**FORM 30-II: COVER LETTER TRANSMITTING NOTICE OF VIOLATION TO LICENSED OPERATOR WHO HAS A POSITIVE DRUG TEST, LICENSE TERMINATED**

 (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 an illegal drug during a [for-cause / random] fitness-for-duty (FFD) test conducted on (date). The NRC received additional information from (facility licensee), dated (date), in regard to your confirmed positive FFD test result. On (date), we received a letter informing us that (facility licensee) no longer had a need to maintain your operator license for (site) effective (date). 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 in part, prohibits you, as a holder of an NRC license, from using, possessing or selling any illegal drug. 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 on this matter. You indicated that you did not believe that either attending a PEC or submitting a written response was necessary.

Accordingly, based on the information provided to the NRC in the (date) notification, the information contained in (facility licensee) letter of (date), and our in-office review of this matter, the NRC has determined that a violation of 10 CFR 55.53(j) occurred. This violation is cited in the enclosed Notice of Violation (Notice). The use of an illegal drug 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-nrc/regulatory/enforcement/enforce-pol.html>.

Since you no longer have an NRC license, you are not required to respond to the Notice unless you contest the violation. Should you contest the Notice, a response is required within 30 days of the date of this letter addressing the specific basis for disputing the violation. This response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, NRC Region (X), (Address) and marked Open by Addressee Only - Response to a Notice of Violation; (IA-YY-XXX).

If you reapply for an operator license at (site), or apply for an operator license at any other NRC licensed facility, you will need to not only satisfactorily address the requirements of 10 CFR 55.31 and 10 CFR 55.33, but also the requirements of 10 CFR 2.201. At that time, you will need to submit a written response to this violation to address the reasons for this violation and the actions you have taken to prevent recurrence in order to ensure your ability and willingness to: (1) carry out the special trust and confidence placed in you as a licensed reactor operator; and (2) abide by all FFD and other license requirements and conditions. This response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, NRC Region (X), (Address) and marked Open by Addressee Only - Response to a Notice of Violation; (IA-YY-XXX).

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)