

PDR



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

September 30, 1996

EA 96-276<sup>1</sup>

Patrick F. MacDonald  
[Home address removed from  
copies pursuant to 10 CFR 2.790]

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE  
(NRC INVESTIGATION 4-96-002)

Dear Mr. MacDonald:

This is in reference to the matters discussed with you at a predecisional enforcement conference conducted on September 5, 1996, in Lincoln, Nebraska. As indicated in our letter to you dated August 22, 1996, the conference was conducted to discuss the NRC's concern that you may have violated the NRC's rule on deliberate misconduct, which prohibits individuals from intentionally violating required procedures of a licensee. As was discussed in our previous letter, our review of an investigation conducted by the NRC's Office of Investigations (OI) involving a control rod mispositioning incident at the Cooper Nuclear Station on January 7, 1996, raised this concern.

The concern discussed at the conference involved you and another licensed operator making a decision to continue control rod insertions after recognizing that you had begun on the wrong page of the control rod sequence book. You made this decision without first informing either the control room supervisor or shift supervisor and without obtaining the concurrence of the shift supervisor and the reactor engineer. CNS procedure 10.13, "Control Rod Sequence and Movement Control," requires concurrence in a recovery plan for a mispositioned control rod.

At the conference, you acknowledged that you erred in not reporting the mistake earlier. However, you stated that you did not recognize at the time that you had a mispositioned control rod, and that you were not familiar with, nor mindful of, the procedural requirements to obtain concurrence before proceeding. You stated that you and the other licensed operator were focused on inserting control rods to avoid exceeding plant administrative limits and an automatic plant trip, and that you did not intentionally violate procedural requirements. We note that the other operator did inform the reactor engineer of the mistake when he approached the panel.

The NRC agrees with NPPD's expectation that you should have promptly informed shift supervisory personnel of your mistake and the abnormal conditions that developed. The

<sup>1</sup> Please note that the EA number used on previous correspondence with you was incorrect. The correct EA case number should be EA 96-276.

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Mr. Patrick MacDonald

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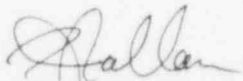
information available to the NRC, however, does not support a conclusion that you intentionally violated any CNS procedural requirements. Although your actions violated CNS procedures and NPPD management expectations, you appear to have been focused on inserting control rods to avoid exceeding plant administrative limits and an automatic plant trip. And, while you should have been mindful of the procedural requirements, you were not. The facts that you maintained accurate logs and informed the reactor engineer of the mistake when he approached the panel do not suggest a deliberate intent to cover up your mistake or violate procedures. Thus, the NRC plans no further action and considers this matter closed.

Although the NRC is not pursuing enforcement action against you, we nonetheless consider the procedural violations that occurred to be significant. The NRC is issuing a Notice of Violation to the Nebraska Public Power District, your former employer, as a result of these violations. A copy is enclosed for your information. We are also providing a copy of this letter to NPPD.

Should you have any questions about this letter, please contact Gary Sanborn at 1-800-952-9677 or 817-860-8222.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, will be placed in the NRC's Public Document Room. In addition, we will also place in the Public Document Room copies of our previous correspondence with you.

Sincerely,



L. J. Callan  
Regional Administrator

Docket No. 55-40747  
License No. OP-42486

Enclosure:  
NPPD Notice of Violation (EA 96-202)

cc:  
Mr. Guy R. Horn, Vice President - Nuclear  
Nebraska Public Power District  
1414 15th Street  
Columbus, Nebraska 68601