

NOTICE OF VIOLATION

Mr. James P. Ryan
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.790(a)]

Docket No. 55-20393
License No. SOP-20194-3
IA 97-007

As a result of a notification from Southern Nuclear Operating Company (SNC) on January 3, 1997 which was followed up with formal correspondence dated January 24, 1997, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

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 examples:

- a. The licensee used marijuana as evidenced by a confirmed positive test for that drug resulting from a urine sample submitted on December 27, 1996.
- b. The licensee performed licensed duties authorized by a license issued under 10 CFR Part 55, on the night shift from 2300 on December 26, 1996, through 0700 on December 27, 1996, as a Unit Operator at the Joseph M. Farley Nuclear Plant immediately before submission of a urine sample, which indicated that the licensee was under the influence of marijuana. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Mr. James P. Ryan (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323, with a copy to Mr. Thomas Peebles, Region II, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323, both marked "Open by Addressee Only" and a copy to the NRC Resident Inspector at the Joseph M. Farley Nuclear Plant, U.S. Nuclear Regulatory Commission, 7388 N State Hwy 95, Columbia, Alabama 36319, 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 for each violation: (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

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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 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Atlanta, Georgia
this 31st day of January 1997