



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 4, 2016

IA-16-014

Bracy E. Means, Jr.
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Means:

On September 2, 2015, the Palisades Nuclear Plant (licensee) informed the U.S. Nuclear Regulatory Commission (NRC) resident inspectors of an incident involving your actions while performing assigned duties in the control room. Specifically, on September 2, 2015, you assumed the duties of the command function Senior Reactor Operator (SRO) and subsequently left the control room to walkdown a tagout problem with the reverse osmosis unit, leaving the control room without a SRO while the reactor was in Mode 1 (power operation). The licensee documented the incident in a condition report (CR-PLP-2015-03637) and performed an apparent cause evaluation (ACE), dated September 28, 2015, to determine the cause of the incident. During a review of the incident, the NRC requested and received copies of the condition report and ACE.

Based on the information provided by the licensee, the NRC has determined that a violation of NRC requirements occurred. The violation involved your failure to follow licensed operator requirements in Title 10 of the *Code of Federal Regulations* (CFR) 55.53(d). Title 10 CFR 55.53(d), requires, in part, that the licensee (you) observe all applicable rules, regulations and orders of the Commission. Specifically, you failed to observe the regulation to have an SRO in the control room during at power operations as required by 10 CFR 50.54(m)(2)(iii) and Technical Specification (TS) 5.1.2. On September 2, 2015, you were assigned the duties of the command function SRO in the control room. Prior to being assigned the command function, you were involved with a tagout issue associated with the reverse osmosis system. After being assigned the command function, you continued working on the reverse osmosis tagout issue and left the control room to conduct a walkdown of the osmosis system without being relieved of your control room duties. An on-watch Reactor Operator noticed that you left the control room and contacted the shift supervisor, an SRO, who then came to the control room to take over the command function. The control room was without an SRO for several minutes between the time you left the control room and the shift supervisor arrived in the control room. Since this incident was of a short duration and there were no risk-significant activities occurring, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level IV. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-rc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure).

The licensee's ACE determined that the cause of the violation was that you were distracted by the reverse osmosis tagging issue and forgot that you were performing the control room command function. The licensee implemented corrective actions for this violation that included: (1) the shift supervisor, a licensed SRO, assuming the command function SRO duties during your absence; (2) informing licensed operators about this event; (3) requiring the command function SRO to sit in the SRO desk behind and higher than the licensed Reactor Operators in the control room; and (4) requiring the command function SRO to wear a command SRO badge to remind them of their responsibilities.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. If you decide to provide additional information it should be sent to the NRC within 30 days of the date of this letter. In addition, after 45 days from the date of this letter, a copy of this letter and the NOV will be sent to the licensee and made available to the public, unless you provide a sufficient bases to withdraw the violation.

In addition, your actions placed the Palisades Nuclear Plant in violation of 10 CFR 50.54(m)(2)(iii) and TS 5.1.2. The licensee was informed of this violation on February 12, 2016, and this violation will be documented in the next Palisades Nuclear Plant quarterly inspection report scheduled to be issued in April 2016.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection, in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for responding to this NOV. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

B. Means

-3-

Should you have any questions concerning this action, please contact Robert Orlikowski of my staff. Mr. Orlikowski can be reached at either the address listed above or at 630-829-9834.

Sincerely,

/RA/

Kenneth G. O'Brien, Director
Division of Reactor Safety

Docket No. 055-33300
License No. SOP-32104

Enclosure:
Notice of Violation

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

cc: Mr. Anthony Vitale, Site Vice President
Palisades Nuclear Plant
(to be mailed after 45 days of issuance of letter)

NOTICE OF VIOLATION

Bracy E. Means, Jr.
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.390(a)]

Docket No. 055-33300
License No. SOP-32104
IA-16-014

As a result of a notification from the Palisades Nuclear Plant (Palisades) on September 2, 2015, a violation of U.S. Nuclear Regulatory Commission (NRC) requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 55.53(d) states that the license is subject to, and the licensee shall observe, all applicable rules, regulations, and orders of the Commission.

Title 10 CFR 50.54(m)(2)(iii) requires, in part, that when a nuclear power unit is in an operational mode other than cold shutdown, or refueling, as defined by each unit's technical specifications, each licensee shall have a person holding a senior operator license for the nuclear power unit in the control room at all times.

Palisades Technical Specification 5.1.2 states, in part, that the Shift Supervisor (SS) shall be responsible for the control room command function. During any absence of the SS from the control room while the plant is in Mode 1, 2, 3, or 4, an individual with an active Senior Reactor Operator license shall be designated to assume the control room command function.

Contrary to the above, on September 2, 2015, with the Palisades Nuclear Plant unit in an operational mode other than cold shutdown or refueling, you, as the licensed Senior Reactor Operator and designated with the control room command function, were not in the control room at all times. Specifically, with the reactor in Mode 1 (power operation), you left the control room to walk down the tagout of the reverse osmosis system, leaving the control room without a Senior Reactor Operator for several minutes.

This is a Severity Level IV violation (Section 6.4).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the NRC letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-16-014," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, Suite 210, 2443 Warrenville Road, Lisle, Illinois 60532, and a copy to the NRC Resident Inspector at the facility that you are employed, within 30 days of the date of the letter transmitting this Notice.

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.

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for a response to this NOV. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 4th day of March, 2016.

B. Means

-3-

Should you have any questions concerning this action, please contact Robert Orlikowski of my staff. Mr. Orlikowski can be reached at either the address listed above or at 630-829-9834.

Sincerely,

/RA/

Kenneth G. O'Brien, Director
Division of Reactor Safety

Docket No. 055-33300
License No. SOP-32104

Enclosure:
Notice of Violation

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

cc: Mr. Anthony Vitale, Site Vice President
Palisades Nuclear Plant
(to be mailed after 45 days of issuance of letter)

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OFFICE	RIII							
NAME	O'Brien							
DATE	03/04/16							

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¹ OE concurrence provided by e-mail from G. Gulla on March 3, 2016