



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

April 14, 2014

IA-14-004

Mr. Douglas D. Stouffer  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390(A)]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Stouffer:

This letter completes the U.S. Nuclear Regulatory Commission (NRC) review as to whether you, a licensed reactor operator at the Quad Cities Nuclear Power Station, violated NRC requirements when you failed a random Fitness-for-Duty (FFD) test on August 21, 2013. The NRC was first notified about the failed test on September 6, 2013, via NRC Event Notification Report no. 49321 and was provided additional information from Exelon Generation Company (the facility licensee), in regard to your confirmed positive FFD test result for an illegal substance (marijuana). An exit briefing to discuss the results of the NRC's review was conducted telephonically with you on February 6, 2014.

During the exit briefing, and in a letter dated February 19, 2014, we informed you that the NRC was considering enforcement for an apparent violation of Title 10 of the *Code of Federal Regulations*, Section 55.53(j) (10 CFR 55.53(j)). This regulation in part, prohibits you, as a holder of an NRC license, from using, possessing, or selling any illegal drug. We also requested your presence at a predecisional enforcement conference (PEC) before the NRC made its final enforcement decision on this matter. On March 17, 2014, a PEC was held in the Region III office to discuss your views on this issue. A copy of the handout you provided at the conference was previously placed in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML14093B360. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. During the conference, you described your assessment of the significance of the violation, how it happened, and the corrective actions you have taken to resolve it in order to ensure that it does not happen again.

Accordingly, based on the information provided to the NRC by the facility licensee and the information that you provided during the March 17, 2014, PEC, the NRC has determined that a violation of NRC requirements, specifically 10 CFR 55.53(j), occurred. This violation is cited in the enclosed Notice of Violation (Notice). The use of an illegal drug is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. Therefore, this violation is categorized as a Severity Level III violation in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The purpose of this letter is to make clear to you the consequences of your violation of NRC requirements governing FFD as a licensed operator. Please 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 FFD test result 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. Also, in accordance with 10 CFR 26.75, any additional positive FFD

test results will substantially affect your authorization for unescorted access to the protected area of a licensed facility. In allowing you to return to licensed duties, the NRC evaluated the results of the increased testing performed to date, and determined that you did not have a substance abuse problem. That medical determination, along with the corrective actions taken and planned, which included, in part, a mandatory suspension of your unescorted access, and continuing increased fitness for duty testing, provided the NRC with the confidence that you are currently fit for duty. By this letter, the NRC is removing the restriction from performing licensed operator duties that was imposed in our December 24, 2013, letter to you.

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, was addressed both during the conference and in your handout which has been placed in your docket. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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 ADAMS. A copy of this letter and the enclosed Notice of Violation with your address removed will be made available to the public, unless you provide a sufficient basis to withdraw this violation. The NRC also includes significant enforcement actions on its Web site at [http://www.nrc.gov/readingrm/doc\\_collections/enforcement/actions/](http://www.nrc.gov/readingrm/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>. Finally, a copy of this letter will be placed in your 10 CFR Part 55 docket file.

Sincerely,

*/RA/*

Cynthia D. Pederson  
Regional Administrator

Docket No. 55-30876  
License No. OP-30393-5

Enclosure: Notice of Violation

cc: w/ encl and w/ HOME ADDRESS DELETED  
M. J. Pacilio, Senior Vice President,  
Exelon Generation Co., LLC  
S. Darin, Site Vice President  
M. R. DeVault, Training Director  
E. Davis, RN, OHS

## NOTICE OF VIOLATION

Douglas D. Stouffer  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390(A)]

Docket No. 55-30876  
License No. OP-30393-5  
IA-14-004

As a result of a notification from Quad Cities Nuclear Power Station, operated by Exelon Generation, dated September 6, 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) 55.53(d) provides that operator and senior operator licenses are subject to, and the licensee shall observe, all applicable rules, regulations and orders of the Commission. 10 CFR 55.53(j) states, in part, that a licensee shall not use, possess or sell any illegal drugs. Additionally, 10 CFR 55.53(j) states, in part, that for alcoholic beverages and drugs being "under the influence" means the licensee exceeded, as evidenced by a confirmed test result, the lower of the cut-off levels for drugs or alcohol contained in 10 CFR Part 26, or as established by the facility licensee.

Exelon procedure SY-AA-102, "Exelon Generation Fitness-for-Duty Program," implements 10 CFR Part 26. Section 4.6.9, "Cut-Off Levels for Exelon Fitness-for-Duty Program," of SY-AA-102 provides, in part, that the confirmatory FFD test cut-off level for marijuana metabolites had been set at 15 nanograms per milliliter (ng/ml), which is equivalent to the cutoff level specified in 10 CFR 26.163.

Contrary to the above, on August 21, 2013, you reported for duty at Quad Cities Nuclear Power Station. You were subject to a random fitness-for-duty test and a marijuana metabolite (THC) was detected. The initial laboratory testing showed the presence of THC above the cut-off limit established by the Fitness-for-Duty program. The confirmatory laboratory testing indicated that THC was present in your specimen that exceeded the 15 ng/ml cut-off level for THC established in Section 4.6.9, "Cut-Off Levels for Exelon Fitness-for-Duty Program," of SY-AA-102.

This is a Severity Level III (Section 6.4).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed in your handout provided at the March 17, 2014, predecisional enforcement conference (Accession No. ML14093B360). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly identify your response as a "Reply to a Notice of Violation; (IA-14-004)" and submit the response within 30 days of the date of the letter transmitting this Notice of Violation (Notice). Send the response to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region III, 2443 Warrentonville Road, Suite 200, Lisle IL 60532, and mark the response "Open by Addressee Only."

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document 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). 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 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 14th day of April, 2014

test results will substantially affect your authorization for unescorted access to the protected area of a licensed facility. In allowing you to return to licensed duties, the NRC evaluated the results of the increased testing performed to date, and determined that you did not have a substance abuse problem. That medical determination, along with the corrective actions taken and planned, which included, in part, a mandatory suspension of your unescorted access, and continuing increased fitness for duty testing, provided the NRC with the confidence that you were fit for duty. By this letter, the NRC is removing the restriction from performing licensed operator duties that was imposed in our December 24, 2013, letter to you.

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Sincerely,

/RA/

Cynthia D. Pederson  
Regional Administrator

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M. J. Pacilio, Senior Vice President,  
Exelon Generation Co., LLC  
S. Darin, Site Vice President  
M. R. DeVault, Training Director  
E. Davis, RN, OHS

Distribution: See next page

\*See previous concurrences

FILE NAME: G:\ORAI\IEICS\ENFORCEMENT\Cases\Enforcement Cases 2014\IA-14-004 Quad Cities Operator FFD\IA-14-004 Individual Final Letter and NOV -- FINAL.docx

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DATE	04/03/14	04/07/14	04/07/14	04/08/14	04/11/14	04/14/14

**OFFICIAL RECORD COPY**

<sup>1</sup> OE concurrence provided via e-mail from G. Gulla on April 8, 2014

Letter to Douglas D. Stouffer from Cynthia D. Pederson dated April 14, 2014

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