



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

July 9, 2014

IA-14-021

Mr. Gary Meekins
HOME ADDRESS DELETED
UNDER 10 CFR 2.390

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT NO. 1-2014-013)

Dear Mr. Meekins:

The U.S. Nuclear Regulatory Commission (NRC) received notification on March 5, 2014, from PSEG Nuclear, LLC (PSEG), indicating that you had tested positive for an illegal drug during a random fitness-for-duty test administered on February 28, 2014. At the time of the test, you were working as a Shift Manager at PSEG's Salem Nuclear Generating Station (Salem), under your Senior Reactor Operator (SRO) license issued to you by the NRC. PSEG also indicated that you were removed from licensed duties immediately following receipt of the test results on March 4, 2014.

In a letter dated March 6, 2014 (ML14066A295)¹, the NRC requested additional information from PSEG regarding this occurrence, including: (1) your specific duties during the timeframe you were under the influence of the illegal drug; (2) whether there were any procedural errors or other operational impacts related to this occurrence; and, (3) PSEG's intentions with regard to your resumption of licensed duties. PSEG responded to the NRC in a letter dated April 4, 2014 (non-public due to personal privacy information). We requested that PSEG send you a copy of this response, and we also mailed a copy to you. In a separate letter dated April 4, 2014 (non-public due to personal privacy information), PSEG requested termination of your 10 CFR Part 55 license.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.

Based on the information provided by PSEG in the March 5, 2014, notification and the subsequent letters dated April 4, 2014, the NRC has concluded that you used an illegal drug and that you were under the influence of the illegal drug while performing activities at Salem authorized by your license. This constitutes a violation of 10 CFR 55.53(j). The NRC Office of Investigations also initiated an investigation into your positive FFD test results. The investigation, which concluded on May 5, 2014, substantiated that you deliberately used illegal drugs on this and one prior occasion while licensed as an SRO at Salem.

During a telephone conversation with Donald Jackson and Marjorie McLaughlin of my staff on June 17, 2014, the NRC provided you the opportunity to address the apparent violation before the NRC made its final enforcement decision by either providing a written response or attending a pre-decisional enforcement conference (PEC). In that conversation, you indicated that you did not intend to submit a written response and that a PEC was not necessary. Accordingly, based on the information provided by PSEG, and the results of the NRC investigation, the NRC has determined that the violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1).

The purpose of the Commission's fitness-for-duty requirements is to provide reasonable assurance that nuclear power plant personnel work in an environment that is free from drugs and alcohol, and the effects of the use of these substances. Performing licensed activities while under the influence of an illegal substance is a serious matter that undermines the special trust and confidence placed in you as a licensed operator. Your actions also placed you in violation of the NRC's deliberate misconduct rule, 10 CFR 50.5. Therefore, the violation is categorized as a Severity Level III violation in accordance with the NRC Enforcement Policy. The NRC Enforcement Policy can be found on the NRC website at www.nrc.gov; select Public Meetings & Involvement, Enforcement, and then Enforcement Policy.

Since you no longer have an NRC license, as PSEG requested it to be terminated on April 4, 2014, you are not required to respond to this letter at this time. However, should you apply for a 10 CFR Part 55 license in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response to the violation with your application. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. Please note that, in accordance with 10 CFR 26.75(e), future similar violations will substantially affect your authorization for unescorted access to the protected area of a licensed facility.

The NRC intends to place a copy of this letter, the enclosed Notice, and PSEG's April 4, 2014, letters in your 10 CFR Part 55 docket file. Additionally, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if one is provided, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

G. Meekins

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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 considered for, 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>.

Sincerely,

/RA/

William M. Dean
Regional Administrator

Enclosure: Notice of Violation

cc (w/encl):

Thomas Joyce, President and Chief Nuclear Officer (PSEG Nuclear)

John Perry, Site Vice President - Salem

G. Meekins

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B Klukan, Esq, RI

B Bickett, RI

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S Johnson, RI

D Bearde, RI

Region I OE Files (with concurrences)

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 considered for, 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>.

Sincerely,

/RA/

William M. Dean
Regional Administrator

Enclosure: Notice of Violation

cc (w/encl):

Thomas Joyce, President and Chief Nuclear Officer (PSEG Nuclear)
John Perry, Site Vice President - Salem

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ADAMS ACCESSION NUMBER: [ML14190A471](#)

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OFFICE	RI/ORA	RI/ORA	RI/DRS	RI/DRP	RI/DRP	RI/ DRS
NAME	M McLaughlin/ MMM*	R Urban/ RJU*	D Jackson/ DEJ*	G Dentel/ GTD*	H Nieh/ HKN*	R Lorson/ RKL *
DATE	6/20/14	6/23/14	6/24/14	6/26/14	6/30/14	6/24/14
OFFICE	RI/ORA	RI/ ORA	OE	OGC	RA/	
NAME	B Klukan/ BMK*	B Bickett/ BAB*	G Gulla via email	C Hair via email	W Dean/	
DATE	7/01/14 *	7/01/14	7/02/14	7/02/14	7/7/14	

*See previous concurrence page OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Gary Meekins
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

Docket No. 55-61967
License No. SOP-11706-1
IA-14-021

As a result of information provided by PSEG Nuclear, LLC (PSEG) during a telephone conversation on March 5, 2014, and in a letter dated April 4, 2014, and identified during an NRC investigation conducted between March 21, 2014 and May 5, 2014, the NRC identified multiple violations of NRC requirements. In accordance with the NRC Enforcement Policy, the violations are listed below:

10 CFR 50.5(a)(1) requires, in part, that any licensee or employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any regulation.

10 CFR 55.53(j) requires, in part, that an (individual) licensee shall not use any illegal drugs and shall not perform activities authorized by a license while under the influence of any illegal substance that could adversely affect his or her ability to safely and competently perform his or her licensed duties. The term "under the influence" means the licensee exceeded, as evidenced by a confirmed positive test, the lower of the cutoff levels for drugs contained in 10 CFR Part 26, appendix A, or as established by the facility licensee.

Contrary to the above, on an unspecified date in May 2010 and again on specified occasions between February 26, 2014 and March 2, 2014, you, the holder of an NRC-issued Senior Reactor Operator (SRO) license (SOP-11706-1), engaged in deliberate misconduct that caused you to be in violation of an NRC regulation. Specifically, in May 2010 and again on February 26, 2014, you used an illegal drug. Additionally, from February 28, 2014, through March 2, 2014, you performed activities authorized under your NRC SRO license at the Salem Nuclear Generating Station (Salem) Unit 2, while under the influence of an illegal substance. These activities included serving as the Salem Shift Manager. PSEG identified that you were under the influence via a random test administered to you on February 28, 2014 as part of its fitness-for-duty (FFD) program. The random FFD test yielded a confirmed positive result for an illegal drug.

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

Since you no longer have an NRC license, as PSEG requested it to be terminated on April 4, 2014, you are not required to respond to this Notice of Violation at this time. However, should you apply for a 10 CFR Part 55 license in the future, you will be required, pursuant to the provisions of 10 CFR 2.201, to submit a written response to the violation with your application. This reply should be clearly marked as a "Reply to a Notice of Violation; IA-14-021" and should include: (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 was/will be achieved.

In such case, the reply should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 2100 Renaissance Boulevard, King of Prussia, PA 19406, and marked "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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide 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, 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.

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 9th day of July, 2014.