

March 7, 2001

EA 01-053

Mr. Robert M. Bellamy
Site Vice President
Entergy Nuclear Generation Company
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, Massachusetts 02360-5599

SUBJECT: NRC OFFICE OF INVESTIGATION CASE NO. 1-2000-020

Dear Mr. Bellamy:

In May 2000, your staff informed the NRC Resident Inspector at the Pilgrim Nuclear Power Station in Plymouth, Massachusetts that a health physics technician (HPT) had falsified a record of a survey for the control room at the facility. Specifically, the survey record indicated that direct frisk radiation surveys had been performed in specific areas of the control room when, in fact, they had not been performed in some of the areas marked on the record (approximately 25 to 30 actual readings taken out of approximately 100 readings noted on the survey form).

10 CFR 50.9(a) requires that information required by the Commission's regulations to be maintained by a licensee shall be complete and accurate in all material respects. 10 CFR 20.2103 requires that licensees maintain records showing the results of surveys that may be necessary for the licensee to show compliance with the regulations and are reasonable under the circumstances. Since the survey record was inaccurate, because fewer direct frisk surveys were performed than recorded, Entergy was in violation of 10 CFR 50.9(a). Given the number of frisks that were done, and the low likelihood of contamination in the area, the NRC recognizes that the safety consequence of the violation was low.

The NRC, including the Office of Investigations (OI), has completed its review of this matter. Although a Notice of Violation (NOV) would normally be issued for a violation of 10 CFR 50.9(a), the NRC has decided that an NOV is not warranted in this case because the criteria have been met for issuance of a Non-Cited Violation (NCV), as set forth in Section VI.A of the Enforcement Policy. The Enforcement Policy is available at the Office of Enforcement website at <http://www.nrc.gov/OE/>. Specifically, (1) Entergy initially identified the violation; (2) the violation was not repetitive; (3) Entergy reported the violation to the NRC, and the violation was the result of an act by a single individual who was not in a supervisory position in the organization; and (4) Entergy took corrective actions, including disciplinary action against the responsible individual. However, similar violations in the future could result in escalated enforcement action.

No response to this letter is required. If you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with a copies to the Regional Administrator, Region I, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001 and the NRC Resident Inspector at the Pilgrim facility.

In accordance with 10 CFR 2.790 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 or 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/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA by J. Wiggins for/

Hubert J. Miller
Regional Administrator

Docket No. 050-00293
License No. DPR-35

cc:

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J. Alexander, Director, Nuclear Assessment Group
D. Tarantino, Nuclear Information Manager
S. Brennon, Regulatory Affairs Department Manager
J. Fulton, Assistant General Counsel
R. Hallisey, Department of Public Health, Commonwealth of Massachusetts
The Honorable Therese Murray
The Honorable Vincent deMacedo
Chairman, Plymouth Board of Selectmen
Chairman, Duxbury Board of Selectmen
Chairman, Nuclear Matters Committee
Plymouth Civil Defense Director
P. Gromer, Massachusetts Secretary of Energy Resources
J. Miller, Senior Issues Manager
Office of the Commissioner, Massachusetts Department of Environmental Quality Engineering
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Pilgrim Nuclear Power Station

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* Per phone call from J. Dixon-Herrity