

NOV 25 1992

Docket No. 55-30021
License No. OP-30165-2
EA 92-195

Kenneth D. Thomas
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Thomas:

The Nuclear Regulatory Commission (NRC) has received a letter dated October 1, 1992, from Iowa Electric Light and Power Company informing us that Iowa Electric Light and Power Company no longer has a need to maintain your license for the Duane Arnold Energy Center. We also received a letter, dated October 29, 1992, from Iowa Electric Light and Power Company containing information about your confirmed positive test for cocaine. (Copies of each letter are enclosed.) We plan to place both of the letters from Iowa Electric Light and Power Company in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by your facility licensee that you no longer need to maintain a license has caused your license, OP-30165-2, to expire as of October 1, 1992. In addition, the following violation is being issued on your docket:

10 CFR 55.53(j) prohibits the use of an illegal drug.

Contrary to the above, Kenneth D. Thomas violated 10 CFR 55.53(j) as evidenced by a confirmed positive test for cocaine, an illegal drug, resulting from a urine sample submitted on September 21, 1992;

This is a Severity Level III violation (Supplement I).

The purpose of the Commission's Fitness-for-Duty 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

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NOV 25 1992

of cocaine is a serious matter which undermines the special trust and confidence placed in you as a licensed operator. This violation is classified as a Severity Level III violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, because the use of cocaine by licensed operators is a significant regulatory concern. Because your license has expired, you are not required to respond to the Notice of Violation at this time unless you contest the violation. Should you contest the Notice of Violation, 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 Regional Administrator, U.S. Nuclear Regulatory Commission Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

The purpose of this letter is to make clear to you the consequences of your apparent violation of NRC requirements governing fitness for duty as a licensed operator, in accordance with 10 CFR Part 55. If the Iowa Electric Light and Power Company had not requested that your license be terminated, the NRC would have considered taking action to suspend your license for three years. If you reapply for an operating license, you will need to satisfy not only the requirements of 10 CFR 55.21, including resolution of drug dependence issues, and 10 CFR 55.31, but also those of 10 CFR 2.201, by addressing the reasons for the violation and the actions you have taken 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 and to abide by all fitness-for-duty and other license requirements and conditions.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10 Code of Federal Regulations enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter without its enclosures and with your address removed will be placed in the PDR unless you provide a sufficient basis to withdraw this violation within 30 days specified above for a response to this Notice of Violation.

Kenneth D. Thomas

3

NOV 25 1992

Should you have any questions concerning this action, please contact Geoffrey C. Wright of my staff. Mr. Wright can be contacted at either the address listed above or telephone number (708) 790-5695.

Sincerely,

Original signed by
A. Bert Davis
A. Bert Davis
Regional Administrator

Enclosures: As stated

cc w/o enclosures:

L. Liu, Chairman of the Board
and Chief Executive Officer

D. Wilson, Plant
Superintendent-Nuclear

S. L. Swails, Training
Department

J. Lieberman, Director
Office of Enforcement (3)

Docket No. 55-30021

cc w/o enclos: DED/DCB(R/DS)
sub

RIII

mab
Jordan/mab
11/17/92

RIII

Wright
Wright
11/17/92

HOLB

Gallo
Gallo
11/19/92
E-Mail

RIII

Martin
Martin
11/19/92

RIII

Miller
Miller
11/19/92

RIII

BB 11/25/92
SC with charges
+ Berson
11/19/92

D:OE

*Lieberman**
Lieberman*
11/19/92

RIII

DeFayette
DeFayette
11/19/92

RIII

Paperiello
Paperiello
11/25/92

RIII

Davis
Davis
11/25/92

*OE concurrence received on 11/17/92 during telephone call between R. Rosano, OE, and C. H. Weil, RIII.

+ DISCUSSED "WITH CHARGES" WITH SUSAN CHIDAKEL, OGC, ON 11/23/92. SUSAN CONCURRED WITH UNDERSTANDING THAT TWO CHARGES WOULD BE STROKE. FIRST CHANGE WAS TO REMOVE THE WORD "COERCING" FROM THE AUTHORITY CITATION (16 CFR 31.13(j)) IN THE NOV SECTION. SECOND CHANGE WAS TO CORRECT TYPE OF SECOND LAST PARAGRAPH OF LETTER, MAKING THE WORD "VIOLATIONS" SINGULAR. *WJ 11/23/92*