

January 8, 2014
EN-14-002

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Individual: Mr. John Amburgey, former Security Officer,
Surry Power Station

IA-13-055

Subject: ISSUANCE OF A NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation (NOV) associated with a Severity Level III violation will be issued to Mr. John Amburgey on or about January 13, 2014, as a result of an investigation completed by the NRC Office of Investigations on August 19, 2013. The purpose of the investigation was to review the facts and circumstances involving a positive for-cause alcohol test result that revealed Mr. Amburgey was not fit-for-duty, approximately 5 hours into his armed security officer shift, at the Surry Power Station (SPS) on December 7, 2012.

Based on the investigation and NRC staff review, an apparent violation of 10 CFR 50.5 (a)(1) involving his deliberate misconduct caused SPS to be in violation of 10 CFR 73.55(i)(5)(ii), which states, in part, that licensees provide continuous surveillance, observation, and monitoring of the Owner Controlled Area (OCA) as described in their physical security plan. Specifically, at approximately 2330 hours on December 7, 2012, co-workers detected the odor of alcohol on his breath and immediately reported this observation to site security supervision. In response, he was promptly for-cause tested for alcohol, and test results confirmed a Blood Alcohol Concentration (BAC) level of 0.139 percent. Because his BAC exceeded the 10 CFR 26.103 limit of 0.04 percent, SPS declared the test result for alcohol as a confirmed positive test and relieved him of duty. Based on the confirmed positive test, and the fact that he had been on duty approximately 5 hours into his shift as an armed security officer, SPS declared him unfit for duty and unable to effectively perform his assigned security duties in the OCA. The licensee implemented immediate compensatory measures and corrective actions, to include terminating his employment and placing his name into the industry's Personnel Access Data System database, commonly known as PADS.

It should be noted Mr. Amburgey declined to respond to the apparent violation in writing and that he did not want to participate in a predecisional enforcement conference or in the alternative dispute resolution process. He will be informed of the issuance of the NOV on or about the following dates:

Mailing of Notice
Telephone Notification of Individual

January 13, 2014
January 13, 2014

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