



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

January 7, 2020

EA-19-050

Mr. Brad Berryman
President and Chief Nuclear Officer
Susquehanna Nuclear, LLC
769 Salem Blvd., NUCSB3
Berwick, PA 18603

**SUBJECT: SUSQUEHANNA STEAM ELECTRIC STATION - NRC INVESTIGATION REPORT
NO. 1-2018-011 AND NOTICE OF VIOLATION**

Dear Mr. Berryman:

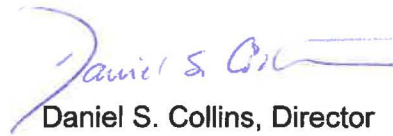
This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the Susquehanna Nuclear, LLC (Susquehanna Nuclear) Susquehanna Steam Electric Station (SSES). The investigation, which was completed on April 19, 2019, was conducted to evaluate potential violations of NRC fitness for duty (FFD) requirements by contract workers. Based on the evidence gathered during the OI investigation, the NRC determined that one Severity Level IV (SL IV) violation of NRC requirements occurred. Specifically, the NRC identified that a contract ironworker who worked at SSES through BHI Energy provided inaccurate information that was material to the NRC about past and current substance abuse on applications for unescorted access authorization, thereby creating a false record. As a result, Susquehanna Nuclear granted unescorted access to the ironworker based, in part, on the inaccurate information and without having the opportunity to review and resolve the potentially disqualifying FFD information. The NRC notes that Susquehanna Nuclear terminated the contract ironworker's employment due to separate FFD concerns and that this issue did not result in any actual safety or security impacts at the site.

After considering the factors set forth in Section 2.3.2.a of the Enforcement Policy, this violation is being cited in the enclosed Notice of Violation (Notice). Namely, the violation was identified by the NRC. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agency-wide Documents 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.

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA), subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, "Requests for Records." Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

This enforcement action will be administratively tracked under NRC Inspection Report No. 05000387; 05000388/2019090. Should you have any questions regarding this letter, please contact Mr. Jon Greives at 610-337-5337.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel S. Collins", with a horizontal line extending to the right.

Daniel S. Collins, Director
Division of Reactor Projects

Docket Nos. 50-387 and 50-388
License Nos. NPF-14 and NPF-22

Enclosure: As described

cc: Distribution via ListServ

ML20007D652

NOTICE OF VIOLATION

Susquehanna Nuclear, LLC
Susquehanna Steam Electric Station

Docket Nos. 50-387 and 50-388
License Nos. NPF-14 and NPF-22
EA-19-050

During an NRC investigation conducted between April 20, 2018 and April 19, 2019, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below.

10 CFR 50.9(a) requires that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 26.713(a)(1) requires, in part, that licensees retain records of self-disclosures that are required under 10 CFR 26.59, that result in the granting of authorization, for at least 5 years after the licensee terminates or denies an individual's authorization.

10 CFR 26.59(a)(1) requires that, in order to grant authorization to an individual whose authorization has been interrupted for a period of more than 30 days but no more than 365 days and whose last period of authorization was terminated favorably, the licensee shall ensure that a self-disclosure has been obtained and reviewed under the applicable requirements of 10 CFR 26.61.

10 CFR 26.61 requires, in part, that before granting authorization, the licensee shall ensure that a written self-disclosure has been obtained from the individual who is applying for authorization. The written self-disclosure must state whether the individual has used, sold, or possessed illegal drugs; and whether the individual has abused legal drugs or alcohol. 10 CFR 26.5, in part, defines potentially disqualifying FFD information as information demonstrating that an individual has used, sold, or possessed illegal drugs or has abused legal drugs.

Contrary to the above, from January 14, 2017, through April 19, 2018, Susquehanna Nuclear, LLC maintained information that was required by the Commission's regulations to be maintained that was not complete and accurate in all material respects. Specifically, on January 14, 2017, and January 31, 2018, an individual applying for access authorization submitted written self-disclosures on which the individual stated that he had not used, sold, or possessed illegal drugs and had not abused legal drugs or alcohol. However, the individual had used and possessed illegal drugs and had abused legal drugs. The information was material to the NRC because the inaccuracies involved potentially disqualifying fitness for duty information and based in part on this inaccurate information, the licensee granted unescorted access authorization to the individual until April 19, 2018.

This is a Severity Level IV violation (Enforcement Policy Sections 2.2.4 and 6.9).

Pursuant to the provisions of 10 CFR 2.201, Susquehanna Nuclear, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Blvd., Suite 100, King of Prussia, PA 19406, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as "Reply to a Notice of Violation; EA-19-050," and should include: (1) the

reason for the violation, or, if contested, the basis the basis for disputing the violation or severity level, (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. In particular, the NRC requests that your response include discussion of the actions being taken to evaluate employee standards related to procedural adherence.

Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or 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, D.C., 20555-0001.

Dated this 7th day of January, 2020