

March 23, 2005

IA-05-013

Mr. Timothy R. Devik
HOME ADDRESS DELETED
UNDER 10 CFR 2.390

SUBJECT: NRC OFFICE OF INVESTIGATION REPORT NO. 1-2004-040

Dear Mr. Devik:

This letter refers to an investigation initiated by the NRC Office of Investigations (OI), Region I, on August 27, 2004, at Entergy Nuclear Operation's Pilgrim Nuclear Power Station (Pilgrim). This investigation was initiated, in part, to determine if, contrary to plant procedures, you were sleeping/inattentive to duty in the control room while serving as the Control Room Supervisor on June 29, 2004. Based on the evidence developed during the OI investigation, it was substantiated that you were inattentive to your licensed duties when you fell asleep for approximately 4 minutes in the control room on June 29, 2004. In addition, you did not ask the Shift Manager (SM) for relief before or after you were awakened by the SM. OI was unable to substantiate that your inattentiveness was deliberate. A letter to Pilgrim describing the investigation results including a factual summary of OI Investigation 1-2004-040 is enclosed with this letter.

Based on the results of this investigation, an apparent violation of your former Senior Reactor Operator License was identified in that you were not awake and attentive to your duties, which is a violation of Procedure 1.3.34, "Conduct of Operations." Pilgrim Procedure 1.3.34 specifies that Operations personnel on duty will remain alert and awake and will contact the Shift Manager for relief when fatigued. Your Senior Reactor Operator License requires that when performing licensed duties, you shall observe the operating procedures and other conditions specific to the facility license. A failure to do so is a violation of your license. This violation is being considered for escalated enforcement action against you in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**.

We believe that we have sufficient information to make an enforcement decision regarding this apparent violation. We understand that you are no longer employed at Pilgrim. However, before we make this decision, we are providing you an opportunity to either (1) request a predecisional enforcement conference or (2) respond to the apparent violation within 30 days of the date of this letter. If you request a conference, it will be held at our office in King of Prussia, PA. It will not be open for public observation, but it will be transcribed. If you choose to provide a written response, it should be sent to the Regional Administrator, NRC Region I,

Certified Mail
Return Receipt Requested

Mr. Timothy R. Devik

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475 Allendale Road, King of Prussia, PA, 19406, and marked, "Open by Addressee Only - Response to a Notice of Violation; IA-05-013" 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. In addition, please be advised that the number and characterization of the apparent violation described here-in may change as a result of further NRC review.

Please contact Mr. Clifford Anderson at (610) 337-5227 within 10 days of the date of this letter to notify the NRC of your decision. If we have not heard from you within 10 days, the NRC will proceed with its enforcement decision. You will be advised by separate correspondence of the results of our deliberations on this matter.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

The NRC will delay placing a copy of this letter into the NRC Public Document Room (PDR) and on the NRC website until a final enforcement decision has been made. However, the enclosed letter to Pilgrim with its attached OI Factual Summary has been placed in the NRC PDR in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice" and will be accessible from the NRC website at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). Should you have any questions regarding this letter, please feel free to contact Mr. Clifford Anderson at (610) 337-5227.

Sincerely,

/RA/

A. Randolph Blough, Director
Division of Reactor Projects

Docket No.: 55-62658
License No.: SOP-11757

Enclosure: Letter to Pilgrim (with attached OI Factual Summary)

Mr. Timothy R. Devik

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