



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2056 WESTINGS AVENUE, SUITE 400
NAPERVILLE, IL 60563-2657

August 30, 2024

IA-24-011

Lyle Baker
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION

Dear Lyle Baker:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) Licensed Operator Requalification inspection conducted at Donald C. Cook Nuclear Plant during the week of February 26, 2024. The purpose of this routine inspection was to ensure that individuals who are licensed to operate the facility satisfy the conditions of their licenses as specified in Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55.53 and 10 CFR 55.59, and to assess the facility licensee's effectiveness in ensuring that operator license conditions are satisfied. Based on the results of the inspection, the NRC concluded that you failed to meet the conditions of your operator license as required by 10 CFR 55.53 and failed to maintain a license in an active status while performing the functions of an operator.

Based on the information developed during the inspection, the NRC has determined that a violation of NRC requirements occurred as a result of your actions. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1).

The violation involved your failure to complete a tour of the plant and to review all shift turnover procedures before resuming licensed activities. 10 CFR 55.53(e) requires, in part, that if a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section. Additionally, 10 CFR 55.53(f), requires in part, if paragraph (e) of this section is not met, before resumption of functions authorized by a license issued under this part, an authorized representative of the facility licensee shall certify the following: (1) that the qualifications and status of the licensee are current and valid; and (2) that the licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator as appropriate and in the position to which the individual will be assigned. The 40 hours must have included a complete tour of the plant and all shift turnover procedures.

You returned to active operator duty on March 16, 2022, however, you failed to perform a complete tour of the plant and all shift turnover procedures prior to the resumption of functions authorized by your license (SOP-500639-1) issued under 10 CFR Part 55. As a result, you performed the functions of an operator with an inactive license.

These violations are normally categorized in accordance with the NRC Enforcement Policy at Severity Level III (see section 6.4.c of the NRC Enforcement Policy). However, the staff determined that the significance of this violation was Severity Level IV because the operators 1) stood a minimal number of watches, 2) did not cause consequential errors while standing watch, and 3) complied with all other requirements (e.g., full participation in the bi-annual requalification program and stood all required proficiency watches).

Once the issue was identified by the NRC, the facility licensee administratively removed you from performing licensed duties effective February 27, 2024. Subsequently, you completed all requirements to remove the administrative hold and was deemed an active license holder on March 25, 2024.

The NRC has concluded that information regarding: (1) the cause of the violation, and (2) and the corrective actions to address the violation were adequately addressed by actions taken by you and Donald C. Cook Nuclear Plant. Therefore, you are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Director, Division of Operating Reactor Safety, 2056 Westings Avenue, Suite 400, Naperville, IL 60563-2657, include IA number, "IA-24-011," and marked "Open by Addressee Only," within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," Part 2, Title 10 of the *Code of Federal Regulations*, enforcement actions are made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS) in 45 days unless you provide a sufficient basis to withdraw the violation within the 30 days specified above for responding to the Notice. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. A copy of this letter and the enclosed Notice of Violation with your address removed will be made available to the public unless you provide a sufficient basis to withdraw this violation. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

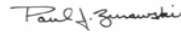
In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. Detailed information about this system of records, including the NRC-3 system notice can be accessed from the NRC website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>. Finally, a copy of this letter will be placed in your 10 CFR Part 55 docket file.

L. Baker

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Should you have any questions concerning this action, please contact Diana Betancourt-Roldan, Enforcement Officer. Diana can be reached at 630-810-4373 or diana.betancourt-roldan@nrc.gov.

Sincerely,



Signed by Zurawski, Paul
on 08/30/24

Paul J. Zurawski, Chief
Operations Branch
Division of Operating Reactor Safety

Docket No. 55-31929
License No. SOP-500639-1

Enclosures:

1. Notice of Violation

Letter to Lyle Baker from Paul J. Zurawski dated August 30, 2024.

SUBJECT: NOTICE OF VIOLATION

DISTRIBUTION:

- Juan Peralta
- David Jones
- Brian Hughes
- John Giessner
- Mohammed Shuaibi
- Jason Kozal
- Billy Dickson
- Diana Betancourt-Roldan
- Paul Zurawski
- Troy Henning
- Bryan Bergeon
- Viktoria Mitlyng
- Prema Chandrathil
- Kenneth Lambert
- Geoffrey Edwards
- OEMAIL
- OE: IA File

ADAMS Accession Number: ML24225A271

OFFICE	RIII	RIII	OE	RIII
NAME	THenning:mb	GEwards	DJones	PZurawski
DATE	08/26/2024	08/26/2024	08/30/2024	08/30/2024

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Lyle Baker
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

Docket No. 55-31929
License No. SOP-500639-1
IA-24-011

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted during the week of February 26, 2024, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Operator License No. SOP-500639-1 states, in part, that this license is subject to the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 55.53, "Conditions of Licenses," with the same force and effect as if fully set forth herein.

10 CFR Section 55.53(d) requires, in part, that the license is subject to, and the licensee shall observe, all applicable rules, regulations, and orders of the Commission.

10 CFR Section 55.53(e) requires, in part, that if a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section.

10 CFR Section 55.53(f), states, in part, that if paragraph (e) of this section is not met, before resumption of functions authorized by a license issued under this part, an authorized representative of the facility licensee shall certify the following: (1) that the qualifications and status of the licensee are current and valid; and (2) that the licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator as appropriate and in the position to which the individual will be assigned. The 40 hours must have included a complete tour of the plant and all shift turnover procedures.

Contrary to the above, on March 16, 2022, you failed to perform a complete tour of the plant and all shift turnover procedures prior to the resumption of functions authorized by your license (SOP-500639-1) issued under 10 CFR Part 55. Specifically, from March 16, 2022 to February 26, 2024, you actively performed the functions of an operator with an inactive license.

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

The NRC has concluded that information regarding: (1) the cause of the violation, and (2) and the corrective actions to address the violation were adequately addressed by actions taken by you and Donald C. Cook Nuclear Plant. 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-24-011," 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 400, 2056 Westings Avenue, Naperville, IL 60563-2657, and a copy to the NRC Resident Inspector at the Donald C. Cook Nuclear Plant within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Enclosure

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.

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 website at <http://www.nrc.gov/reading-rm/adams.html>. 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 30th day of August 2024.