



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

June 19, 2019

IA-19-028

Mr. Alex Block
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NRC INVESTIGATION REPORT 4-2019-004

Dear Mr. Block:

This letter refers to Event Notification 53668 made by Nebraska Public Power District, on October 16, 2018, to the U.S. Nuclear Regulatory Commission (NRC) that you had tested positive for alcohol during a random fitness-for-duty test conducted on October 15, 2018. In addition, this letter refers to the investigation completed on April 18, 2019, by the NRC Office of Investigations at the Cooper Nuclear Station. The investigation was conducted, in part, to determine whether you, a licensed reactor operator assigned to Cooper Nuclear Station, were willfully unfit for duty while on shift. A factual summary of the investigation, as it pertains to your actions, is provided as Enclosure 1.

Based on the information acquired by the NRC, an apparent violation was identified and is being considered for escalated enforcement action 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 apparent violation, as documented in Enclosure 2, is against Title 10 of the *Code of Federal Regulations* (10 CFR) Section 55.53(j), which prohibits you from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol.

Before the NRC makes its enforcement decision, a predecisional enforcement conference (PEC) to discuss the apparent violation has been scheduled for July 25, 2019, at 9:00 a.m. central time at the NRC Region IV office in Arlington, Texas. This conference will be closed to the public because personal privacy information and information related to an Office of Investigations report may be discussed and the report has not been made public. You are not required to attend the conference; however, you indicated during a telephone conversation on June 18, 2019, between you and Mr. John Kramer, that you plan to attend the PEC. You may bring a personal representative with you to the PEC. If you desire to bring more than one representative or are unable to support the July 25, 2019, PEC, contact Mr. Kramer at 817-200-1121 in advance of the conference. Should you choose not to attend, the NRC will proceed with its enforcement decision based on the facts already at hand.

The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement decision. This may include information to determine whether a violation occurred, information to determine the significance of a

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The conference will include an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision.

Following the PEC, you will be advised by separate correspondence of the results of our deliberations on this matter. In addition, please be advised that the characterization of the apparent violation described in Enclosure 2 may change as a result of further NRC review. No response regarding the apparent violation is required at this time.

Because this letter references and encloses information addressing NRC's review of an apparent enforcement action against an individual, this letter and its enclosures 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 publically-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 our website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If the NRC concludes that enforcement action should be issued to you, this letter will be made publicly available either electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. However, you should be aware that all final NRC documents, including the final Office of Investigations report, are official agency records and may be made available to the public under the Freedom of Information Act, subject to redaction of certain information in accordance with the Freedom of Information Act.

If you have any questions regarding this matter, you may contact Mr. John Kramer, Senior Enforcement Specialist, at 817-200-1121.

Sincerely,

/RA/

Ryan Lantz, Director
Division of Reactor Safety

Enclosures:

1. Factual Summary
2. Apparent Violation

NRC INVESTIGATION REPORT 4-2017-030 – DATED JUNE 19, 2019

DISTRIBUTION:

RidsOeMailCenter Resource;	NRREnforcement Resource
R4ACES;	R4ALLEGATION.resource
SMorris, RA	GWalker, OI
MShaffer, DRA	DAird, NRR
RLantz, DRS	LCasey, NRR
GMiller, DRS	DFurst, OE
AVegel, DRP	MHerrera, DRMA
MHay, DRP	DCylkowski, ORA
JKozal, DRP	PVossmar, DRP

Document Name: S:\RAS\ACES\ENFORCEMENT_EA CASES - OPEN\Cooper IA-19-028 RO FFD\CHLTR_IA-19-028_Cooper_Block.docx

ADAMS ACCESSION NUMBER: ML19171A062

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JGK Yes No Publicly Available Sensitive MD 3.4 A.7

OFFICE	SES:ACES	C:DRS/OB	C:DRP/C	TL:ACES	RC	OE	D:DRS
NAME	JKramer	GWerner	JKozal	MVasquez	DCylkowski	ETorres	RLantz
SIGNATURE	/RA/	/RA/	/RA/ DP for	/RA/ JK for	/RA/	/RA/ E	/RA/
DATE	6/11/19	6/11/19	6/11/19	6/13/19	6/18/19	6/19/19	6/19/19

OFFICIAL RECORD COPY

FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2019-004

On December 20, 2018, the U.S. Nuclear Regulatory Commission Office of Investigations, Region IV, initiated an investigation to determine if you, an employee of Nebraska Public Power Services at the Cooper Nuclear Station were willfully unfit for duty while on shift as a licensed reactor operator. The investigation was completed on April 18, 2019.

Based on information obtained during the investigation, you explained that you had followed appropriate rules and stopped drinking approximately 15 hours prior to beginning your shift, but that you drank heavily prior to this. Based on your testimony, it appears that you did not willfully work on shift while unfit for duty under the influence of alcohol. However, you appear to have caused yourself to be in violation of 10 CFR 55.53(j).

APPARENT VIOLATION

Based on the results of an NRC investigation completed on April 18, 2019, an apparent violation of NRC requirements was identified. The apparent violation is listed below:

10 CFR 55.53(j), requires, in part, that the licensee shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol that could adversely affect his or her ability to safely and competently perform his or her duties. The term "under the influence" means the licensee exceeded, as evidenced by a confirmed positive test, the lower of the cutoff levels for alcohol as established in 10 CFR Part 26 or by the facility licensee.

Cooper Nuclear Station Administrative Procedure 0-FFD-01, "NPG Fitness for Duty Program and Behavioral Observation Program," Revision 38, Step 14.5.11.2.d states, in part, that a confirmatory test for alcohol of 0.02 percent blood alcohol concentration (BAC) or higher and the donor has been in a work status for at least 2 hours is considered positive.

Contrary to the above, on October 15, 2018, you performed activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol that could have adversely affected your ability to safely and competently perform your duties. Specifically, you reported for duty at the Cooper Nuclear Station where you performed licensed duties as a reactor operator. After 2 hours into your shift, you exited the control room for a random fitness-for-duty test. During the breathalyzer portion of the test, you tested positive for alcohol (0.061 percent BAC). Three minutes later, a confirmatory test was conducted in which you again tested positive (0.066 percent BAC). Based on these test results, you exceeded the maximum allowable levels for alcohol established by the facility licensee.