

July 11, 2001

IA-01-041

Mr. Michael G. Keogh  
**HOME ADDRESS DELETED  
UNDER 10 CFR 2.790**

SUBJECT: NRC OFFICE OF INVESTIGATION REPORT NO. 1-2000-002

Dear Mr. Keogh:

This letter refers to the results of an investigation initiated by the NRC Office of Investigations (OI) on January 6, 2000, at the Pilgrim Nuclear Power Station. The purpose of the investigation was to determine whether you, an NRC-licensed reactor operator (RO), falsified records of surveillance activities required by Pilgrim's Operating License and Technical Specifications. Based on the results of this investigation, OI substantiated that you knowingly provided inaccurate and incomplete information on licensee records documenting your reactor building tour conducted on December 8, 1999. A letter to Entergy Nuclear Generation Company discussing this investigation, including a Factual Summary of OI Investigation 1-2000-002, is enclosed with this letter. As noted in the letter to Entergy, this OI investigation was initiated after the Boston Edison Company (now Entergy) identified your misconduct, investigated the matter, terminated your employment and informed the NRC.

Based on the results of this investigation, an apparent violation was identified and is being considered for escalated enforcement action against you in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy can be found on the NRC's web site at [www.nrc.gov/OE](http://www.nrc.gov/OE).

Part 10 CFR 55.53(d) requires a licensee (you) to observe all applicable rules, regulations and orders of the Commission. 10 CFR 50.5(a)(1) prohibits licensee (facility) employees from engaging in deliberate misconduct that causes a licensee (facility) to be in violation of any term, condition or limitation of any license issued by the NRC. 10 CFR 50.9(a) specifies that information required by the Commission's regulations to be maintained by the licensee (facility) shall be complete and accurate in all material respects.

Pilgrim Nuclear Power Station Technical Specification 5.4.1 requires that written procedures shall be established, implemented, and maintained covering the applicable procedures recommended in Regulatory Guide 1.33, Revision 2, February 1978. Regulatory Guide 1.33, Appendix A, Section 1, requires administrative procedures for various activities, including equipment control, log entries, and record retention. Pilgrim Procedure No. 2.1.16, "Nuclear Power Plant Operator Tour," Revision 95, required operators to tour the reactor building to record values, initials and check marks for systems and equipment, including those required by Technical Specifications such as: (1) Step R99 - record nitrogen flow to the TIP system purge;

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(2) Steps R114, R115, R116, R155, R156, R157 - record particulate, iodine and gaseous activity values from the C19 West and East Panels, respectively; and (3) Steps R160, R161 - record torus oxygen concentrations. Upon completion of the tour, operators were required to transfer the tour data to Pilgrim Procedure No. 2.1.15, "Daily Surveillance Log (Technical Specifications and Regulatory Agencies)," Revision 120. By providing inaccurate and incomplete information on the above licensee records, you apparently violated 10 CFR 55.53 (d) and 10 CFR 50.5(a)(1), which caused Pilgrim Nuclear Power Station to violate 10 CFR 50.9(a).

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed herein within 30 days of the date of this letter or (2) request a predecisional enforcement conference. The NRC believes that it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, if a conference is held, it will not be open for public observation. Please contact Mr. Richard J. Conte at 610-337-5183 within 7 days of the date of this letter to notify the NRC of your intended response.

If you choose to submit a written response, it should be clearly marked as a "Response to An Apparent Violation" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

In addition, please be advised that the number and characterization of the apparent violation described here-in may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

The NRC will delay placing a copy of this letter into the NRC Public Docket Room (PDR) and on the NRC web site until a final enforcement decision has been made. However, the enclosed letter to Entergy Nuclear Generation Company with its attached OI Factual Summary, has been placed in the NRC PDR in accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," and will be accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,  
/RA/

Wayne D. Lanning, Director  
Division of Reactor Safety

Docket No. 55-61575  
License No. OP-10983-1

Enclosure: Letter to Entergy (with attached OI Factual Summary)

Mr. Michael G. Keogh

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\* Per E-Mail from J. Dixon-Herrity