



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION II  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-3415

October 1, 1999

IA-99-46

Mr. Walter T. Anderson  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Anderson:

The Nuclear Regulatory Commission (NRC) received a letter dated August 25, 1999, from the Carolina Power and Light Company (CP&L) informing us that they no longer have a need to maintain your operating license for the Brunswick Steam Electric Plant. We also received a letter dated September 2, 1999, from CP&L containing information about your confirmed positive test for tetrahydrocannabinol (THC), copies of each letter are enclosed. We plan to place both of the referenced letters from CP&L in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by your facility that you no longer need to maintain a license has caused your license, OP-20977-1, to expire as of August 10, 1999. In addition, the following violation is being issued on your docket:

10 CFR 55.53(j) prohibits the use of marijuana and prohibits the licensee from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of marijuana. "Under the influence" is defined in 10 CFR 55.53(j) to mean that the "licensee exceeded, as evidenced by a confirmed positive test, the lower of the cutoff levels for drugs or alcohol contained in 10 CFR Part 26, Appendix A, of this chapter, or as established by the facility licensee."

Contrary to the above, the licensee violated 10 CFR 55.53(j) as evidenced by the following:

- a. The licensee used marijuana as evidenced by a confirmed positive test for that drug resulting from a urine sample submitted on July 28, 1999.
- b. The licensee performed licensed duties from July 28 to August 3, 1999, following the submission of a urine sample which indicated he was under the influence of marijuana.

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 of illegal drugs is a serious matter which undermines the special trust and confidence placed in you as a licensed operator.

This violation is categorized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, because the use of illegal drugs 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, NRC Region II, Atlanta Federal Center, 23T85, 61 Forsyth St., S. W., Atlanta, Georgia 30303, and marked, "Open by Addressee Only."

The purpose of this letter is to make clear to you the consequences of your violation of NRC requirements governing fitness-for-duty as a licensed operator, in accordance with 10 CFR Part 55. If you reapply for an operating license, you will need to satisfy not only the requirements of 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, with your address removed, will be placed in the PDR unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation.

Should you have any questions concerning this action, please contact Mr. Harold O. Christensen of my staff. Mr. Christensen can be reached at either the address listed above or at telephone number (404) 562-4638.

Sincerely,



Bruce S. Mallett, Director  
Division of Reactor Safety

Docket No. 55-20002  
License No. OP-209771

Enclosures: As Stated

cc: w/o encls: See page 3

CERTIFIED MAIL NO. Z-353-112-086  
RETURN RECEIPT REQUESTED

W. Anderson

3

**cc: w/o encls w/HOME ADDRESS DELETED  
(HOLD FOR 45 DAYS-EICS ACTION)**

**Carolina Power and Light Company**

**Brunswick Steam Electric Plant**

**ATTN: Mr. J. S. Keenan**

**Vice President**

**P.O. Box 10429**

**Southport, NC 28461**

Distribution w/encl [HOME ADDRESS REMOVED]:

**IMMEDIATE DISTRIBUTION**

OE:EA File (BSummers, OE)

OE:IA File (BSummers, OE)

RBorchardt, OE

DNelson, OE

MSatorius, OEDO

CEvans, RII

BBonser, DRP

HChristensen, DRS

BMichael, DRS

RGallo, HOLB, NRR

Part 55 Docket File

**RELEASE AFTER 45 DAY HOLD- EICS ACTION**

WTravers, EDO

FMiraglia, DEDR

CPaperiello, DEDMRS

SCollins, NRR

JZwolinski, NRR

BKeeling, OCA

EJulian, SECY

HBell, OIG

Enforcement Coordinators

RI, RIII, RIV

WBeecher, OPA

KClark, RII

RTrojanowski, RII

PUBLIC

**THIS ACTION MAY NOT BE RELEASED TO THE PDR OR OUTSIDE THE AGENCY WITHOUT THE APPROVAL OF OE**

Distribution w/ encl [HOME ADDRESS]

ABoland, RII

SEND TO PUBLIC DOCUMENT ROOM?		NO 45-DAY HOLD-EICS ACTION					
OFFICE	RII:EICS	RII:ORA	RII:DRP	RII:DRS	OE	NRR	
Signature	<i>ABoland</i>	<i>CEVANS</i>	<i>BBONSER</i>	<i>HCHRISTENSEN</i>	<i>BBORCHARDT</i>		
NAME	ABoland	CEVANS	BBONSER	HCHRISTENSEN	BBORCHARDT		
DATE	10 / 1 / 99	1 / / 99	1 / / 99	1 / / 99	1 / / 99	1 / / 99	1 / / 99
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME:M:\ENFORCE\99CASES\99252bru.ia\ffd.1tr.wpd

*\*SEE PREVIOUS*

**THIS ACTION MAY NOT BE RELEASED TO THE PDR OR OUTSIDE THE AGENCY WITHOUT THE APPROVAL OF OE**

Distribution w/ encl [HOME ADDRESS]

ABoland, RII

*come 2  
panel  
09/29/99*

SEND TO PUBLIC DOCUMENT ROOM?		NO 5-DAY HOLD-EICS ACTION					
OFFICE	RII:EICS	RII:ORA	RII:DRP	RII:DRS	OE	NRR	
Signature	<i>W.A.</i>	<i>NLO</i>	<i>[Signature]</i>	<i>[Signature]</i>			
NAME	ABoland	CEVANS	BBONSER	HCHRISTENSEN	BBORCHARDT		
DATE	10/1/99	10/1/99	10/1/99	9/30/99	/ /99	/ /99	/ /99
COPY?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO