**FORM 30-V: LETTER TO LICENSED OPERATOR PERFORMING NON-LICENSED ACTIVITIES 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: POSITIVE FITNESS-FOR-DUTY EVENT NOTIFICATION

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 results for alcohol and the subsequent actions that were taken. Copies of the aforementioned documents, not previously provided to you, are enclosed and have been placed in your 10 CFR Part 55 docket file.

The FFD test revealed that you were above the facility’s cutoff level for alcohol pursuant to 10 CFR Part 26, “Fitness for Duty Programs.” The NRC takes the safe operation of nuclear power plants very seriously, as operational errors caused by personnel under the influence of drugs or alcohol may impact the health and safety of the general public. The NRC holds licensed operators to a higher standard than other persons holding unescorted access to a nuclear power plant because of the nature of their responsibilities. 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.

Based on the confirmed positive test results for alcohol and the fact that you are a NRC licensed operator, the NRC evaluated the circumstances of your actions for enforcement consideration. Title 10 CFR 55.53(j) states, in part, that a licensee (licensed operator) shall not perform activities authorized by a license while under the influence of alcohol that could adversely affect his or her ability to safely and competently perform his or her licensed duties. However, we understand that at the time of the positive test result for alcohol, you were not performing duties authorized by an NRC operator license.

Title 10 CFR 55.61(b)(5) states, in part that, “Any license may be revoked, suspended, or modified, in whole or in part: For the sale, use or possession of illegal drugs, or refusal to participate in the facility drug and alcohol testing program, or a confirmed positive test for drugs, drug metabolites, or alcohol in violation of the conditions and cutoff levels established by [10 CFR]  55.53(j)[.]” However, taking into account that, at the time of testing, you were not performing licensed duties or carrying out responsibilities authorized by your NRC operator license, the NRC concluded that no violation of 10 CFR 55.53(j) occurred. Therefore, no action will be taken against your operator license at this time, and no response to this letter is required. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region (X), (ADDRESS), and marked "Open by Addressee Only," within 30 days of the date of this letter.

This letter, and your response, if you choose to submit one, will not be made publicly available either electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC’s Agencywide Documents Access and Management System (ADAMS). However, you should be aware that all final NRC documents are official agency records and may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of certain information in accordance with the FOIA.

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 our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. Additionally, a copy of this letter will be placed in your 10 CFR Part 55 docket file.

Furthermore, please note that, in accordance with 10 CFR 26.75, any additional positive FFD test result will substantially affect your authorization for unescorted access to the protected area of a licensed facility.

Should you have any questions concerning this letter, 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. Event Report (XXXXX)
2. (other relevant documents)

cc: w/ encl and w/ HOME ADDRESS DELETED

(Name and address of facility Licensee)