



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

November 16, 2015

IA-2015-062

Mr. John Quintin Underwood
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Underwood:

This letter refers to an Event Notification (EN) 51148 made by Farley Nuclear Plant on June 11, 2015, to the U.S. Nuclear Regulatory Commission (NRC). This EN informed the NRC that you had tested positive for an illegal drug during a random fitness-for-duty (FFD) test conducted on June 2, 2015. The NRC received additional information from Farley Nuclear Plant, dated August 7, 2015, in regard to your confirmed positive FFD test result. In that same letter, we were informed that Farley Nuclear Plant no longer had a need to maintain your senior operator license, effective June 24, 2015. Based on this notification, your senior operator license was expired. Copies of the aforementioned documents have been placed in your 10 CFR Part 55 docket file.

During a telephone conversation on September 30, 2015, between you and Mr. Eugene Guthrie of my staff, you requested a Pre-Decisional Enforcement Conference (PEC) to discuss this matter and arrangements were made with you for the conference to take place at 9:00 a.m., on October 27, 2015, in Region II, Suite 800, 245 Peachtree Center Avenue N.E., Atlanta, Georgia. However, you did not attend the PEC and we attempted to contact you on the same day. On November 2, 2015, we again tried to contact you, but you have not answered or returned our telephone calls. Therefore, based on the information available to us, we are proceeding with the enforcement process for an apparent violation of 10 CFR 55.53(d) and 10 CFR 55.53(j). These regulations state, in part:

Title 10 CFR 55.53(d): "The license is subject to, and the [individual] licensee shall observe, all applicable rules, regulations, and orders of the Commission."

Title 10 CFR 55.53(j): "The [individual] licensee shall not use, possess, or sell any illegal drugs. The licensee shall not perform activities authorized by a license issued under this part while under the influence of alcohol or any prescription, over-the-counter, or illegal substance that could adversely affect his or her ability to safely and competently perform his or her licensed duties. For the purpose of this paragraph, with respect to alcoholic beverages and drugs, the term "under the influence" means the licensee exceeded, as evidenced by a confirmed test result, the lower of the cutoff levels for drugs or alcohol contained in subparts E, F, and G of Part 26 of this chapter, or as established by the facility licensee."

Certified Mail Number: 7007 2680 0001 1175 5598
Return Receipt Requested

Accordingly, based on the information provided to the NRC in the June 11, 2015, notification and the information contained in the Farley Nuclear Plant letter of August 7, 2015, the NRC has determined that a violation of 10 CFR 55.53(d) and 10 CFR 55.53(j) occurred. This violation is cited in the enclosed Notice of Violation (Notice).

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. 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>.

Since you no longer have an NRC license, you are not required to respond to the Notice unless you contest the violation. Should you contest the Notice, a response is required within 30 days of the date of this letter addressing the specific basis for disputing the violation. This response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, NRC Region II, 245 Peachtree Center Avenue, NE (Suite 1200), Atlanta, GA 30303-1257; and be marked Open by Addressee Only - Response to a Notice of Violation; IA-2015-062.

If you reapply for an operator license at Farley, or apply for an operator license at any other NRC licensed facility, you will need to not only satisfactorily address the requirements of 10 CFR 55.31 and 10 CFR 55.33, but also the requirements of 10 CFR 2.201. At that time, you will need to submit a written response to this violation to address the reasons for this violation and the actions you have taken to prevent recurrence, as specified in the enclosed Notice. This response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, NRC Region II, 245 Peachtree Center Avenue, NE (Suite 1200), Atlanta, GA 30303-1257; and be marked Open by Addressee Only - Response to a Notice of Violation; IA-2015-062.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," Part 2, Title 10 of the Code of Federal Regulations, enforcement actions are made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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/about-nrc/regulatory/enforcement/current.html>.

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.

Should you have any questions concerning this action, please contact Mr. Eugene Guthrie of my staff at 404-997-4662, (Internet Email: Eugene.Guthrie@nrc.gov).

Sincerely,

/RA: Laura A. Dudes for/

Leonard D. Wert, Jr.
Acting Regional Administrator

Docket No.
License No.

Enclosure: Notice of Violation

cc: w/ encl and w/ HOME ADDRESS DELETED
Mrs. Cheryl A. Gayheart
VP Nuclear Plant Site
Southern Nuclear Operating Co., Inc.
Joseph M. Farley Nuclear Plant
7388 North State Highway 95
Columbia, AL 36319

Russ Godwin
Training Manager
Southern Nuclear Operating Co., Inc.
Joseph M. Farley Nuclear Plant
P. O. Box 470
Ashford, AL 36312

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Ashford, AL 36312

Distribution: See next page

(*) – SEE PREVIOUS PAGE FOR CONCURRENCES

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE

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

OFFICE	RII:DRS	RII:DRS	RII:DRS	RII:DRP	RII:EICS	RII:EICS	RII:ORA
SIGNATURE	*BLC2	*EFG	*ATG	*SRS5	*DLG2	*SAP1	*LXW1
NAME	CABALLERO	GUTHRIE	GODY	SANDAL	GAMBERONI	PRICE	WERT
DATE	11/4/2015	11/4/2015	11/9/2015	11/4/2015	11/4/2015	11/9/2015	11/10/2015
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICE	OE	NRR	RII:ORA	RII:ORA			
SIGNATURE	GJF1	GJF1	GJF1	LAD for LXW1			
NAME	VIA EMAIL	VIA EMAIL	VIA EMAIL	WERT			
DATE	11/12/2015	11/12/2015	11/12/015	11/16/2015	2/ /2016	2/ /2016	2/ /2016
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

Letter to John Quintin Underwood from Leonard Wert dated November 16, 2015

SUBJECT: NOTICE OF VIOLATION

DISTRIBUTION:

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Cheryl L. McCrary, Director, Office of Investigations

OEMAIL

OEWEB

NOTICE OF VIOLATION

John Quintin Underwood
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

Docket No.
License No.
IA-2015-062

As a result of a notification from the Farley Nuclear Plant, operated by Southern Nuclear Operating Company, dated June 11, 2015, 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 and that a licensee shall not perform activities authorized by a license while under the influence of an illegal substance that could adversely affect his or her ability to safely and competently perform his or her licensed duties. 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 cutoff levels for drugs or alcohol contained in 10 CFR Part 26, or as established by the facility licensee.

Southern Nuclear Operating Company procedure MS-FFD-001, "Fitness-for-duty Standard Operating and Collection Procedure," implements 10 CFR Part 26, Section 4.4, "Urine Specimen Analysis and Cut-Off Levels," of MS-FFD-001 provides, in part, that the initial cutoff level for cocaine metabolites was 300 nanograms per milliliter (ng/ml) and the confirmatory cutoff level for cocaine metabolites was 150 ng/ml, which is equivalent to the cutoff level specified in 10 CFR 26.163.

Contrary to the above, the licensee violated 10 CFR 55.53(d) and 10 CFR 55.53(j), as evidenced by the following: on June 2, 2015, you reported for duty at the Farley Nuclear Plant. You were subject to a random fitness-for-duty test and actively performed the licensed senior operator duties of the Operations Shift Supervisor (SS) for that shift. On June 11, 2015, Southern Nuclear Operating Company reported to the NRC that the Farley Nuclear Plant HHS Certified Medical Review Officer (MRO) had determined that your test result was positive for cocaine metabolites above the cutoff levels specified in section 4.4 of MS-FFD-001.

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

Since you no longer have an NRC license, as Southern Nuclear Operating Company requested it to be terminated on June 24, 2015, 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-2015-062" 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, NRC Region II, 245 Peachtree Center Avenue, NE (Suite 1200), Atlanta, GA 30303-1257; and be marked Open by Addressee Only - Response to a Notice of

Enclosure

Violation; IA-2015-062. 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 Notice of Violation 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 day of November 16, 2015.