



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

January 31, 2025

EAI-RII-2024-003 (IA-24-023)

John W. Mann
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

Dear John Mann:

This letter refers to an Event Notification (EN 57203) made by Duke Energy's Oconee Nuclear Station (Oconee) to the U.S. Nuclear Regulatory Commission (NRC) on July 1, 2024. The EN informed the NRC that you had tested positive for alcohol during a random fitness-for-duty (FFD) test conducted on July 1, 2024. The NRC received additional information from Oconee on September 5, 2024, associated with your confirmed positive FFD test result. Copies of the aforementioned documents have been placed in your Title 10 of the Code of Federal Regulations (10 CFR) Part 55 docket file.

During a telephone conversation on December 9, 2024, we informed you that the NRC was considering escalated enforcement for an apparent violation of 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 provided 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. During the call, you stated that you had no additional information to provide, and you declined the opportunity to attend a PEC or provide a written response before NRC's final decision.

The NRC determined that a violation of 10 CFR 55.53(j) occurred because you performed activities authorized by your license while under the influence of alcohol, 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 <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

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.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence 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 and/or completed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," enforcement actions are made available electronically for public inspection in the NRC Public Document Room or from 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. 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 this system of records, including the NRC-3 system notice, 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.

If you have any questions related to this matter, please contact Matthew Endress, Chief, Operations Branch, NRC Region II, at 404-997-4718, or via email at Matthew.Endress@nrc.gov.

Sincerely,



Signed by Franke, Mark
on 01/31/25

Mark E. Franke, Director
Division of Operating Reactor Safety

Docket No. 55-24548
License No. SOP-505118

Enclosure:
Notice of Violation

cc: Distribution via ListServ

SUBJECT: NOTICE OF VIOLATION, DATED JANUARY 31, 2025

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ADAMS ACCESSION NUMBER: **ML25014A279** (Cover letter w/ enclosure(s))

Entire Report:		<input checked="" type="checkbox"/> Non-Sensitive			<input checked="" type="checkbox"/> Publicly Available	
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DATE	01/15/25	01/16/25	01/23/25	01/24/25	01/16/25	01/27/25
OFFICE	RII:DORS					
NAME	M. Franke					
DATE	01/31/25					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Mr. John W. Mann
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

Docket No. 55-24548
License No. SOP-505118
EAI-RII-2024-003 (IA-24-023)

As a result of an event notification from Duke Energy dated July 1, 2024, 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), paragraph 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 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, 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.

Contrary to the above, on July 1, 2024, you (the licensee) performed activities authorized by NRC-issued license SOP-505118 under the influence of alcohol which could have adversely affected your ability to safely and competently perform your licensed duties. Specifically, you were submitted to a random alcohol breath test while on duty, serving as an Operator-At-the-Controls, and the results confirmed a 0.027 percent of blood alcohol content (BAC), exceeding the administrative cutoff level of 0.02 percent BAC with a time at work of at least two hours established by the facility licensee (Duke Energy).

This is a Severity Level III violation (NRC Enforcement Policy, Section 6.4.c.1)

Pursuant to the provisions of 10 CFR 2.201, Mr. John W. Mann, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 245 Peachtree Center Avenue NE, Suite 1200, Atlanta Georgia, 30303-1257, and marked "Open by Addressee Only," and a copy to the NRC Resident Inspector at the Oconee Nuclear Station, with a similar marking, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EAI-RII-2024-003 (IA-24-023)" 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; and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Enclosure

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary 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). 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 31st January 2025