



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0199

August 11, 1995

IA 95-33

Mr. Rickey O. Spell  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Spell:

The Nuclear Regulatory Commission (NRC) received a letter dated / 17, 1995, (included as Enclosure 1) from the Georgia Power Company (GPC) informing us that they no longer have a need to maintain your operating license for the Edwin I. Hatch Nuclear Plant. We also received a letter dated July 14, 1995, (included as Enclosure 2) from the GPC containing information about your positive test for marijuana. We plan to place both of the referenced letters from GPC 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-20380-2, to expire as of June 23, 1995. In addition, the following violation is being issued on your docket:

10 CFR 55.53(j) prohibits the use of any illegal drugs.

Contrary to the above, Mr. Rickey O. Spell violated 10 CFR 55.53(j) in that he used an illegal drug, marijuana, as evidenced by three positive drug screens for marijuana. Specifically, a drug screen collected from Mr. Spell by a local law enforcement agency on January 11, 1995, and tested in May 1995 by the State of Georgia Forensic Science Laboratory and two drug screens, collected from Mr. Spell on January 11, 1995, and January 13, 1995, as part of Georgia Power Company's employee assistance program, were positive for 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," (60 FR 34381, June 30, 1995), because the use of marijuana 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

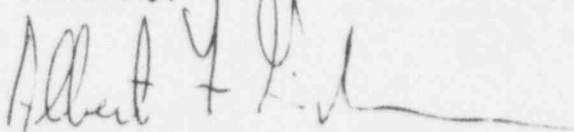
addressing the specific basis for disputing the violation. This response should be sent to the Regional Administrator, NRC Region II, 101 Marietta Street NW, Suite 2900, Atlanta, Georgia 30323, with a copy to the Chief, Operations Branch, at the same address.

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. Thomas A. Peebles of my staff. Mr. Peebles can be reached at either the address listed above or telephone number (404) 331-5541.

Sincerely,



Albert F. Gibson, Director  
Division of Reactor Safety

Docket No. 55-20785  
License No. OP-20380-2

Enclosures:

1. GPC letter dated 7/17/95
2. GPC letter dated 7/14/95

cc w/ADDRESS DELETED w/o encls:  
H. L. Sumner, Jr., General Manager  
Plant Hatch  
Part 55 Docket File

CERTIFIED MAIL NO. P 650 335 284  
RETURN RECEIPT REQUESTED

R. Spell

3

Distribution w/ADDRESS DELETED w/o encls:

J. Lieberman, OE  
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B. Summers, OE:EA File (2 ltrhd)  
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A. Mendiola, HOLB  
F. Guenther, HOLB  
B. Uryc, EICS  
L. Watson, EICS  
J. Crlenjak, DRP Branch Chief  
T. Peebles, DRS  
B. Holbrook, Hatch Senior  
Resident Inspector  
B. Michael, DRS  
PUBLIC (HOLD for 45 days)

\*See previous concurrence page

Official concurrence page for letter w/ADDRESS DELETED

SEND TO PUBLIC DOCUMENT ROOM?		YES	NO			
OFFICE	RII:DRS*	RII:DRS*	RII:DRS*	RII:DRP*	RII:EICS*	RII:ORA*
SIGNATURE						06C
NAME	MErnstes:me/btm	RBaldwin	TPeebles	RCrlenjak	BUryc	JBFewell
DATE	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95	8/11/95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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OFFICE	HQ:OE*	HQ:HOLB*	RII:DRS			
SIGNATURE	<i>[Signature]</i>		<i>[Signature]</i>			
NAME	SLieberman	SRichards	AGibson			
DATE	8/11/95	8/ /95	8/11/95			
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: A:\SPELL\HAT\SPELL-R2.NOV

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\* Per telephone

ML20

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SIGNATURE						
NAME	MErnstes:me/btm	RBaldwin	TPeebles	RCrlenjak	BUryc	JBfewell
DATE	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95	7/ /95
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

SEND TO PUBLIC DOCUMENT ROOM?						
YES NO						
OFFICE	HQ:OE*	HQ:HOLB	RII:DRS			
SIGNATURE		<i>SR</i>				
NAME	JLieberman	SRichards	AGibson			
DATE	7/ /95	8/7/95	8/ /95			
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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DOCUMENT NAME: A:\SPELL.HAT\SPELL-R1.NOV

\* Per telecon w/ Tom Peebles

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SIGNATURE	<i>ME</i>	<i>MR</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
NAME	MErnstos:me/btm	RBaldwin	T. [Name]	RCrlenjak	BUryc	JB. [Name]	
DATE	7/7/95	7/7/95	7/7/95	7/7/95	7/7/95	7/7/95	
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	

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*# for telecon w/ Rosano*