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December 20, 2010

EA-2010-237

Robert G. Smith
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5508

SUBJECT: PILGRIM NUCLEAR POWER STATION - NRC SPECIAL INSPECTION
REPORT 05000293/2010403; PRELIMINARY GREATER THAN GREEN
FINDING

Dear Mr. Smith:

On November 10, 2010, the U.S. Nuclear Regulatory Commission (NRC) completed a Special Inspection at your Pilgrim Nuclear Power Station (PNPS). The enclosed report documents the inspection results, which were discussed on November 10, 2010, with you and members of your staff.

The special inspection team examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. The team reviewed selected procedures and records, observed activities, and interviewed personnel.

The attached report documents one finding that has the potential for greater than very low security significance (i.e., greater than Green as determined by the Baseline Security Significance Determination Process). The deficiency was promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the team arrived onsite.

Enclosure contains Sensitive Unclassified Non-Safeguards Information. When separated from enclosure, the transmittal document is decontrolled.

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The finding had a cross-cutting aspect in the area of Human Performance associated with non-conservative assumptions used in decision making [H.1.(b)]. If you disagree with the cross-cutting aspect assigned to this finding, you should provide a response within 30 days of the date of this report, with the basis for your disagreement, to the Regional Administrator, Region I, and the NRC Resident Inspector at the PNPS.

As discussed in the attached inspection report, the finding is also an apparent violation of NRC requirements, and is therefore being considered for escalated enforcement action in accordance with the Enforcement Policy, which can be found on NRC's Web site at:

<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Before we make a final significance decision regarding our preliminary "greater than Green" finding, we are providing you an opportunity to: (1) attend a Regulatory Conference where you can present to the NRC your perspective on the facts and the assumptions the NRC used to arrive at the finding and assess its significance, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter, and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be closed for public observation because it involves sensitive security information. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of the receipt of this letter. If you decline to request a Regulatory Conference or submit a written response, you relinquish your right to appeal the final Significance Determination Process determination, in that by not doing either, you fail to meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of Inspection Manual Chapter (IMC) 0609.

Please contact Mr. James Trapp of my staff at (610) 337-5186 within 10 days of the date of your receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision.

Because the NRC has not made a final determination in this matter, no Notice of Violation is being issued for this inspection finding at this time. In addition, please be advised that the number and characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the Publicly Available Records (PARS) component of NRC's document system, ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). However, because of the security-related information contained in the enclosure and in accordance with 10 CFR 2.390, a copy of this letter's enclosure and attachments will not be available for public inspection.

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In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.22. Otherwise, mark your entire response "Security-Related Information - Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

/RA/

Darrell J. Roberts, Director
Division of Reactor Safety

Docket No. 50-293
License No. DPR-35

Non-Public Enclosure: NRC Inspection Report No. 05000293/2010403
Attachments: Supplemental Information
Chronology of Events
Special Inspection Team Charter

cc w/encl; w/OUO-SRI:

D. Burke, Security Manager

J. Giarrusso, SLO, Massachusetts Emergency Management Agency

cc w/o encl; w/o OUO-SRI: Distribution via ListServ

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SUNSI Review Complete: BMY (Reviewer's Initials)

Non-Public Designation Category: MD 3.4 Non-Public A.3

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