



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

May 20, 1997

IA 97-028

Mr. John Earl  
Post Office Box 6  
Oreana, IL 62554

SUBJECT: NRC INSPECTION REPORT 50-461/96010(DRP) AND OI INVESTIGATION  
REPORT NO. 3-96-047

Dear Mr. Earl:

This refers to the U. S. Nuclear Regulatory Commission (NRC) Region III special inspection completed on October 4, 1996, and the Office of Investigations (OI) investigation completed on December 20, 1996, at the Clinton Power Station, an Illinois Power Company facility. The inspection and investigation included a review of your involvement, as a Shift Supervisor, in the recirculation pump seal failure event at the Clinton Power Station on September 5, 1996. A predecisional enforcement conference was held with Illinois Power Company on February 4, 1997, and an individual enforcement conference was held with you on February 10, 1997, to discuss your involvement in the event.

Through information obtained during the inspection and the investigation, and from the records of both enforcement conferences, we have carefully reviewed the circumstances of this matter. In particular, we noted that your candor in acknowledging your performance deficiencies during the event, your sense of responsibility for the event, and the adjustments you have made in conducting your work activities since the event, are positive indications that you have learned from this event. It is my view that the quality of your future performance is likely to improve, and I believe that you now have a better appreciation for the high level of personal accountability and performance the NRC requires of all licensed individuals.

We also considered that during the February 4, 1997, predecisional enforcement conference, Illinois Power Company senior management stated that they had established an environment at the station which condoned this type of behavior. Specifically, procedural compliance was routinely accomplished through individual interpretations of the intent of procedures without regard for the actual procedural steps. Illinois Power managers stated that because they had established this type of environment, and because your actions were consistent with their expectations, Illinois Power Company was completely responsible for your procedural adherence violations.

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Therefore, after consultation with the Director, Office of Enforcement, I have been authorized to inform you that NRC intends to direct any enforcement action arising out of the September event at Illinois Power Company. Accordingly, the NRC is taking no further enforcement action against you regarding this event.

Nevertheless, you are reminded that you hold a license from the United States government that confers upon you the special trust and confidence of the American people in the safe operation of nuclear facilities and places you in the position where your performance is expected to be above reproach. This trust mandates safety as the highest priority over all other considerations. This trust also requires that responsible individuals evaluate operating conditions and make appropriate conservative decisions. The proper application of the oversight, experience, and knowledge provided by the Shift Supervisor is essential to ensure that performance of the shift crew is effective in maintaining that trust. In addition, to ensure the facility is operated in a safe condition, your license specifies you will follow the facility's procedures. It is your responsibility, as Shift Supervisor, to oversee plant operations, maintain an overall safety perspective, and provide appropriate guidance to the operating crews to ensure that the plant is being operated in a safe and conservative manner. Failure to meet these expectations in the future may subject you to enforcement action such as a Notice of Violation or an Order to suspend or revoke your NRC Senior Reactor Operator License.

You should also be aware that NRC regulations allow enforcement actions to be taken directly against persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements. Deliberate misconduct includes an intentional act or omission that the person knows constitutes a violation of a requirement, procedure or instruction. In such cases, an order may also be issued to an individual to prevent him or her from engaging in licensed activities at all NRC licensed facilities. A violation of these requirements, as set forth in 10 CFR 50.5, "Deliberate Misconduct," may also lead to criminal prosecution.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at U. S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, IL, 60532-4351.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). A copy of this letter with your address removed, and your response, if you choose to submit one, will be placed in the PDR.

J. Earl

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Should you have any questions or comments on our position, please contact Mr. Brent Clayton at (630) 829-9666.

Sincerely,



A. Bill Beach  
Regional Administrator

Docket No. 55-31304  
License No. SOP-31106

cc [w/HOME ADDRESS DELETED]:  
W. Connell, Vice President

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