

March 16, 2005

IA-05-016

Mr. Jeffrey E. Miller
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Miller:

The NRC received a letter from AmerGen dated February 25, 2005, containing information pertaining to your confirmed positive test for cocaine on January 10, 2005, while working as a Licensed Operator Instructor at Salem. A copy of the letter from PSEG is enclosed, and we plan to place this letter in your 10 CFR Part 55 docket file.

This confirmed positive test was a violation of 10 CFR 55.53(j). 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 that undermines the special trust and confidence placed in you as a licensed operator. The violation is categorized as a Severity Level III violation 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. NUREG-1600 is included on the NRC's web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. 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 requirements governing fitness for duty as a licensed operator. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (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.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. J. E. Miller

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This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

In accordance with Section 2.390 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 NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. A copy of this letter without its enclosure, and with other personal privacy information removed, will be made available to the Public unless you provide a sufficient basis to withdraw this violation within 30 days. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Should you have any questions concerning this action, please contact Richard Conte, Chief, Operational Safety Branch, at (610) 337-5183.

Sincerely,

/RA/

Wayne D. Lanning, Director
Division of Reactor Safety
Region I

Docket No. 55-62168
License No. SOP-11435-1

Enclosures:

1. Notice of Violation
2. Letter from PSEG

cc: Salem (w/encl 1 only)

Immediate Distribution (w/encl 1 only):

OE: EA File
OE: IA File
FCongel, OE
LTrocine, OE
KFarrar, RI
DHolody/RUrban, RI
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Distribution (w/encl 1 only) (Release After 45 Day Hold):

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JDYER, NRR
RBORCHARDT, NRR
SLEE, OEDO
RFranovich, NRR
RLAUFER, NRR
DCollins, PM, NRR
RENNIS, PM, NRR (backup)
Enforcement Coordinators RII, RIII, RIV
SGAGNER, OPA
HBELL, OIG
GCAPUTO, OI
LTREMPER, OC
SCOLLINS, RA/JWIGGINS, DRA
ECOBAY, DRP
DORR, SRI
DSCRENCI, PAO-RI
Region I OE Files (with concurrences)
Region I Docket Room (with concurrences)

SISP Review Complete: RJC 5/23/05

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OFFICE	RI/ORA	RI/ORA	RI/OI	RI/DRS	RI/DRS
NAME	RUrban JWray	DHolody	EWilson	RConte	WLanning
DATE	03/07/05 for	03/07/05	03/04/05	03/07/05	03/04/05
OFFICE	RI/ORA	HQ/NSIR	HQ/NRR	HQ/OE	
NAME	KFarrar	GWest *RUrban	DTrimble *RUrban	FCongel CNolan for/	
DATE	03/07/05	03/09/05 for	03/10/05 for	03/15/05 RUrban for CNolan	

NOTICE OF VIOLATION

Mr. Jeffrey E. Miller
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

Docket No. 55-62168
License No. SOP-11435-1
IA-05-016

As a result of a notification from PSEG Nuclear LLC dated January 17, 2005, 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), in part, prohibits the use of illegal drugs by a licensee.

Contrary to the above, while holding an NRC license (SOP-11435-1), you used an illegal drug. Specifically, on January 10, 2005, a random fitness for duty test was positive for cocaine.

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

Pursuant to the provisions of 10 CFR 2.201, Mr. Jeffrey E. Miller (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region I, 475 Allendale Road, King of Prussia, Pa. 19406, and marked "Open by Addressee Only" and a copy to the NRC Resident Inspector at Salem, 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; IA-05-016" and should include for the 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 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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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 2.390(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 16th day of March 2005