



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

December 27, 1999

IA 99-061

Mr. Larry E. Taylor  
[HOME ADDRESS DELETED  
[PURSUANT TO 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Taylor:

The Nuclear Regulatory Commission (NRC) has received a letter dated December 1, 1999, from the Duke Energy Corporation (Duke Energy), informing us of your confirmed positive test for tetrahydrocannabinol (THC). We plan to place this letter from Duke Energy in your 10 CFR Part 55 docket file.

This confirmed positive test for drugs represents a violation of the NRC's requirements in 10 CFR 55.53(j). The purpose of the Commission's fitness-for-duty requirements is to provide reasonable assurance that the nuclear power plant work environment is free of drugs and alcohol and the effects of these substances on personnel. The use of illegal drugs is a serious matter that could adversely affect an operator's ability to safely and competently perform licensed duties, and undermines the special trust and confidence placed in you as a licensed nuclear reactor plant operator. The violation is categorized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, because the use of illegal drugs by licensed reactor operators is a significant regulatory concern. This violation is described in the enclosed Notice of Violation (Notice). Please note that, in accordance with 10 CFR 26.27(b), future similar violations will substantially affect your authorization for unescorted access to the protected area of a licensed facility.

The purpose of this letter is to make clear to you the consequences of your violation of NRC regulations governing fitness-for-duty as a licensed reactor operator. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan 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 of a nuclear power facility. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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 Enclosure 2), the enclosed Notice of Violation, and your response, with your address removed, will be placed in the PDR 45 days following the date of

L. Taylor

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this letter unless you provide a sufficient basis to withdraw this violation.

Should you have any questions concerning this action, please contact Harold O. Christensen or George T. Hopper at (404) 562-4638.

Sincerely,

SIGNED BY H. O. CHRISTENSEN

Bruce S. Mallett, Director  
Division of Reactor Safety

Docket No. 55-21013  
License No. SRO-20592-1

Enclosures: 1. Notice of Violation  
2. Letter from Facility Licensee

cc [HOME ADDRESS DELETED] w/ encl 1 only:  
(HOLD FOR 45 DAYS-EICS ACTION)  
Duke Energy Corporation  
Oconee Site  
ATTN: Mr. W. R. McCollum  
Vice President  
7800 Rochester Hwy  
Seneca, SC 29672

CERTIFIED MAIL NO. P 343 386 355  
RETURN RECEIPT REQUESTED

Distribution w/encl 1 only [HOME ADDRESS DELETED]:

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

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- PUBLIC
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**THIS DOCUMENT MAY NOT BE RELEASED TO  
THE PDR WITHOUT THE PERMISSION OF THE  
OFFICE OF ENFORCEMENT**

Distribution w/encls 1 and 2 [HOME ADDRESS]

- A. Boland, EICS
- B. Michael, DRS

OFFICE	RII:DRS	RII:DRP	RII:DRP	RII:EICS	RII:ORA	OE	NRR
SIGNATURE							
NAME	HChristensen:pmd	COgle	LPlisco	ABoland	CEvans	RBorchardt	Berkow/Gallo
DATE	12/27/99	12/20/99	12/27/00	12/26/00	12/27/99	12/22/99	12/23/99
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

## NOTICE OF VIOLATION

Larry E. Taylor

Docket No. 55-21013  
License No. SRO-20592-1  
IA 99-061

As a result of a notification from the Duke Energy Corporation Oconee Nuclear Station dated December 1, 1999, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 55.53(j) prohibits the use, possession, or sale of any illegal drugs and prohibits the licensee from performing activities authorized by a license issued under 10 CFR Part 55 while under the influence of illegal substances that could adversely affect the ability to safely and competently perform licensed duties. "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 an illegal drug - tetrahydrocannabinol (THC) - as evidenced by a confirmed positive test for that drug resulting from a urine sample submitted on October 13, 1999, and
- b. The licensee performed licensed duties during the week of October 11, 1999, and during this time a urine sample was submitted which indicated he was under the influence of THC (01013).

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

Pursuant to the provisions of 10 CFR 2.201, Larry E. Taylor is hereby required to submit a written statement of explanation to the U. S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 61 Forsyth Street S. W., Suite 23T85, Atlanta, GA 30303 and marked "Open by Addressee Only" and a copy to the NRC Resident Inspector at Oconee Nuclear Station with a similar marking within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued to show cause 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.

Because your response may be placed in the NRC Public Document Room (PDR), to the extent

Enclosure 1

possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 27<sup>th</sup> day of December