

DeB/DocB
(10/03)

April 2, 1992

Docket No. 55-30021
License No. OP-30165-2
EA 92-023

Kenneth D. Thomas
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

Dear Mr. Thomas:

SUBJECT: NOTICE OF VIOLATION

The Nuclear Regulatory Commission (NRC) was notified on December 26, 1991, by Iowa Electric's Duane Arnold Energy Center that your random fitness-for-duty test conducted on December 16, 1991, was confirmed positive for cocaine, an illegal drug. This notification was later followed up by a letter from Iowa Electric on January 29, 1992, documenting the details of this occurrence. On February 26, 1992, the NRC Office of Investigations conducted a transcribed investigative interview with you regarding this matter during which you denied that you voluntarily used the drug, stating that the drug was introduced into your system by someone else putting it in your drink.

This confirmed positive test identified a violation of 10 CFR 55.53(j). 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 of drugs and alcohol and the effects of the use of these substances. The use of illegal drugs is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. Although you have denied the voluntary use of this drug, the urinalysis test confirmed that it was present in your system and, lacking convincing evidence to the contrary, the NRC must assume that the presence of the drug in your system indicates that you used it.

The violation is categorized as a Severity Level III violation in accordance the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C because the use of cocaine by licensed operators is a significant concern. This violation is described in the enclosed Notice of Violation. Please note that, in accordance with 10 CFR 26.27(b), future similar violations will substantially affect your authorization for unescorted access to a protected area of a licensed facility.

The purpose of this letter is to make clear to you the consequences of your violation of NRC requirements governing fitness for duty as a licensed operator. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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April 2, 1992

response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence in order to ensure your ability and willingness to carry out the special trust and confidence placed in you as a licensed operator of a nuclear power facility. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter with the enclosed Notice and with your address removed will be placed in the PDR unless you provide a sufficient basis to withdraw this action within the 30 days specified for a response in the Notice of Violation.

The response directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

Carl J. Paperiello for

A. Bert Davis
Regional Administrator

Enclosure: Notice of Violation

cc w/enclosure:
Iowa Electric Light and Power Company

YES
PALH
Falke/db
04/2/92

RIII
Miller
04/2/92

RIII
Greenman
04/2/92

RIII
Pederson
04/2/92

D:OE
(Rec'd via FAX)
Lieberman
04/01/92

RIII
Paperiello
04/2/92

RIII
Davis
04/2/92

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