



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

October 28, 2011

EA-11-214

Mr. Anthony Vitale
Vice-President, Operations
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043-9530

SUBJECT: PALISADES NUCLEAR PLANT, NRC INSPECTION REPORT
NO. 05000255/2011015; NRC OFFICE OF INVESTIGATIONS REPORT
NO. 3-2011-003

Dear Mr. Vitale:

This is in reference to an investigation conducted by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI). The purpose of the investigation was to determine whether an at-the-controls reactor operator at the Palisades Nuclear Plant willfully violated procedure requirements by removing himself from his watch-standing responsibilities without proper turnover or approval from the Control Room Supervisor on October 23, 2010. Based on the results of its investigation, the OI determined that the reactor operator deliberately violated the requirements. Enclosed is a summary of the OI investigation report.

Based on the results of the OI investigation, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation involves the at-the-controls reactor operator deliberately leaving the at-the-controls area of the Control Room without providing a turnover to a qualified individual or obtaining permission from the Control Room Supervisor. The individual's actions were contrary to Palisades Technical Specification 5.4.1.a, as implemented through Entergy Nuclear Management Manual EN-OP-115, Revision 9, "Conduct of Operations." Specifically, EN-OP-115, Section 4.13.b requires that the reactor operator at-the-controls is to remain in the at-the-controls area of the Control Room except as necessary to transition from one at-the-controls area to another. Section 5.11 requires that in the case where a Control Room operator needs to be relieved during their shift, permission must be granted by the Shift Manager or Control Room Supervisor, as applicable, and a verbal turnover is conducted to a qualified individual (Apparent Violation 05000255/2011015-01, Operator Leaving the Control Room At-the-Controls Area). After the individual left the area, the Control Room Supervisor immediately assigned another licensed operator to this position; therefore, there was no immediate safety consequence. The circumstances surrounding the apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you during an exit meeting on October 28, 2011.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to the apparent violation addressed herein within 30 days of the date of this letter; (2) request a Predecisional Enforcement Conference (PEC); or (3) request Alternative Dispute Resolution (ADR). If a PEC is held, the NRC will issue a press release to announce the time and date of the conference; however, it will be closed to public observation because the apparent violation is based on an NRC OI report that has not been publicly disclosed and pertains to whether an individual has committed wrongdoing. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter. Please contact Mr. Hironori Peterson at (630) 829-9707 within ten days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to an Apparent Violation; EA-11-214," and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: (1) information to determine whether a violation occurred; (2) information to determine the significance of a violation; (3) information related to the identification of a violation; and (4) information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this issue. Alternate Dispute Resolution is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, one licensee-identified violation of very low safety significance (Green) was reviewed which is not being considered for escalated enforcement action. Specifically, contrary to Palisades Technical Specification 5.4.1.a, as implemented through Manual EN-OP-115, Revision 9, "Conduct of Operations," Section 4.1.b, on-duty operators did not inform station

management in a timely manner (a period exceeding 24 hours) when on October 23, 2010, an at-the-controls reactor operator left the at-the-controls area of the Control Room without providing a turnover to a qualified individual or obtaining permission from the Control Room Supervisor, a condition which may affect public safety. However, because of its very low safety significance, and because the issue was entered into your Corrective Action Program (CR-PLP-2010-05662), the NRC is treating the issue as a non-cited violation (NCV) in accordance with Section 2.3.2 of the NRC Enforcement Policy. If you contest the subject or severity of this NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission - Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the Resident Inspector Office at the Palisades Nuclear Plant.

In addition, please be advised that the number and characterization of apparent violations may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR Section 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>. 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.

If you have any questions concerning this matter, please contact Mr. Hironori Peterson of my staff at (630) 829-9707.

Sincerely,

/RA/

Steven A. Reynolds, Director
Division of Reactor Safety

Docket No. 50-255
License No. DPR-20

Enclosure:
Office of Investigations Report Summary

cc w/encl: Distribution via ListServ

FACTUAL SUMMARY OF OFFICE OF INVESTIGATIONS REPORT 3-2011-003

On December 7, 2010, the U.S. Nuclear Regulatory Commission's Office of Investigations (OI), Region III Field Office, initiated an investigation to determine whether an at-the-controls (ATC) reactor operator (RO) at the Palisades Nuclear Plant willfully violated the ATC requirements procedure by removing himself from his watch-standing responsibilities without proper turnover or approval from the Control Room Supervisor (CRS).

On the night shift of October 22-23, 2010, during an outage, there were several incidents that led to additional stress within the control room. There was a primary coolant system vacuum fill that did not go well, additional observers, and various alarm notifications. Additionally, there was tension, at least on the ATC RO's part, between the ATC RO and the licensed operator assigned to the primary coolant system vacuum fill.

On October 23, 2010, at approximately 0600 hours, the ATC RO told the licensed RO assigned to the primary coolant system vacuum fill that the licensed RO had the ATC watch and informed the CRS. The licensed RO responded that he could not be the ATC operator. The CRS told the ATC operator that the licensed RO was not the ATC operator and asked the ATC RO to wait before leaving. However, the ATC operator subsequently left the ATC area and the control room without properly turning over the ATC watch.

The ATC RO stated to OI during a transcribed interview on April 12, 2011, that when he walked out he knew he had violated procedures, but was not thinking about that at the time because he was upset. Contrary to this statement, the ATC operator had previously stated that he knew exactly what he was doing when he walked out because he was upset. During the Palisades initial investigation of the incident conducted on October 28, 2010, the ATC operator said that he felt he was too angry to be at the controls. During a second licensee independent investigation, the ATC operator told the investigator, during an interview conducted on November 9, 2010, that he left the ATC area because he was "extremely angry" and "needed a moment." Finally, the ATC operator told OI that he knew that the licensed RO could not take the ATC when he left. The ATC operator acknowledged that he had been trained on procedure EN-OP-115 and stated that he knew he violated procedures.

Based on the above, the OI investigation substantiated that the ATC RO deliberately violated the ATC requirements procedure by removing himself from his watch-standing responsibilities without proper turnover or approval from the CRS.

management in a timely manner (a period exceeding 24 hours) when on October 23, 2010, an at-the-controls reactor operator left the at-the-controls area of the Control Room without providing a turnover to a qualified individual or obtaining permission from the Control Room Supervisor, a condition which may affect public safety. However, because of its very low safety significance, and because the issue was entered into your Corrective Action Program (CR-PLP-2010-05662), the NRC is treating the issue as a non-cited violation (NCV) in accordance with Section 2.3.2 of the NRC Enforcement Policy. If you contest the subject or severity of this NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission - Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the Resident Inspector Office at the Palisades Nuclear Plant.

In addition, please be advised that the number and characterization of apparent violations may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR Section 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>. 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.

If you have any questions concerning this matter, please contact Mr. Hironori Peterson of my staff at (630) 829-9707.

Sincerely,
/RA/
 Steven A. Reynolds, Director
 Division of Reactor Safety

Docket No. 50-255
 License No. DPR-20

Enclosure:
 Office of Investigations Report Summary
 cc w/encl: Distribution via ListServ

*See previous concurrence
 DOCUMENT NAME: G:\ORAI\IICS\ENFORCEMENT\Enforcement Cases 2011\EA-11-214, 215 Palisades OIEA-11-214 Palisades Facility Licensee Choice Letter.docx

Publicly Available Non-Publicly Available Sensitive Non-Sensitive
To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII EICS		RIII DRS		RIII OI		RIII EICS	
NAME	PPelke*		HPeterson*		RGoetz*		SKOrth	
DATE	10/26/11		10/26/11		10/26/11		10/27/11	
OFFICE	RIII DRS							
NAME	SReynolds							
DATE	10/27/11							

Letter to A. Vitale from S. Reynolds dated October 28, 2011

SUBJECT: PALISADES NUCLEAR PLANT, NRC INSPECTION REPORT
NO. 05000255/2011015; NRC OFFICE OF INVESTIGATIONS REPORT
NO. 3-2011-003

DISTRIBUTION:

RidsSecyMailCenter Resource

OCADistribution

B. Borchardt, EDO

M. Virgilio, DEDMRT

R. Zimmerman, OE

A. Rivera-Varona, OE

G. Gulla, OE

C. Pederson, RIII

C. Scott, OGC

M. Itzkowitz, OGC

E. Leeds, NRR

B. Boger, NRR

M. Ashley, NRR

H. Bell, OIG

C. McCrary, OI

D. Holody, RI

C. Evans, RII

S. Orth, RIII

H. Harrington, RIV

S. Reynolds, RIII

K. O'Brien, RIII

P. Pelke, RIII

P. Lougheed, RIII

M. Gryglak, RIII

S. Bakhsh, RIII

R. Goetz, RIII:OI

M. Janicki, RIII:OI

N. Hane, RIII:OI

OEMAIL

Daniel Merzke

RidsNrrPMPalisades Resource

RidsNrrDorILp3-1 Resource

RidsNrrDirslrib Resource

J. Heck, RIII

A. Barker, RIII

C. Ariano, RIII

L. Linn, RIII

DRPIII

DRSIII

P. Buckley, RIII

T. Tomczak, RIII

[ROPreports Resource](#)