



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

April 19, 2019

EA-18-174

Mr. Steven Vercelli, Site Vice President
Entergy Operations, Inc.
River Bend Station
5485 U.S. Highway 61N
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION - NOTICE OF VIOLATION; NRC INSPECTION
REPORT 05000458/2019014 AND INVESTIGATION REPORT 4-2017-025

Dear Mr. Vercelli:

This letter refers to the investigation completed on November 30, 2018, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) at the River Bend Station. The purpose of the investigation was to determine whether several nonlicensed operators willfully failed to perform operator rounds as required, and whether these nonlicensed operators willfully provided inaccurate information regarding completion of required operator rounds to the licensee.

In a telephonic exit briefing on April 12, 2019, Mr. Jason Kozal of my staff informed you that the NRC was considering escalated enforcement for apparent violations involving the deliberate failure of several nonlicensed operators to perform required operator rounds, and the deliberate failure of these nonlicensed operators to ensure that information required by statute or the Commission's regulations to be maintained by Entergy Operations, Inc. (Entergy) was complete and accurate in all material respects. Mr. Kozal also informed you that we had sufficient information regarding the apparent violations and your corrective actions to make an enforcement decision without the need for a predecisional enforcement conference or a written response. You indicated that you did not believe that a predecisional enforcement conference or written response was needed and that you accept the violations on behalf of Entergy.

Based on the information developed during the investigation, the NRC determined that two violations of NRC requirements occurred. These violations are cited in Enclosure 1, Notice of Violation (Notice), and the circumstances surrounding them are described in the factual summary (Enclosure 2) and in the inspection report (Enclosure 3). In total, five nonlicensed operators deliberately failed to tour all required areas of their watch station and deliberately entered inaccurate information into the operator logs. This caused Entergy to be in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion V and 10 CFR 50.9. Therefore, these violations are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$145,000 is considered for a Severity Level III problem.

Because the Severity Level III problem was associated with willful Severity Level III violations, 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 NRC Enforcement Policy. The NRC determined that *Identification* credit was warranted because the violations were identified when Entergy initiated an internal review of nonlicensed operator rounds at the River Bend Station following the receipt of operating experience and identified logkeeping performance discrepancies.

Your corrective actions included: (1) disciplining the nonlicensed operators who failed to perform rounds; (2) revising procedures to require nonlicensed operators to record logs while in front of equipment; (3) requiring nonlicensed operators to make a log entry at the completion of each shift, attesting that the rounds were completed and data is correct; (4) performing quarterly audits of operator rounds for each crew; (5) requiring supervisors to perform field observations of nonlicensed operators three times per month; and (6) performing a root cause evaluation and implementing broad corrective actions to address the low standards and lack of field presence. Additional corrective actions are documented in Enclosure 3. As a result, the NRC determined that *Corrective Action* credit was warranted.

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.

In Section V of the Confirmatory Order, EA-17-132/153, issued to Entergy on March 12, 2018, Agencywide Documents Access and Management System (ADAMS) Accession ML18072A191, the NRC indicated it would consider enforcement discretion for violations that meet the criteria for discretion under Section 3.3 of the NRC Enforcement Policy. Although the violation was identified by Entergy, the NRC is not exercising discretion in this instance because it was not identified as part of the corrective action for a previous enforcement action.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the River Bend Station docket in Enclosure 3. 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 (Enclosure 1).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your responses, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this matter, please contact Mr. Jason Kozal of my staff at 817-200-1144.

Sincerely,

/RA/

Scott A. Morris
Regional Administrator

Docket No. 50-458
License No. NPF-47

Enclosures:

1. Notice of Violation
2. Factual Summary
3. Inspection Report 05000458/2019014

RIVER BEND STATION - NOTICE OF VIOLATION; NRC INSPECTION REPORT
05000458/2019014 AND INVESTIGATION REPORT 4-2017-025 - DATED APRIL 19, 2019

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ROP Reports		

Document Name: S:\IRAS\ACES\ENFORCEMENT_EA CASES - OPEN\River Bend EA-18-174 NLOs\final action\NOV_EA-18-174_RBS_NLO.docx

ADAMS ACCESSION NUMBER: ML19112A197

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JGK Yes No Publicly Available Sensitive NRC-002

OFFICE	ES/ACES	TL:ACES	C:DRP/C	RC	DD:DRP	OE
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DATE	4/11/19	4/11/19	4/12/19	4/12/19	4/16/19	4/17/19
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NOTICE OF VIOLATION

Entergy Operations, Inc.
River Bend Station

Docket No. 50-458
License No. NPF-47
EA-18-174

During an NRC investigation completed on November 30, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR Part 50, Appendix B, Criterion V, requires, in part, that activities affecting quality shall be accomplished in accordance with documented instructions or procedures of a type appropriate to the circumstances.

Entergy Procedure EN-OP-115-01, "Operator Rounds," Revision 1, a quality-related procedure intended to meet this requirement for non-licensed operators performing watchstanding rounds, Step 5.1.7, requires, in part, that watchstanders tour all required areas of their watchstation.

Contrary to the above, from November 2016 to January 2017, watchstanders failed to tour all required areas of their watchstation. Specifically, five nonlicensed operators deliberately failed to tour all assigned areas of the plant during their assigned watchstanding rounds.

- B. 10 CFR 50.9 requires, in part, that information required by statute or the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR Part 50, Appendix B, Criterion XVII requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses.

Contrary to the above, from November 2016 to January 2017, the licensee failed to maintain information required by the Commission's regulations that was complete and accurate in all material respects. Specifically, five nonlicensed operators deliberately submitted operating logs for assigned plant areas which they had not toured and which were not complete and accurate in all material respects. The operating logs are required by 10 CFR Part 50, Appendix B, Criterion XVII to be maintained by the licensee. The information was material to the NRC because the NRC uses the information in the performance of inspections to ensure that the condition of safety-related equipment is being monitored as required by licensee procedures.

This is a Severity Level III problem (NRC Enforcement Policy, Section 2.2.1.d).

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 in Enclosure 3.

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-18-174," 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 IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511 and a copy to the NRC Resident Inspector at the River Bend Station, 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

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

Dated this 19th day of April 2019

FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2017-025

On May 5, 2017, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations, initiated an investigation to determine whether nonlicensed operators (NLOs) at River Bend Station willfully failed to perform operator rounds as required, and whether the NLOs willfully provided inaccurate information regarding completion of required operator rounds. The NRC completed its investigation on November 30, 2018.

Security and badge access records were evaluated for November 1, 2016 through January 31, 2017 and showed that five NLOs failed to enter one or more plant areas required as part of their rounds, even though the NLOs in question entered completed round logs into the electronic recordkeeping system. During the investigation interviews, all five NLOs admitted that they completed the electronic logs without entering the assigned areas. The documentation of operator rounds is material to the NRC because the NRC uses the information in the performance of inspections to ensure the condition of safety-related equipment is being monitored as required by station procedures.

NLO-1:

Documentary evidence indicates that operator rounds in one area were missed one time during the period evaluated. The area missed included one log point as part of the operator round. During the OI interview, NLO-1 admitted to not going into the room and inspecting the log point. The NLO-1 stated that although he/she knew he/she had failed to inspect the log point, he/she entered the data on the rounds record and did not do anything to correct it later.

NLO-2:

Documentary evidence indicates that operator rounds in two areas were missed during the period evaluated. The areas missed included multiple log points as part of the operator round. During the first OI interview, NLO-2 admitted that he/she deliberately skipped many readings on the day the two areas were missed. The NLO-2 stated that he/she was too busy to complete the round and feared disciplinary action if he/she did not report that the round was complete.

NLO-3:

Documentary evidence indicates that during the performance of operator rounds on two occasions, NLO-3 did not remain in areas long enough to observe all the components which required readings. During the OI interview, NLO-3 stated that he/she "clicked through" the rounds with the intention of returning to complete them, but did not have a chance. However, NLO-3 stated that he/she knew to "push back" on management if there was not enough time to complete the assigned work and admitted that despite knowing that he/she had not completed the rounds in question, he/she entered the data indicating their completion.

NLO-4:

Documentary evidence indicates that operator rounds in one area were missed twice during the period evaluated. The area missed included one log point as part of the operator round. During the OI interview, NLO-4 stated that he/she did not recall missing the log point on the dates in question, but as a trainee on the round he/she was not "proficient" in its conduct. However, NLO-4 performed the inspection of the log point in question correctly several times prior to the dates in question. NLO-4 admitted that he/she did not inspect the log point in question because he/she was unsure where the component was located, and also admitted "clicking through" the reading and not making an effort to locate it. NLO-4 also stated that he/she had failed to observe other components on the dates in question, as well.

NLO-5:

Documentary evidence indicates that operator rounds in one area was missed on three occasions during the period evaluated. The area missed included one log point as part of the operator round. Initially, NLO-5 stated that the discrepancies were not intentional and that he/she "clicked through" the entries with the intent of returning to take the readings. However, ultimately, NLO-5 confessed that he/she deliberately failed to perform the complete set of rounds on the dates in questions in order to finish the assignment more quickly.

Based on the evidence, the five NLOs deliberately failed to tour all required areas of their watchstation and deliberately entered inaccurate information into the operator logs. This caused the licensee to be in violation of 10 CFR Part 50, Appendix B, Criterion V and 10 CFR 50.9.

**U.S. NUCLEAR REGULATORY COMMISSION
Inspection Report**

Docket Numbers: 05000458

License Numbers: NPF-47

Report Numbers: 05000458/2019014

Enterprise Identifier: I-2019-014-0003

Licensee: Entergy Operations, Inc.

Facility: River Bend Station

Location: St Francisville, Louisiana

Inspection Dates: December 3, 2018, to April 12, 2019

Inspector: D. Proulx, Senior Project Engineer

Approved By: Jason W. Kozal
Chief, Project Branch D
Division of Reactor Projects

SUMMARY

The U.S. Nuclear Regulatory Commission (NRC) continued monitoring the licensee’s performance by conducting an inspection at River Bend Station in accordance with the Reactor Oversight Process. The Reactor Oversight Process is the NRC’s program for overseeing the safe operation of commercial nuclear power reactors. Refer to <https://www.nrc.gov/reactors/operating/oversight.html> for more information. NRC-identified and self-revealed findings, violations, and additional items are summarized in the table below.

List of Findings and Violations

Failure to Perform Operator Rounds			
Cornerstone	Significance	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Severity Level III NOV 05000458/2019014-01 Open EA-18-174	Not Applicable	Not Applicable
Based on the information developed in Investigation 4-2017-025, the NRC concluded that five nonlicensed operators deliberately failed to tour all required areas of their watchstation in accordance with Procedure EN-OP-115-01, “Operator Rounds” in violation of 10 CFR Part 50, Appendix B, Criterion V. This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.			

Falsification of Operator Rounds Records			
Cornerstone	Significance	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Severity Level III NOV 05000458/2019014-02 Open EA-18-174	Not Applicable	Not Applicable
Based on the information developed in Investigation 4-2017-025, the NRC concluded that five nonlicensed operators deliberately entered inaccurate information into the operator logs in violation of 10 CFR 50.9. This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.			

MISCELLANEOUS – TRADITIONAL ENFORCEMENT

On April 19, 2017, River Bend Station management informed the NRC’s resident inspectors of anomalies identified during their review of nonlicensed operator (NLO) rounds and logs. Specifically, in December 2016, following receipt of operating experience from another licensee, Entergy Operations, Inc. (Entergy) initiated an internal review of NLO rounds and log keeping performance. Based on Entergy’s initial reporting of discrepancies, the NRC Office of Investigations (OI) performed an investigation of the discrepancies. The inspectors independently reviewed the licensee’s and OI’s investigations. The inspectors also reviewed the licensee’s casual evaluation and the actions taken to address the Confirmatory Order associated with EA-17-132 and EA-17-153, Agencywide Documents Access and Management System (ADAMS) Accession ML18072A191. The inspectors documented the review of the corrective actions in NRC Inspection Report 05000416/2019012, 05000313/2019014 and 05000368/2019014, 05000458/2019013, and 05000382/2019012 (ADAMS Accession ML19094B867).

INSPECTION RESULTS

Failure to Perform Operator Rounds			
Cornerstone	Significance/Severity	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Severity Level III NOV 05000458/2019014-01 Open EA-18-174	Not Applicable	Not Applicable
<p>Based on the information developed in Investigation 4-2017-025, the NRC concluded that five NLOs deliberately failed to tour all required areas of their watch station, in accordance with Procedure EN-OP-115-01, “Operator Rounds” in violation of 10 CFR Part 50, Appendix B, Criterion V. This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.</p>			
<p><u>Description:</u> In December 2016, following receipt of operating experience from another plant, Entergy initiated an internal review to look for NLO rounds and log keeping performance discrepancies. Entergy’s review identified multiple log taking discrepancies and reported them to the NRC on April 17, 2017. Following receipt of this information, OI initiated an investigation.</p> <p>Entergy Procedure EN-OP-115-01, “Operator Rounds,” Revision 1, a quality-related procedure for NLOs performing watchstanding rounds, Step 5.1.7, requires, in part, that watchstanders tour all required areas of their watchstation. The NRC determined that from August 2016 to January 2017, five NLOs failed to tour all required areas of their watchstation.</p> <p>The inspectors determined that the licensee’s corrective actions were prompt and reasonably comprehensive. Actions taken included:</p> <ul style="list-style-type: none"> Entergy terminated the NLOs it concluded had engaged in deliberate misconduct. The NLOs it concluded had engaged in careless disregard were disciplined with unpaid leave. 			

- Procedures were revised to require NLOs to record logs while in front of equipment.
- A requirement was added such that NLOs are required to make a log entry at the completion of rounds attesting that they personally completed the entire set of rounds and entered correct data. They must also discuss the results/challenges encountered during rounds with their supervisor.
- Quarterly audits of operator rounds were instituted for each operating crew. The results must be communicated to the workers to reinforce the standards and emphasize the importance of conducting and documenting proper rounds.
- Supervisors for NLOs are now required to perform field observations of NLOs three times per month, including observation of rounds and log taking.

Enforcement:

Significance: The ROP's significance determination process does not specifically consider willfulness in its assessment of licensee performance. Therefore, it is necessary to address this violation which involves willfulness using the traditional enforcement process.

Notice of Violation:

Title 10 CFR Part 50, Appendix B, Criterion V, requires, in part, that activities affecting quality shall be accomplished in accordance with documented instructions or procedures of a type appropriate to the circumstances.

Entergy Procedure EN-OP-115-01, "Operator Rounds," Revision 1, a quality-related procedure intended to meet this requirement for NLOs performing watchstanding rounds, Step 5.1.7, requires, in part, that watchstanders tour all required areas of their watchstation.

Contrary to the above, from August 2016 to January 2017, watchstanders failed to tour all required areas of their watchstation. Specifically, five NLOs failed to tour all assigned areas of the plant during watchstanding rounds.

Enforcement Actions: This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

The staff determined that the licensee should receive credit for identification of the problem. The licensee took voluntary action to respond to industry operating experience at a site in another fleet (a self-monitoring effort), specifically looking for examples of improper rounds by NLOs and inconsistent logs.

The staff determined that the licensee should receive credit for corrective actions for the violation. The staff determined that licensee took substantive corrective action intended to detect, correct, and deter future misconduct and implemented those actions at each site in the Entergy fleet. Many of the corrective actions were taken in response to a Confirmatory Order dated March 12, 2018 (ADAMS Accession ML18072A191). The implementation of these corrective actions was reviewed and documented in NRC Inspection Report 05000416/2019012, 05000313/2019014 and 05000368/2019014, 05000458/2019013, and 05000382/2019012 (ADAMS) Accession ML19094B867).

Falsification of Operator Rounds Records			
Cornerstone	Significance/Severity	Cross-cutting Aspect	Inspection Procedure
Not Applicable	Severity Level III NOV 05000458/2019014-02 Open EA-18-174	Not Applicable	Not Applicable

Based on the information developed in Investigation 4-2017-025, the NRC concluded that five NLOs deliberately entered inaccurate information into the operator logs in violation of 10 CFR 50.9. This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

Description: In December 2016, following receipt of operating experience from another plant, Entergy initiated an internal review to look for NLO rounds and log keeping performance discrepancies. Entergy's review identified multiple log taking discrepancies and reported them to the NRC on April 17, 2017. Following receipt of this information, the NRC Office of Investigations initiated an investigation.

The NRC requires records of NLO rounds to be complete and accurate because the NRC uses the information in the performance of inspections to ensure that the condition of safety-related equipment is being monitored as required by licensee procedures. The NRC's investigation determined that from August 2016 to January 2017, the licensee failed to maintain these required records such that they were complete and accurate in all material respects. Specifically, five NLOs submitted operating logs for assigned plant areas which they had not toured and which were not complete and accurate in all material respects.

The inspectors determined that the licensee's corrective actions were prompt and reasonably comprehensive. Actions taken included:

- The licensee terminated the NLOs it concluded had engaged in deliberate misconduct. The NLOs it concluded had engaged in careless disregard were disciplined with unpaid leave.
- Procedures were revised to require NLOs to record logs while in front of equipment.
- A requirement was added such that NLOs are required to make a log entry at the completion of rounds attesting that they personally completed the entire set of rounds and entered correct data. They must also discuss the results/challenges encountered during rounds with their supervisor.
- Quarterly audits of operator rounds were instituted for each operating crew. The results must be communicated to the workers to reinforce the standards and emphasize the importance of conducting and documenting proper rounds.
- Supervisors for NLOs are now required to perform field observations of NLOs three times per month, including observation of rounds and log taking.

Enforcement:

Significance: The ROP's significance determination process does not specifically consider willfulness in its assessment of licensee performance. Therefore, it is necessary to address this violation which involves willfulness using the traditional enforcement process.

Notice of Violation:

Title 10 CFR 50.9 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.

Title 10 CFR Part 50, Appendix B, Criterion XVII requires, in part, that sufficient records shall be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses.

Contrary to the above, from August 2016 to January 2017, the licensee failed to maintain information required by the Commission's regulations that was complete and accurate in all material respects. Specifically, five NLOs submitted operating logs for assigned plant areas which they had not toured and which were not complete and accurate in all material respects. The operating logs are required by 10 CFR Part 50, Appendix B, Criterion XVII to be maintained by the licensee. The information was material to the NRC because the NRC uses the information in the performance of inspections to ensure that the condition of safety-related equipment is being monitored as required by licensee procedures.

Enforcement Actions: This violation is one of two violations that are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

The staff determined that the licensee should receive credit for identification of the problem. The licensee took voluntary action to respond to industry operating experience at a site in another fleet (a self-monitoring effort), specifically looking for examples of improper rounds by NLOs and inconsistent logs.

The staff determined that the licensee should receive credit for corrective actions for the violation. The staff determined that licensee took substantive corrective action intended to detect, correct, and deter future misconduct and implemented those actions at each site in the Entergy fleet. Many of the corrective actions were taken in response to a Confirmatory Order dated March 12, 2018 (ADAMS Accession ML18072A191). The implementation of these corrective actions was reviewed and documented in NRC Inspection Report 05000416/2019012, 05000313/2019014 and 05000368/2019014, 05000458/2019013, and 05000382/2019012 (ADAMS) Accession ML19094B867).

EXIT MEETINGS AND DEBRIEFS

On April 12, 2019, the NRC staff presented the inspection results to Mr. S. Vercelli, Site Vice President, and other members of the licensee staff in a telephonic exit meeting. The NRC staff verified no proprietary information was retained or documented in this report.