



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

February 10, 2016

EA-15-247

John Dent, Jr.  
Entergy Nuclear Operations, Inc.  
Pilgrim Nuclear Power Station  
600 Rocky Hill Road  
Plymouth, MA 02360-5508

SUBJECT: PILGRIM NUCLEAR POWER STATION, NRC INSPECTION REPORT NO.  
05000293/2016010 AND NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-  
2015-005

Dear Mr. Dent:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) between November 14, 2014, and October 21, 2015, to determine whether a security officer(s) at the Pilgrim Nuclear Power Station (PNPS) deliberately failed to follow licensee procedures pertaining to the conduct of fire watches and also falsified fire watch records. A Factual Summary of OI Investigation Report No. 1-2015-005 is enclosed (Enclosure 1) with this letter.

Based on the evidence developed during the NRC OI investigation, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violations, as described in Enclosure 2, involve multiple failures by a PNPS security officer (SO) to conduct required fire watches and the SO's falsification of related records to indicate that the fire watches had been conducted. The NRC notes that PNPS had independently investigated a similar concern prior to the NRC OI investigation and reached a similar conclusion. Since the NRC has not made a final determination in this matter, a Notice of Violation is not being issued at this time. Please be advised that the number and characterization of the apparent violations described herein may change as a result of further NRC review.

We believe we have sufficient information to make an enforcement decision regarding the apparent violations. In addition, since PNPS identified the violations and based on our understanding of your corrective actions for this issue, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy. Therefore, you may: (1) accept the violations as characterized in this letter and notify us of that decision within 10 days. Alternatively, before the NRC makes its final enforcement decision, you may choose to provide your perspective on this matter, including the significance, cause, and corrective actions, as well as any other information that you believe the NRC should take into consideration by: (2) requesting a pre-decisional enforcement conference (PEC) to meet with the NRC and provide

your views in person; (3) requesting Alternative Dispute Resolution (ADR); or (4) responding to the apparent violations in writing.

If you choose to request a PEC, the meeting should be held in our office in King of Prussia, PA, within 30 days of the date of this letter. The conference will include an opportunity for you to provide your perspective on these matters and any other information that you believe will assist the NRC in making an enforcement decision.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation; a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR. The ADR mediation session should be held in our office in King of Prussia within 45 days of the date of this letter.

Either the PEC or the ADR would be closed to public observation because the NRC's preliminary findings are based on an NRC OI report that has not been publicly disclosed. However, the time and date of the PEC or ADR will be publicly announced.

If you choose to provide a written response, it should be sent to the NRC within 30 days of the date of this letter. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. You should clearly mark the response as a "Response to Apparent Violations in NRC Investigation No. 1-2014-018; EA-15-247," 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 I, 2100 Renaissance Boulevard, King of Prussia, PA 19406.

Please contact Arthur Burritt, Chief, Projects Branch 5, at 610-337-5069 within **10** days of the date of this letter to notify the NRC which of the above options you choose.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

J. Dent

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If you have any questions related to this matter, please contact Mr. Burritt of my staff at 610-337-5069.

Sincerely,

/RA/

Raymond K. Lorson, Director  
Division of Reactor Safety

Enclosures:

1. Factual Summary of OI Investigation Report No. 1-2015-005
2. Apparent Violations Being Considered for Escalated Enforcement

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

cc: Distribution via ListServ

J. Dent

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If you have any questions related to this matter, please contact Mr. Burritt of my staff at 610-337-5069.

Sincerely,

/RA/

Raymond K. Lorson, Director  
Division of Reactor Safety

Enclosures:

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**DOCUMENT NAME:** S:\Enf-allg\Enforcement\Proposed-Actions\Choice Letters\Pilgrim Fire Watch Choice Letter EA-15-247.doc.docx

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DATE	1/19/16	1/25/16	1/25/16	1/26/16	2/03/16	2/03/16
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DATE	2/03/16		2/4/16			

\*See previous concurrence page

OFFICIAL RECORD COPY

Letter to J. Dent from R. Lorson dated February 10, 2016

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## Enclosure 1

### Factual Summary of NRC Office of Investigations Case No. 1-2015-005

On November 14, 2014, the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I field office initiated an investigation to determine whether a security officer(s) at the Pilgrim Nuclear Power Station (PNPS) deliberately failed to follow licensee procedures pertaining to the conduct of fire watches and also falsified fire watch records. The investigation was completed on October 21, 2015, and was documented in the subject OI Report.

Based on the OI investigation, it appears that a PNPS security officer who was assigned to perform compensatory fire watch duties on multiple occasions did not conduct the fire watch, yet entered information on the Hourly Fire Watch Log to indicate that he had. Although the security officer in question initially denied falsifying all of the Fire Watch Logs in question, after continued inquiry by OI, the security officer admitted to falsifying more than 200 such records over an approximately two year period between June 1, 2012, and June 26, 2014. The failure to conduct scheduled fire watch tours could have delayed detection of a fire.

OI did not identify any other security officers, other than the subject officer, who appear to have falsified fire watch records. Additionally, OI did not identify that any security supervisors had directed the security officer or others to falsify any fire watch records.

## Enclosure 2

### Apparent Violations Being Considered for Escalated Enforcement

1. 10 CFR 50.48(a)(1) requires that each holder of an operating license must have a fire protection plan that: (i) describes the overall fire protection program for the facility; (ii) identifies the various positions within the licensee's organization that are responsible for the program; (iii) states the authorities that are delegated to each of these positions to implement those responsibilities; and (iv) outlines the plans for fire protection, fire detection and suppression capability, and limitation of fire damage.

Pilgrim Nuclear Power Station (PNPS) Technical Specification 5.4.1.d requires that written procedures shall be established, implemented, and maintained covering Fire Protection Program implementation.

PNPS implementing procedure 8.B.14, "Fire Protection Technical Requirements," Section 7.5, "Completing Attachment 1 (Hourly Fire Watch)," requires, in part, that fire watch personnel examine the area involved in the posting for evidence of fire or conditions that may lead to a fire. This section further requires that the posting should be visited once every hour such that no fewer than 24 patrols are completed in a 24-hour period at approximately 60-minute intervals.

Contrary to the above, on occasions between June 1, 2012, and June 26, 2014, the licensee did not implement a provision of a written procedure covering implementation of the fire protection program as it pertains to fire detection. Specifically, although hourly fire watches were established, fire watch personnel did not examine the areas involved in the hourly fire watch postings for evidence of fire or conditions that may lead to a fire. As a result, for the involved areas, fewer than 24 patrols were completed in 24-hour periods.

2. 10 CFR 50.9(a) requires, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

Pilgrim Nuclear Power Station (PNPS) Technical Specification 5.4.1.d requires that written procedures shall be established, implemented, and maintained covering Fire Protection Program implementation.

Section 10.8 of the PNPS FSAR describes conditions for which hourly fire watches are to be established, including to compensate for inoperable fire suppression systems.

PNPS implementing procedure 8.B.14, "Fire Protection Technical Requirements," Section 4.6, "Fire Watch Responsibilities," requires, in part, that fire watch personnel complete an hourly fire watch log or continuous fire watch log as directed by the Fire Watch Supervisor. Section 7.1, "Establishing an FSAR Required Compensatory Measure Fire Watch," requires, in part, that copies of completed hourly fire watch log sheets shall be retained for a minimum of 1 week or until the watch is discontinued.

Contrary to the above, on occasions between June 1, 2012, and June 26, 2014, the licensee maintained required information that was not complete and accurate in all

material respects. Specifically, log sheets for hourly fire watches established to compensate for inoperable fire suppression systems (e.g., the 'A' Emergency Diesel Generator sprinkler system) indicated that hourly fire watches were performed when, in fact, they were not.