



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

September 07, 2023

IA-23-013

Magnus Quitmeyer  
[NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: NRC INVESTIGATION REPORT 4-2023-005

Dear Magnus Quitmeyer:

This letter refers to the investigation completed on June 13, 2023, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at the Palo Verde Nuclear Generating Station (Palo Verde). The investigation was conducted to determine if you, a licensed operator at Palo Verde, 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 gathered during the investigation, 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 website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation, as documented in Enclosure 2, is a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 55.53(j), which requires, in part, that licensed operators shall not use any illegal drugs and shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of an illegal substance that could adversely affect his ability to safely and competently perform his licensed duties.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond in writing to the apparent violation in Enclosure 2 of this letter within 30 days of the date of this letter or (2) request a predecisional enforcement conference (PEC). If a PEC is held, the PEC will be closed to public observation because personal privacy information and information related to an Office of Investigations report will be discussed and the report has not been made public. If you decide to participate in a PEC, please contact Austin Roberts at 817-200-1209 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation, NRC Investigation Report 4-2023-005; IA-23-013" and should include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; and (3) the corrective steps that will be taken. You may also provide any information that you feel might clarify the characterization of the apparent violation. Your response should be sent to the Director, Division of Operating Reactor Safety, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511 and emailed to [R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov). If an adequate response is not received within 30 days of the date of

this letter or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. 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 would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. You may bring a personal representative with you to the PEC. If you desire to bring more than one representative, contact Austin Roberts in advance of the conference.

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 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. Detailed information about the NRC's Privacy Act System of Records, including NRC-3, can be accessed from our website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

In addition, please be advised that the number and characterization of apparent violations described in Enclosure 2 may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 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 and 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 Austin Roberts, Enforcement Specialist, at 817-200-1209.

Sincerely,



Signed by Clark, Theresa  
on 09/07/23

Theresa V. Clark, (Acting) Director  
Division of Operating Reactor Safety

Enclosures:

1. Factual Summary
2. Apparent Violation

NRC INVESTIGATION REPORT 4-2023-005 – DATED SEPTEMBER 07, 2023

**DISTRIBUTION:**

RidsOeMailCenter Resource;	NRREnforcement Resource
R4ACES;	R4ALLEGATION.resource
JMonninger, RA	RLantz, DRA
GWalker, OI	BHughes, NRR
TClark, DORS	JPeralta, OE
HGepford, DORS	RAugustus, OGC
JDixon, DORS	DCylkowski, ORA
LMerker, DORS	DFurst, OE
JGroom, ORA	JKramer, ORA
RWilliams, DORS	MHay, DORS

ADAMS ACCESSION NUMBER: **ML23237B483**

SUNSI Review:      ADAMS:       Non-Publicly Available       Non-Sensitive      Keyword:  
 By: ACR       Yes  No       Publicly Available       Sensitive

OFFICE	ES:ACES	TL:ACES	C:DORS/PBD	C:DORS/OB	RC	OE
NAME	ARoberts	JGroom	JDixon	HGepford	DCylkowski	JPeralta
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	08/24/23	08/28/23	08/25/23	08/28/23	08/29/23	08/31/23
OFFICE	NRR	OGC	D:DORS			
NAME	BHughes	RAugustus	TClark			
SIGNATURE	/RA/ E	/NLO/ E	/RA/ E			
DATE	08/29/23	09/07/23	09/07/23			

**OFFICIAL RECORD COPY**

**FACTUAL SUMMARY**  
**OFFICE OF INVESTIGATIONS REPORT 4-2023-005**

On November 18, 2022, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region IV, initiated an investigation to determine if you, a licensed operator employed by Arizona Public Service Company (APS) at the Palo Verde Nuclear Generating Station (Palo Verde), were willfully unfit for duty while on shift at Palo Verde. The investigation was completed on June 13, 2023.

During your OI testimony, you indicated that you used cannabidiol (CBD) oil intermittently over the course of approximately three months, beginning around June 2022. You stated that due to many stresses in your life, you used the CBD oil as a sleep aid approximately 3-4 times per week.

When asked by OI, during your interview, what your understanding was of the policy and regulations regarding marijuana use, you stated that you were unaware that CBD use was against Palo Verde policy or NRC regulations, although you had previously completed training that warned of the potential of CBD use to cause a positive drug test, and you were in Palo Verde's substance abuse treatment program. You also stated that you would not have purchased CBD oil in the presence of your supervisor and would not have taken CBD oil in the presence of an NRC investigator, because you "wouldn't want to even risk getting in trouble or getting reported for something." You stated, "in the back of my mind, I knew there was a possibility of this backfiring or something bad happening, but I just kind of shoved it away and did it."

On September 14, 2022, you were given a random fitness-for-duty test at Palo Verde and on September 20, 2022, the test results confirmed a positive test result for marijuana metabolite at 53 nanograms/milliliter, exceeding the maximum allowable level established by Palo Verde Procedure 01DP-0RH03, "Drug and Alcohol Testing Collection and Evaluation," Revision 40, Step 4.9.1.M of 15 nanograms/milliliter for marijuana metabolite. The test was re-confirmed as positive on September 26, 2022.

Based on the evidence developed during the investigation, it appears that you deliberately used an illegal drug between August 30 and September 14, 2022. This appears to have caused you to be in violation of 10 CFR 55.53(j).

## APPARENT VIOLATION

Based on the results of an NRC investigation completed on June 13, 2023, 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 use any illegal drugs and shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of any illegal substance that could adversely affect his ability to safely and competently perform his licensed duties. The term "under the influence" means the licensee exceeded, as evidenced by a confirmed test result, the lower of the cutoff levels for drugs as established by 10 CFR Part 26 or by the facility licensee.

Palo Verde Procedure 01DP-0RH03, "Drug and Alcohol Testing Collection and Evaluation," Revision 40, Step 4.9.1.M states, in part, that the confirmatory test cutoff level for marijuana metabolite is 15 nanograms/milliliter.

Contrary to the above, between August 30 and September 14, 2022, you used an illegal drug, and between September 14-20, 2022, you performed activities authorized by a license issued under 10 CFR Part 55 while under the influence of an illegal substance that could adversely affect your ability to safely and competently perform your licensed duties. Specifically, between August 30 and September 14, 2022, you deliberately violated 10 CFR 55.53(j) and used a product containing marijuana metabolite, an illegal drug. In addition, between September 14-20, 2022, you performed licensed duties as a reactor operator while under the influence of an illegal substance. On September 14, 2022, a random fitness-for-duty test was administered to you. On September 20, 2022, the initial test indicated a positive test result for marijuana metabolite at 53 nanograms per milliliter, exceeding the initial test cutoff level of 50 nanograms per milliliter established by the facility licensee and 10 CFR 26.163(a). On September 26, 2022, the confirmatory test confirmed the result for marijuana metabolite at 53 nanograms per milliliter, exceeding the confirmatory test cutoff level of 15 nanograms per milliliter established by the licensee and 10 CFR 26.163(b).