



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

April 11, 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 - NOTICE OF VIOLATION, NRC  
OFFICE OF INVESTIGATIONS REPORT NO. 1-2015-005**

Dear Mr. Dent:

This letter provides you the NRC enforcement decision for apparent violations (AVs) identified during an investigation by the NRC Office of Investigations (OI) conducted between November 14, 2014, and October 21, 2015, at the Pilgrim Nuclear Power Station (PNPS). The investigation was conducted to determine whether a security officer(s) at PNPS deliberately failed to follow licensee procedures pertaining to the conduct of fire watches and also falsified fire watch records.

Based on the OI investigation, the NRC identified two AVs involving 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 AVs were described in an enclosure to the NRC letter sent to you on February 10, 2016 (ML16040A022<sup>1</sup>). In the February 10, 2016, letter, we informed you that we had sufficient information regarding the AVs and the corrective actions taken by PNPS to make an enforcement decision without the need for additional information from you. However, we provided you the opportunity to address the AVs by attending a pre-decisional enforcement conference (PEC), requesting Alternative Dispute Resolution (ADR), or providing a written response. We also informed you that you could accept the violations as characterized in the letter. In a letter dated March 11, 2016 (ML16078A038), PNPS provided a response that accepted the AVs and described the corrective actions taken by PNPS to address the matter.

Therefore, based on the information developed during the investigation, the NRC has determined that two violations of NRC requirements occurred. These violations, which are cited in the enclosed Notice of Violation (Notice), involve a PNPS SO who deliberately failed to follow licensee procedures pertaining to the conduct of fire watches and who also falsified related fire watch records. Specifically, to meet NRC fire protection regulations, PNPS requirements, in part, state that fire watch patrols to compensate for inoperable fire suppression systems (e.g., the 'A' Emergency Diesel Generator sprinkler system) are to be completed once every hour, such that no fewer than 24 patrols are completed in a 24-hour period. Specific information

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.

about each fire watch patrol (time of completion and signature of the performing individual) is to be recorded on an Hourly Fire Watch Log. However, the SO admitted that, on multiple occasions, when assigned to perform compensatory fire watch duties, he did not conduct the fire watch, yet entered information on an Hourly Fire Watch Log to indicate that he had. The SO admitted to having falsified more than 200 such records over an approximately two year period between June 1, 2012, and June 26, 2014.

Because licensees are responsible for the actions of their employees, and because the SO's actions were willful, these violations were evaluated under the NRC's traditional enforcement process, as set forth in Section 2.2.4(c) of the NRC Enforcement Policy. After careful consideration, the NRC concluded that these violations are best categorized at Severity Level III (SL III). In reaching this determination, the NRC considered that the underlying technical concern would have been evaluated as having very low safety significance (i.e. green) under the Reactor Oversight Process because the failure to conduct scheduled fire watch tours could have delayed the licensee's detection of and response to a fire, potentially compromising the ability of operators to shut down the reactor safely to minimize the risk of significant radioactive releases to the environment. However, although numerous individual fire watches were not performed, the NRC did not identify that consecutive tours were missed. Therefore, the potential delay in identification of evidence of a fire or conditions that may lead to a fire was limited. Finally, because they involved willfulness, the NRC increased the significance of these violations, in accordance with Section 2.2.1.d of the Enforcement Policy. Willful violations are of particular concern because the NRC's regulatory program is based, in part, on licensees and their employees acting truthfully and with integrity. Because the violations were directly related to each other and were both caused by the SO's deliberate actions, the NRC has categorized the violations collectively as a single SL III problem.

In accordance with Section 8 of the Enforcement Policy, a base civil penalty in the amount of \$70,000 is considered for a SL III problem involving power reactors. Because the violations were willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC has concluded that credit is warranted for the licensee's identification of the violations. Specifically, after receiving an employee concern regarding missed fire watches and falsified records, PNPS hired a consultant to conduct an internal investigation, and independently concluded that the SO had willfully failed to perform certain assigned fire watch tours, yet had documented that the tours had been performed. The NRC has also concluded that credit is warranted for the licensee's corrective actions in response to these violations. Namely, PNPS: (1) took disciplinary action (i.e., termination) against the involved SO; (2) conducted an evaluation which included an assessment of individual, oversight, and fire watch process implementation aspects; (3) implemented actions to address fire watch process improvement and oversight measures (added reviews and approvals to fire watch sheets and instituted an electronic tracking system); (4) incorporated a daily shift briefing on fire watch tours; (5) included discussion about this issue in a triannual security training session; and, (6) communicated with site security staff about the issue in an internal newsletter. Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding: (1) the reasons for the violations; (2) the actions planned or already taken to correct the violations and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in the NRC letter dated February 10, 2016, in your letter dated March 11, 2016, and in this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may 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. Mediation is a voluntary, informal process in which a trained neutral (the "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's ADR program can be found 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's program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Arthur Burritt at 610-337-5069 within 10 days of the date of this letter. You may also contact both ICR and Mr. Burritt for additional information.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in 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, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Please note that final NRC investigation documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records. Additional information is available on the NRC website at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

J. Dent-

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This enforcement action will be administratively tracked under Inspection Report No. 05000293/2016012. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

/RA/

David C. Lew  
Acting Regional Administrator

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

Enclosure: Notice of Violation

cc w/enclosure:  
Distribution via ListServ

This enforcement action will be administratively tracked under Inspection Report No. 05000293/2016012. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

/RA/

David C. Lew  
Acting Regional Administrator

Docket No. 50-293  
License No. DPR-353

Enclosure: Notice of Violation

cc w/enclosure:  
Distribution via ListServ

Distribution: see next page

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X SUNSI Review/ MMM*			X Non-Sensitive □ Sensitive		X Publicly Available □ Non-Publicly Available	
OFFICE	RI/ORA	RI/ORA	RI/ DRS	RI/DRP	RI/DRP	RI/ DRS
NAME	M McLaughlin/ MMM*	N Warnek/ NSW*	J Rogge/ JFR* w/ comment	A Burritt/ ALB*	M Scott/ MLS*	R Lorson/ RKL*
DATE	3/18/16	3/21/16	3/23/16	3/23/16	3/24/16	3/28/16
OFFICE	RI/ORA	RI/ORA	OE	NRR	OGC	RI/RA
NAME	B Klukan/ BMK*	B Bickett/ BAB*	G Figueroa via email	L Casey per G Figueroa email	L Baer per G Figueroa email	D Lew/
DATE	3/29/16	3/29/16	4/08/16	4/08/16	4/08/16	4/8/16

\* See previous concurrence page

Letter to J. Dent from D. Lew dated April 11, 2016

ADAMS (PARS)	
SECY	RidsSecyMailCenter
OEMAIL	OEMAIL Resource
OEWEB	OEWEB Resource
V McCree, EDO	RidsEdoMailCenter
M Johnson, DEDR	
C Santos, OEDO	
P Holahan, OE	RidsOeMailCenter
B Sosa, OE	
N Hilton, OE	
S Rodriguez, OE	
N Hasan, OE	
G Figueroa, OE	
W Dean, NRR	RidsNrrOd Resource
M Evans, NRR	
J Lubinski, NRR	
S Morris, NRR	
L Casey, NRR	
Enforcement Coordinators RII, RIII, RIV	
(D Gamberoni, R Skokowski, J Rollins)	
C Scott, OGC	RidsOgcMailCenter
H Harrington, OPA	RidsOpaMail Resource
H Bell, OIG	RidsOigMailCenter
K Fowler, OI	RidsOiMailCenter
J Teator, OI	
D D'Abate, OCFO	RIDSOCFOMAILCENTER
G Weindling, OCFO	
D Lew, RA/RI	R1ORAMail Resource
S Flanders, DRA/RI	
D Screnci, PAO-RI / N Sheehan, PAO-RI	
N McNamara, ORA / D Tiff, ORA	
M Scott, DRP	R1DRPMail Resource
R McKinley, DRP	
R Lorson, DRS	
B Smith, DRS	R1DRSMail Resource
E Carfang, SRI	
S Elkhiamy, RI	
A Burritt, DRP	
C Bickett, DRP	
L Cline, DRP	
B Klukan, ORA	
B Bickett, ORA	
M McLaughlin, ORA	
C Crisden, ORA	
N Warnek, ORA	
D Bearde, ORA	
Region I OE Files (with concurrences)	

## NOTICE OF VIOLATION

Entergy Nuclear Operations, Inc.  
Pilgrim Nuclear Power Station

Docket No. 50-293  
License No. DPR-35  
EA-15-247

During an NRC investigation conducted between November 14, 2014, and October 21, 2015, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 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 watches. 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.

- B. 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 Final Safety Analysis Report (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 one 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. This information was material to the NRC because the timely performance of fire watches enables the rapid detection, control, and suppression of a fire when necessary to maintain a fire protection program that meets NRC requirements.

These violations are categorized collectively as a Severity Level III problem (Enforcement Policy Example Section 6.1).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the NRC letter dated February 10, 2016, your letter dated March 11, 2016, and in this letter. 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, (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, U.S., Nuclear Regulatory Commission, Region I, 2100 Renaissance Boulevard, King of Prussia, PA 19406, and a copy to the Resident Inspector at PNPS, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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 Web site 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.]

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 11<sup>th</sup> day of April 2016