

cc A. L. ...



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

July 12, 1995

EA 95-131

Dennis J. Heath, Jr.  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.790]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Heath:

The U. S. Nuclear Regulatory Commission (NRC) has received a letter dated June 16, 1995, from Northern States Power Company informing us of your confirmed positive test for alcohol (copy enclosed). We plan to place this letter in your 10 CFR Part 55 docket file.

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. Your confirmed positive test is 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 alcohol, such that the operator exceeds the cutoff limits specified in 10 CFR Part 26, Appendix A, is a serious matter which 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," 60 FR 34381, June 30, 1995, because the use of alcohol as described above, is a significant regulatory concern. This violation is described in the enclosed Notice of Violation. Please note that future similar violations could substantially affect your authorization for unescorted access to a protected area of a licensed facility.

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

9509010281 950816  
PDR ADOCK 05000263  
G PDR

Dennis J. Heath, Jr.

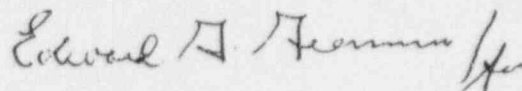
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In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, enforcement actions are placed in the NRC Public Document Room (PDR). A copy of this letter and the enclosed Notice of Violation with your address removed will be placed in the PDR after 45 days unless you provide a sufficient basis to withdraw this violation. The enclosed letter will not be placed in the PDR.

The response directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Public Law No. 96-511.

Should you have any questions concerning this action, please contact Mr. Thomas M. Burdick of my staff. Mr. Burdick can be reached at either the address listed above or telephone number (708) 829-9707.

Sincerely,



Hubert J. Miller  
Regional Administrator

Docket No.: 55-31755  
License No.: OP-30971

Enclosures:

1. Northern States Power Co.  
Letter dated 6/16/95
2. Notice of Violation

cc w/enclosure 2:

W. J. Hill, Plant Manager  
B. J. Sawatzke, Training Dept.  
John W. Ferman, Ph.D.  
Nuclear Engineer, MPCA  
State Liaison Officer, State of  
Minnesota