



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

February 8, 2016

IA-15-074

Brian F. Quinn
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Quinn:

This letter refers to an Event Notification (EN) 51318 made by the LaSalle County Station (LaSalle), on August 13, 2015, to the U.S. Nuclear Regulatory Commission (NRC). This EN informed the NRC that you had tested positive for alcohol during a random fitness-for-duty (FFD) test conducted on August 13, 2015. The NRC received additional information from LaSalle, in letters dated August 28 and September 17, 2015, about your confirmed positive FFD test for alcohol. Based on the information provided to the NRC in the August 13, 2015, notification and subsequent letters, dated August 28 and September 17, 2015, the NRC has concluded that you were under the influence of alcohol while performing licensed activities at the LaSalle County Station.

During a telephone conversation on January 5, 2016, between the NRC staff and yourself, we informed you that the NRC was considering escalated enforcement for an apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 55.53(j). This regulation prohibits you, as a holder of an NRC license, from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol. We also informed you that we had sufficient information regarding the apparent violation to make an enforcement decision. However, we gave you the opportunity to address the apparent violation by either attending a predecisional enforcement conference (PEC) or providing a written response before the NRC made its final enforcement decision. In a letter, dated January 25, 2016, you provided a response to the apparent violation.

The NRC determined that a violation of 10 CFR 55.53(j) occurred due to you being under the influence of alcohol while you were performing licensed activities, as demonstrated by a confirmed positive test result for alcohol. This violation is cited in the enclosed Notice of Violation (Notice). The purpose of the Commission's FFD requirements is to provide reasonable assurance that nuclear power plant personnel work in an environment that is free of drugs and alcohol and the effects of the use of these substances. The use of alcohol such that an operator exceeds the cutoff limits specified in 10 CFR Part 26, or in the licensee's FFD program, 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-rc/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. 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 addition, 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 test for alcohol 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.

The NRC has concluded that information regarding: (1) the reason for the violation(s); (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in your letter, dated January 25, 2016. 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," 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/reading-rm/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.

B. Quinn

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Should you have any questions concerning this action, please contact Robert Orlikowski of my staff. Mr. Orlikowski can be reached at either the address listed above or at 630-829-9834.

Sincerely,

/RA/

Kenneth G. O'Brien, Director
Division of Reactor Safety

Docket No. 055-33444
License No. OP-31506

Enclosure:
Notice of Violation

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

cc: Pete Karaba, Site Vice President
LaSalle County Station

NOTICE OF VIOLATION

Brian F. Quinn
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

Docket No. 055-33444
License No. OP-31506
IA-15-074

As a result of a notification from LaSalle County Station, operated by Exelon Generation, dated August 13, 2015, a violation of U.S. Nuclear Regulatory Commission (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.

Title 10 CFR 55.53(j) states, in part, that a licensee shall not perform activities authorized by a license issued under this part while under the influence of alcohol 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 being "under the influence" means the licensee exceeded, as evidenced by a confirmed test result, the lower of the cutoff levels for 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 4.6.13, "Alcohol Testing," of SY-AA-102 states, in part, that the confirmatory fitness-for-duty test cut-off level for blood alcohol had been set at 0.02 percent blood alcohol content (% BAC) when the individual has been in a work status at least 2 hours, which is equivalent to the cutoff level specified in 10 CFR 26.103.

Contrary to the above, on August 13, 2015, you performed activities authorized by a license issued under Part 55 while under the influence of alcohol that could adversely affect your ability to safely and competently perform your licensed duties. Specifically, you reported for duty at LaSalle County Station where you performed licensed duties as the Unit 2 Reactor Operator. Approximately 2.5 hours into your shift, you were relieved for a random FFD test. During the breathalyzer portion of this test, you tested positive for alcohol (0.033% BAC). Two minutes later, a confirmatory test was conducted in which you again tested positive (0.032% BAC). Based on these test results, you exceeded the cutoff levels for alcohol established by the facility licensee.

This is a Severity Level III violation (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 will be (was) achieved is already adequately addressed on the docket in your letter, dated January 25, 2016. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your

Enclosure

response as a "Reply to a Notice of Violation; IA-15-074," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, Suite 210, 2443 Warrenville Road, Lisle, Illinois 60532, and a copy to the NRC Resident Inspector at the LaSalle County Station within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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 or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 8th day of February 2016.

B. Quinn

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Should you have any questions concerning this action, please contact Robert Orlikowski of my staff. Mr. Orlikowski can be reached at either the address listed above or at 630-829-9834.

Sincerely,

/RA/

Kenneth G. O'Brien, Director
Division of Reactor Safety

Docket No. 055-33444
License No. OP-31506

Enclosure:
Notice of Violation

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

cc: Pete Karaba, Site Vice President
LaSalle County Station

DISTRIBUTION:

OEMAIL

OE: IA File

P. Holahan

N. Hilton

C. Pederson

D. Roberts

K. O'Brien

M. Shuaibi

R. Orlikowski

R. Skokowski

K. Lambert

V. Mitlyng

P. Chandrathil

G. Gulla

ADAMS Accession Number ML16041A404

OFFICE	RIII		RIII		OE		RIII	
NAME	Lambert		Orlikowski		Holahan ¹		Skokowski	
DATE	02/03/16		02/03/16		02/05/16		02/08/16	
OFFICE	RIII							
NAME	O'Brien							
DATE	02/08/16							

OFFICIAL RECORD COPY

¹ OE concurrence provided via e-mail from G. Gulla on February 5, 2016