

PDR



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

August 22, 1996

EA 96-277

Terrance E. LaPlant  
[Home address removed from  
copies pursuant to 10 CFR 2.790]

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

Dear Mr. LaPlant:

This is in reference to 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. The purpose of the investigation was to determine whether actions taken by you and other licensed operators in response to this incident were deliberately in violation of plant procedures.

Based on our review of the information obtained by OI, as well as information obtained from the Nebraska Public Power District during a meeting conducted on August 5, 1996 (see enclosures 4 and 5), the NRC is concerned that a violation of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5, may have occurred. This rule (see enclosure 2) prohibits taking actions that a person knows would cause a violation of procedures or requirements.

The apparent violation of 10 CFR 50.5 involves you and another licensed operator making a decision to implement a recovery plan for a mispositioned control rod 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 such a recovery plan.

On August 14, 1996, the NRC's concern that a violation of 10 CFR 50.5 may have occurred and the NRC's interest in conducting a predecisional enforcement conference were discussed with you. The conference will take place at 3 p.m. on Thursday, September 5, in Room 180 of the Robert Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. An agenda for the conference is enclosed (see enclosure 1). This conference will be transcribed.

As discussed with you, this conference is predecisional because the NRC has not made a final determination that violations of NRC requirements occurred or that enforcement action will be taken against you. The purpose of the conference is to discuss the apparent violation and the circumstances surrounding it, and to give you an opportunity to provide your perspective on this issue and any other information that you believe is relevant to the NRC's enforcement determination. You are specifically invited to address the factors that the NRC normally considers in determining whether enforcement action should be taken against individuals. These factors are described in

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Mr. Terrance LaPlant

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Section VIII. Enforcement Actions Involving Individuals, of the enclosed copy of the "General Statement of Policy and Procedures for NRC Enforcement Actions." NUREG-1600.

If the NRC concludes that you deliberately caused or committed a violation of NRC requirements, the possible sanctions include, but are not limited to, a Notice of Violation or an order. An order may prohibit involvement in NRC-licensed activities, require notice to the NRC before resuming involvement in NRC-licensed activities or require notice to a prospective employer that the person has been the subject of an NRC order. If the NRC does not conclude that you deliberately caused or committed a violation, but concludes that you nonetheless committed a violation of procedural requirements, the NRC may consider issuing a Notice of Violation to you for violating the conditions of the NRC license that you held at the time of the incident.

Although not required, you may provide the NRC a written reply to the apparent violation prior to or at the conference. In addition, as discussed with you, you may have an attorney or personal representative attend the conference but should understand that the NRC will address its questions to you. Furthermore, you are not required to attend the conference, but should understand that if you do not, the NRC will make an enforcement decision on the basis of the information developed during and subsequent to the investigation.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding this apparent violation is required at this time. Should you have any questions about this letter or the conference, or should you decide not to attend, please contact Gary Sanborn at 1-800-952-9677 or 817-860-8222.

The NRC will delay placing a copy of this letter into the NRC Public Document Room (PDR) until an enforcement decision has been made. At that time, 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 PDR.

Sincerely,



L. J. Callan  
Regional Administrator

Docket No. 55-40241  
License No. SOP-43398-1

Enclosures:

1. Predecisional Enforcement Conference Agenda
2. 10 CFR 50.5, Rule on Deliberate Misconduct
3. NRC Enforcement Policy
4. June 27, 1996 letter to NPPD (EA 96-202)
5. August 7, 1996 Predecisional Enforcement Conference Summary (EA 96-202)

PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA

CONFERENCE WITH TERRANCE E. LaPLANT  
FORMER LICENSED OPERATOR, COOPER NUCLEAR STATION

SEPTEMBER 5, 1996

ROBERT DENNEY FEDERAL BUILDING  
LINCOLN, NEBRASKA

1. INTRODUCTIONS/OPENING REMARKS - Ken Brockman
2. ENFORCEMENT PROCESS - Gary Sanborn
3. APPARENT VIOLATIONS & REGULATORY CONCERNS - Mr. Brockman
4. INDIVIDUAL PRESENTATION - Terrance LaPlant
5. BREAK (10-MINUTE NRC CAUCUS IF NECESSARY)
6. RESUMPTION OF CONFERENCE
7. CLOSING REMARKS - Mr. LaPlant
8. CLOSING REMARKS - Mr. Brockman

Mr. Terrance LaPlant

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bcc w/Enclosure 1 only:

via e-mail:

LJCallan (LJC1)

SJCollins (SJC1)

RWise (RXW)

WLBrown (WLB)

EWilliamson (ELW1)

KBrockman (KEB)

GTracy (GMT)

JDyer (JED2)

DChamberlain (DDC)

ECollins (EEC)

TMcKernon (TOM)

OEMAIL

JLieberman (JXL)

JGray (JRG)

MSatorius (MAS)

JBeall (JEB2)

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DWigginton (DLW)

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