RA/

Victor M. McCree
Regional Administrator

Enclosure:
Notice of Violation

Distribution:

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ADAMS: Yes ACCESSION NUMBER: ML13204A114 SUNSI REVIEW COMPLETE FORM 665 ATTACHED

OFFICE	RII:DRS/PSB2	RII:EICS	RII:DRS	RII:OGC	NRR	OE	NSIR
SIGNATURE	BBD	CFE	HOC for TXR	MLB9 via e-mail	MKG1 via e-mail	LRC1 via e-mail	SAC2 via e-mail
NAME	B. Desai	C. Evans	T. Reis	M. Barkman	M. Halter	L. Casey	S. Coker
DATE	7/ 3 /2013	7/ 3 /2013	7/ /2013	7/ 16 /2013	7/ 16 /2013	7/ 16 /2013	7/ 16 /2013
E-MAIL COPY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
OFFICE	RII:ORA	RII:ORA					
SIGNATURE	VMM for LXW1	VMM					
NAME	L. Wert	V. McCree					
DATE	7/ 26 /2013	7/ 26 /2013					
E-MAIL COPY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					

NOTICE OF VIOLATION

Mr. Anthony Bullard
[HOME ADDRESS DELETED]

IA-2013-026

During a U.S. Nuclear Regulatory Commission (NRC) investigation completed on March 22, 2013, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a) (2) states, in part, that any employee of a contractor of a licensee, who knowingly provides to any licensee services that relate to a licensee's activities in this part, may not deliberately submit to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on June 13, 2012, Mr. Anthony Bullard, a Bechtel general foreman, deliberately submitted to a licensee information that he knew to be incomplete, or inaccurate in some respect, material to the NRC. Specifically, while employed as a contract General Foreman at the Turkey Point Nuclear Plant, Mr. Bullard signed paperwork certifying that the urine specimen he was providing during a random drug screen was his and was not adulterated. He then submitted a urine sample to FPL that he knew was not his own at the time of testing, in an attempt to subvert the testing. The information was material to the NRC because licensees, through fitness-for-duty testing, provide the requisite assurance that workplaces are free from the presence of illegal drugs and alcohol.

This is a Severity Level III violation (Section 6.9).

Pursuant to the provisions of 10 CFR 2.201, Mr. Anthony Bullard 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, Suite 1200, Atlanta, Georgia 30303-1257, and marked "Open by Addressee Only," and a copy to the NRC Resident Inspector at the Turkey Point 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-2013-026," 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; 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 requiring information as to 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

Your response will be made available electronically for public inspection in the NRC Public Document Room, and in the NRC's Agencywide Documents Access and Management 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. 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. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being, or have been, considered for enforcement action, whether such action was taken or not. 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> .

Dated this 29th day of July 2013.