



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

AUG 3 1992

Docket No. 55-4477
License No. SOP-3044-5
EA 92-140

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard R. Slauenwhite
(DELETED PER 10 CFR 2.790)

Dear Mr. Slauenwhite:

SUBJECT: NOTICE OF VIOLATION

The Nuclear Regulatory Commission received a letter dated July 10, 1992, from Vermont Yankee Nuclear Power Station stating that you would no longer maintain an operating license. By letter dated July 23, 1992, we informed you that your License No. SOP-3044-5 had expired pursuant to 10 CFR 55.55(a). We also received a letter, dated July 17, 1992, from the Vermont Yankee Nuclear Power Corporation, containing information about your confirmed positive test for marijuana (a copy of the letter is enclosed). We plan to place the letter from the Vermont Yankee Nuclear Power Station in your 10 Part CFR 55 docket file.

In addition, the following violation is being issued on your docket:

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

Contrary to the above, the licensee violated 10 CFR 55.53(j) and used an illegal drug (marijuana), as evidenced by a confirmed positive test for marijuana on June 19, 1992.

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," 10 CFR Part 2, Appendix C, Supplement VII, 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 I, (475 Allendale Road, King of Prussia, PA 19406).

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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 place 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 its enclosure, 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. Lee Bettenhausen of my staff. Mr. Bettenhausen can be reached at either the address listed above or telephone number 215-337-5291.

Sincerely,

Marvin W. Hodges, Director
Division of Reactor Safety

Enclosure: Letter from Warren P. Murphy
Senior Vice President, Operations
dated July 17, 1992

cc w/o encl:
Warren P. Murphy, Senior Vice President, Operations
Public Document Room (PDR)