



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

August 2, 2006

IA-06-037

Mr. Michael C. Heins
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION AND EXPIRATION OF LICENSE

Dear Mr. Heins:

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 senior operator, in accordance with 10 CFR Part 55. The Nuclear Regulatory Commission (NRC) has received a letter dated January 19, 2006 from Entergy Operations, Inc., informing us that Entergy no longer has a need to maintain your operating license for the River Bend Station. We also received Event Report No. 42222, dated December 22, 2005, and a letter dated January 30, 2006, from Entergy in response to a NRC request for information, dated December 29, 2005, containing information about your confirmed positive test for alcohol (copies of the Event Report, Entergy letters, and the NRC request for information are enclosed). The Event Report, Entergy letters, and the NRC request for information will be placed in your 10 CFR Part 55 docket file.

In accordance with 10 CFR 55.55(a), the determination by your facility licensee that you no longer need to maintain a license has caused your license, SOP-44117, to expire as of January 19, 2006. In addition, the following violation is being issued on your docket:

10 CFR 55.53(j) states, in part, that the licensee shall not perform activities authorized by a license issued under 10 CFR Part 55 while under the influence of alcohol. "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, on December 22, 2005, Mr. Michael Heins, licensed as a senior reactor operator at the River Bend Station under 10 CFR Part 55, performed activities authorized by his licensee while under the influence of alcohol. Specifically, Mr. Heins collected the SRO keys, entered the Protected Area at River Bend Station, and met with the on-shift Operations Shift Manager for the purpose of assuming the Operations Shift Manager watch position. Prior to assuming the position, Mr. Heins was subjected to a "for cause" breathalyzer test for alcohol. The initial and follow-up breathalyzer tests

CERTIFIED - RETURN RECEIPT REQUESTED

confirmed that he was under the influence of alcohol with levels between 0.054% and 0.064% BAC, a level that exceeded the cutoff level for alcohol contained in 10 CFR Part 26, Appendix A (0.040% BAC).

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 alcohol such that the operator exceeds the cutoff limits specified in 10 CFR Part 26, Appendix A, or in the licensee's fitness-for-duty program 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 NRC Enforcement Policy, because the use of alcohol such that the operator exceeds the cutoff limits specified in 10 CFR Part 26, Appendix A, or in the licensee's fitness-for-duty program 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and marked, "Open by Addressee Only - Response to a Notice of Violation; IA-06-037." 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 2.390 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 enclosures and with your address removed will be made available to the Public unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this Notice of Violation. 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 Anthony T. Gody, Chief, Operations Branch, of my staff. Mr. Gody can be reached at either the address listed above or telephone number (817) 860-8159.

Sincerely,

/RA/

Bruce S. Mallett
Regional Administrator

Enclosures:

1. Event Report No. 42222 dated December 22, 2005
2. NRC Request for Information dated December 29, 2005
3. Entergy Operations, Inc. letter dated January 19, 2006
4. Entergy Operations, Inc. letter dated January 30, 2006

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Paul D. Hinnenkamp
 Vice President - Operations
 Entergy Operations, Inc.
 River Bend Station
 St. Francisville, LA 70775

ADAMS: ☒ Yes ☐ No Initials: ATG**(Public)** ☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive**(Non-Public)** ☐ Publicly Available ☒ Non-Publicly Available ☒ Sensitive ☐ Non-Sensitive

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