**FORM 30-III: COVER LETTER TRANSMITTING NOTICE OF VIOLATION TO LICENSED OPERATOR PERFORMING LICENSED ACTITIVIES WHILE UNDER THE INFLUENCE OF ALCOHOL, KEEPS LICENSE**

(IA-YY-XXX)

(Name of licensed operator)

[HOME ADDRESS DELETED (NOTE: Send certified mail, return receipt requested.)

UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION

Dear [Mr./Mrs.] (last name):

This letter refers to an Event Notification (EN #####) made by (facility licensee), on (date), to the U.S. Nuclear Regulatory Commission (NRC). This EN informed the NRC that you had tested positive for alcohol during a [for-cause / random] fitness-for-duty (FFD) test conducted on (date). The NRC received additional information from (facility licensee), dated (date) about your confirmed positive FFD test for alcohol. Based on the information provided to the NRC in the (date) notification and the subsequent letters dated (date(s)), the NRC has concluded that you were under the influence of alcohol while performing licensed activities at (site). Copies of the aforementioned documents, not previously provided to you, are enclosed and have been placed in your 10 CFR Part 55 docket file.

During a telephone conversation on (date), between the NRC staff and yourself, 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 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. You indicated that you did not believe that either attending a PEC or submitting a written response was necessary.

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.

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 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. The NRC will use your response, in part, to evaluate the appropriateness of the enforcement action as well as whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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/](http://www.nrc.gov/readingrm/doccollections/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.

Should you have any questions concerning this action, please contact (Name of regional contact) of my staff. (Name of regional contact) can be reached at either the address listed above or (phone number).

Sincerely,

(Name of Division Director), Division Director

Division of Reactor Safety, Region (X)

Docket No. 55-(XXXXX)

License No. OP-(XXXXX)

Enclosures:

1. Notice of Violation
2. Event Report (XXXXX)
3. (other relevant documents)

cc: w/ encl and w/ HOME ADDRESS DELETED

(Name and address of facility Licensee)