



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

August 15, 2000

IA-00-036

Bryce E. Miller
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Miller:

The Nuclear Regulatory Commission (NRC) has received a letter dated July 14, 2000, from Carolina Power & Light Company's (CP&L) Harris Nuclear Plant, informing us that they no longer have a need to maintain your facility license. We also received a letter dated July 31, 2000, from the Harris Nuclear Plant informing us of your admission regarding the use of cocaine on three separate instances. Copies of these letters are enclosed. We plan to place these letters 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 caused your license (license number SOP-20366-3) to expire as of July 14, 2000. In addition, the following violation is being issued on your docket:

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

Contrary to the above, during an interview on July 5, 2000, the licensee admitted to using the illegal drug cocaine.

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 could adversely affect your ability to safely and competently perform licensed duties, and 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 - May 1, 2000" 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, 61 Forsyth Street SW, Suite 23T85, Atlanta, GA 30303-3415 and marked, "Open by Addressee Only."

Mr. Bryce E. Miller

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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 made available electronically for public inspection in the NRC Public Document Room or from the Public Available Records (PARS) components of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). A copy of this letter without its enclosures and with your address removed will be made publicly available 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 Harold Christensen, Deputy Director, Division of Reactor Safety, of my staff. Mr. Christensen can be reached at either the address listed above or telephone number (404) 562-4601.

Sincerely,

/RA/

Charles A. Casto, Director
Division of Reactor Safety

Docket No. 55-20681
License No. SOP-20366-3

Enclosures: As stated

CERTIFIED MAIL NO. P 154 568 142
RETURN RECEIPT REQUESTED

cc w/encls and w/HOME ADDRESS DELETED:
(HOLD FOR 45 DAYS - EICS ACTION)
Mr. James Scarola
Vice President - Harris Plant
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Code: Zone 1
New Hill, NC 27562-0165
Distribution w/o encls [HOME ADDRESS REMOVED]:

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THIS ACTION MAY NOT BE RELEASED PUBICLY OR OUTSIDE THE AGENCY WITHOUT THE APPROVAL OF THE OFFICE OF ENFORCEMENT

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