

October 17, 2011

Director, Office of Enforcement  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

RE: Keith W. Davis

Docket No. [REDACTED]

License No. [REDACTED] (terminated)

IA-09-014

On April 1, 2009 I was issued an Order Prohibiting Involvement in NRC-Licensed Activities.

I am requesting the Director, Office of Enforcement to relax and/or rescind the conditions of the confirmatory order based upon demonstration of good cause.

1) **Information regarding the reasons for prior violations of NRC requirements.**

A. I failed to report an arrest on June 19, 2006 as required by Susquehanna Steam Electric Station procedures and the terms and conditions of my SRO license. I violated NRC requirements by willfully failing to report my arrest to SSES management.

1. The facts of the originating event are detailed in the NRC OI investigation.
2. I failed to apply the same standards and reasoning to this event that I applied to reactor operational issues and events. I allowed myself to rely on the specific wording and failed to realize or understand the intent. I failed to apply the requirements intelligently and conservatively.
3. I focused on not highlighting the event instead of ensuring compliance by bringing it to light and discussing with the management team to enable other's opinions and thoughts.
4. I eroded public confidence in nuclear power, the NRC, and SSES by operating in the control room, under my SRO license, while unresolved issues about my trustworthiness existed.

B. I failed to respond to the Confirmatory Order issued November 26, 2007.

1. It was my belief when attending the ADR meeting, that, when I described the events in person, the NRC would agree no violation existed. I was surprised to learn at the ADR meeting that that was not a possible outcome. At the ADR meeting, it was explained to me the purpose was for me to offer actions the NRC would find acceptable as an option to enforcement. I was unprepared and left scrambling to come up with actions.
2. I agreed to perform the actions as described in the Confirmatory Order. I agreed to the issuance of a level III violation. I signed a waiver of my right to request a hearing.
3. I attempted to write the required documents agreed to at the ADR several times. I was unable to produce desired results, I believe mainly because I did not yet understand the lessons learned, because I was in denial.

- C. I failed to notify the NRC in writing explaining my position and reasons for not complying with the Confirmatory Order.
1. I was of the opinion that because I no longer held a SRO License and no longer worked in the nuclear industry that I was no longer subject to the jurisdiction of the commission. 10CFR2.202(a) states "The Commission may institute a proceeding to modify, suspend, or revoke a license or to take such other action as may be proper by serving on the licensee or other person subject to the jurisdiction of the Commission.."
  2. On October 2008, during my discussions with NRC OI I was requested to call the NRC RI senior enforcement specialist, which I did that same day. The NRC RI senior enforcement specialist advised me to send a letter to NRC RI regional administrator explaining my position. These discussions did not change my opinion at that time. I could not see any purpose or requirement in performing this suggested action.

**2) Actions taken to prevent recurrence of the violations.**

A. Understand the consequences.

- 1) I worked in nuclear power for 26 years. I was adept at applying the NRC regulations for Commercial Nuclear Power Plant Operations efficiently and correctly. I was very good at operating nuclear power plants and was respected by those who knew me.
- 2) I have been barred from nuclear power, realistically, since July 2006 when my security clearance was revoked. I have suffered personally, professionally, and financially. I was unemployed for 21 months prior to being banned from the nuclear industry for an additional 3 years.
- 3) Professional outcast. I have approached various people for support and have been denied based on a fear of reprisal either directly or indirectly, and the impact that would have on them professionally and financially.
- 4) It is entirely possible that even if the NRC agrees to relax and/or rescind the conditions of the confirmatory order I may never have the opportunity to work in nuclear power again.

B. Actions related to the root event, the DUI.

- 1) Counseling, driver license suspension, probation, community service, high risk car insurance, fines and costs are the actions to prevent recurrence done either by me or required of me by others.
- 2) The fact that this singular event, over 5 years ago, has not been repeated is a testament to the success of these actions.

### C. Actions to Prevent Recurrence

- 1) Having grown up in nuclear power plant operations for 26 years, when confronted with a human performance short coming one reaches for their human performance tools to prevent recurrence, however, this event is not a matter of turning the wrong switch or reading the wrong gauge or failing to communicate or understand a direction. This event involves a Senior Reactor Operator failing to uphold the public confidence in nuclear power because he failed to follow the NRC regulations, as defined by Susquehanna Steam Electric plant's procedures. My failure was thinking these events are not similar, I treated my event different than a plant operational event. I failed to have a peer check, an independent verification, failed to intelligently apply the procedure direction, failed to involve my supervision and management for problem solving and decision making, and most important, I failed to understand the hazards and repercussions of my actions or inactions.. This event was not intentional on my part, but it was willful, I knew better, I had alarms going off in my head I chose to ignore, I had all the indications but failed to take the appropriate action.
- 2) I commit to utilizing the human performance tools and approach personal issues as I would plant issues. I will apply the same conservative decision making skills I utilize in dealing with plant issues to my own issues. I will not ever compromise public safety nor mitigate public trust in nuclear power by my actions.
- 3) **My ability and willingness to carry out the special trust and confidence by the NRC placed in me as a licensed operator.**
  - A. I was an electrician doing start up and test, a non licensed nuclear plant operator, a reactor operator and finally a Senior Reactor Operator. I understand the impact of not being open and honest in communicating issues or events which may be issues. I will not only comply with the rules and regulations but will continually strive to understand, and remain cognizant, of the intent of those rules and regulations.
- 4) **My ability and willingness to abide by all fitness-for-duty and other license requirements and conditions.**
  - A. I have always had a profound respect for the regulations involved around the operation of a commercial nuclear power plant. I made a significant error in judgment, interpretation and application and I have learned. I will conduct myself in a manner that nuclear power operation deserves. I will always be aware of the consequences when actions are not in the best interest of the public safety and confidence in nuclear power.

5) Closing

A. I would like to publically thank the NRC. This event has changed my life. Prior to this event I defined myself by my abilities. My divorce, the DUI, being stripped of my security clearance, SRO license termination, termination of employment, and finally prohibition from working in the nuclear industry forced me to re-evaluate my life. I made significant errors, suffered significant penalties, but learned significant lessons. Now I define myself by my actions and realize my abilities are the product of god given gifts focused and directed by myself and others. What I do with those gifts is what defines me now. I realize now how wrong I was and my life as a whole has changed for the better.

Sincerely



Keith W. Davis

