



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

August 27, 1996

IA 96-049

William E. Breen
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Breen:

The Nuclear Regulatory Commission (NRC) has received a letter dated August 14, 1996, from the Commonwealth Edison Company (ComEd), informing us that ComEd no longer has a need to maintain your operating license for the Zion Generating Station. We also received a letter from ComEd dated August 16, 1996, containing information about your confirmed positive test for marijuana (copies of both letters are enclosed). We plan to place both of the letters from ComEd in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by the facility licensee that you no longer need to maintain a license has caused your license (License No. SOP-4020-4) to expire as of August 13, 1996. In addition, the following violation is being issued on your docket (Docket No. 055-7825):

10 CFR 55.53(j) provides, in part, that the licensee shall not use, possess, or sell any illegal drugs.

Contrary to the above, on July 9, 1996, the licensee, Mr. William E. Breen, was tested under the ComEd fitness-for-duty program resulting in a confirmed positive test for marijuana. (01013)

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 illegal drugs and the effects of the use of such 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 at Severity Level III 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 III, 801 Warrenville Road, Lisle, Illinois 60532-4351 and marked, "Open by Addressee Only."

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G PDR

August 27, 1996

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 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 the 30 days specified above for a response to this Notice of Violation.

Should you have any questions concerning this action, please contact Mr. Melvyn Leach of my staff. Mr. Leach can be reached at either the address listed above or telephone number (630) 829-9705.

Sincerely,

/s/ G. E. Grant

Geoffrey E. Grant, Director
Division of Reactor Safety

Docket No. 055-7825
License No. SOP-4020-4

Enclosures: As Stated

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10