



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 EAST LAMAR BLVD  
ARLINGTON, TEXAS 76011-4511

January 15, 2014

Mr. Louis A. Zeller, Executive Director  
Blue Ridge Environmental Defense League  
P. O. Box 88  
Glendale Springs, NC 28629

Dear Mr. Zeller:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated December 13, 2013, in which you requested an investigation of the pattern of fitness-for-duty (FFD) violations for drug and alcohol use by reactor operators at the Grand Gulf Nuclear Station. I appreciate your concern that Grand Gulf has recently made an above-average number of event notifications for confirmed positive FFD tests. The NRC takes fitness for-duty seriously and we expect licensees to provide reasonable assurance that individuals are trustworthy and reliable as demonstrated, in part, by the avoidance of substance abuse. In regard to your letter, I would like to take this opportunity to discuss the NRC's reporting requirements for FFD violations, our regulatory response, and how they relate to recent events at Grand Gulf.

Regulations require that power reactor licensees report significant violations of their FFD policy to the NRC within 24 hours of discovery, per 10 CFR § 26.719. This regulation further describes "significant violations" to include, in part, those in which licensed operators or non-licensed supervisors are found to have used, sold, or possessed controlled substances, or otherwise violated the licensee's FFD policy. These reports are commonly made by event notifications to the NRC Operations Center, one of which you included in your letter. As you also mentioned, FFD program violations which do not meet the criteria for 24-hour reporting are aggregated and reported to the NRC annually before March 1, along with other FFD program-related information, as required by 10 CFR § 26.717(e), "Fitness-for-duty program performance data."

In the case of the Grand Gulf Nuclear Station, the NRC has received five event notifications for significant violations of their FFD policy since August 2012. While not apparent by the language used in the reports, the five notifications constituted violations by three individuals. Specifically, event 48262 involved a non-licensed supervisor who tested positive for illegal drugs; events 48973 and 49030 involved a single licensed operator who initially tested positive for illegal drugs and subsequently tested positive for alcohol upon return from his mandatory 14-day denial of unescorted access; and events 49210 and 49625 involved a single licensed operator who initially tested positive for illegal drugs, was enrolled in a substance abuse treatment program, and subsequently tested positive for illegal drugs a second time.

No licensed duties were performed by the licensed operators in the time between their first and second positive tests nor is there any evidence that either of the operators performed any licensed duties while under the influence. All three individuals have had their site access revoked and are no longer employed by the licensee.

In matters involving potential wrongdoing, including those involving licensed operators, the NRC's Office of Investigations (OI) may open cases to investigate whether the individual demonstrated deliberate misconduct in not following the conditions of his or her NRC-issued license and/or the licensee's FFD program. OI special agents are experienced federal criminal investigators who independently investigate alleged wrongdoing by licensees, applicants, and their contractors or vendors. Based on the findings of these investigations, the NRC would follow its enforcement process to issue the appropriate regulatory response. Licensed operator enforcement is guided by section 6.4, with FFD enforcement in Section 6.14 of the NRC's Enforcement Policy, available online at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html).

As demonstrated by our FFD annual performance reports, located at [www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty-programs/performance-reports.html](http://www.nrc.gov/reactors/operating/ops-experience/fitness-for-duty-programs/performance-reports.html), it is generally uncommon for a single licensee to report multiple significant FFD policy violations in a relatively short period of time. On September 24, 2013, Mr. Kevin Mulligan, Vice President of Operations for the Grand Gulf Nuclear Station, initiated a phone call with Mr. Tom Blount, former Director, Division of Reactor Safety, Region IV, to discuss the licensee's planned response to their recent FFD policy violations. The licensee acknowledged the serious nature of licensed operator fitness for duty, and further explained the immediate actions they took to respond to these violations, in accordance with their FFD program. These actions included immediate removal from watchstanding, denial of unescorted plant access, and referral to the Employee Assistance Program after the first violation for each individual, with termination of employment after the second. The licensee informed us that as a broader action they held an emergent FFD meeting with Operations Department shift managers, who in turn provided extra training to each operating crew. The topics of this training included a reemphasis of standards and expectations, the behavioral observation program, and the unique roles and responsibilities of operators. The licensee stated that their intention was to expand this training to include the entire site leadership team.

Regarding your concern for safety culture issues at the Grand Gulf Nuclear Station, the NRC assesses safety culture aspects during all inspection activities and also completed a safety culture assessment on January 13, 2012, with no significant safety concerns regarding the safety culture. This assessment and the results of this inspection were documented in NRC Inspection Report 05000416/2011006. Regarding your concern for FFD issues at this station, the baseline inspection program requires a FFD inspection every three years. The previous inspection, completed on January 12, 2012, and documented in non-public inspection report 05000416/2011403, did not reveal any concerns or findings with this program. This month, NRC inspectors will perform the baseline FFD program inspection at the Grand Gulf Nuclear Station. The objectives of this inspection are, in part, to verify that the licensee is properly implementing FFD requirements that assure licensee personnel will perform their tasks in a reliable and trustworthy manner and are not under the influence of any substance, or mentally or physically impaired from any cause that may affect their abilities to perform their

L. Zeller

- 3 -

duties safely and competently. Inspection activities will include personnel interviews and a review of the following FFD program elements: FFD program policy; drug and alcohol testing records; testing facilities; behavioral observation program; significant FFD policy violations; audits; corrective actions; and access authorization. The aforementioned failed FFD tests will be within the scope of this inspection.

If you have additional questions, please feel free to contact me at (817) 200-1225, or Jeff Clark, Region IV Division of Reactor Safety Director (Acting), at (817) 200-1180. Thank you for your interest in this matter.

Sincerely,

***/RA Steve Reynolds for/***

Marc L. Dapas  
Regional Administrator

L. Zeller

- 4 -

bcc:

Ref: G20130873 (ML13350A573)

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Category		<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive	
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TJFarina	VGaddy	MHaire	JClark	DAllen
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HGepford	KFuller	PHolahan	GGulla	JMcHale
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