

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

ERIN HENDERSON

Docket No. IA-20-009

NRC Staff Answer to Erin Henderson's Request for Hearing

Sara Brock Kirkwood
Counsel for NRC Staff

October 8, 2020

TABLE OF CONTENTS

Introduction	1
Background.....	1
Discussion	2
I. NRC Regulations do not permit an adjudicatory hearing on a Notice of Violation	2
II. No due process right is implicated in a Notice of Violation	4
III. To the extent Henderson is entitled to due process, she has received it.	8
IV. A discretionary hearing in this instance would be improper.	10
Conclusion	11

TABLE OF AUTHORITIES

Judicial Opinions

<i>Adams v. Ford Motor Co.</i> , 653 F.3d 299 (3d Cir. 2011).....	8
<i>Cleveland Bd. of Educ. v. Loudermill</i> , 470 U.S. 532 (1985).....	8
<i>Dey v. Nuclear Regulatory Comm’n</i> , 264 Fed. App’x. 889 (Fed. Cir. 1998)	9
<i>Fed. Commc’ns Comm’n v. Fox Television Stations</i> , 567 U.S. 239 (2012)	5, 6
<i>Hannah v. Larche</i> , 363 U.S. 420 (1960).....	6, 7
<i>Paul v. Davis</i> , 424 U.S. 693 (1976)	5

Commission Legal Issuances

<i>State of Alaska Dep’t of Transp. & Pub. Facilities</i> , CLI-04-38, 60 NRC 652 (2004).....	11
<i>Yankee Atomic Elec. Co.</i> (Yankee Nuclear Power Station), CLI-94-3, 39 NRC 95 (1994)	10

Atomic Safety and Licensing Board Decisions

<i>S. Nuclear Operating Co.</i> (Vogtle Electric Generating Plant, Units 3 and 4), LBP-20-4, 91 NRC 55 (2020)	11
--	----

Statutes

28 U.S.C. § 2342, <i>Jurisdiction of court of appeals</i>	6
---	---

Regulations

10 C.F.R. § 2.201	2
10 C.F.R. § 2.202	2
10 C.F.R. § 2.204	2
10 C.F.R. § 2.205	2
10 C.F.R. § 2.206	2, 11
10 C.F.R. § 50.7	1, 8, 11

Other Authorities

64 Fed. Reg. 59,669, Michael Stein; Receipt of Petition for Rulemaking (Nov. 3, 1999).....	4
NRC Enforcement Policy Revision 2020 (Jan. 2020) (ML19352E921)	3
SECY-02-0166, Policy Options and Recommendations for Revising the NRC’s Process for Handling Discrimination Issues (Oct. 4, 2002) (ML022120535)	2, 3, 4
SRM-SECY-02-0166, Policy Options and Recommendations for Revising NRC’s Process for Handling Discrimination Issues (Mar. 26, 2003) (ML030850783)	4

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

ERIN HENDERSON

Docket No. IA-20-009

NRC Staff Answer to Erin Henderson's Request for Hearing

INTRODUCTION

Ms. Erin Henderson has filed a request for a hearing on the Notice of Violation issued to her by the staff of the Nuclear Regulatory Commission (NRC Staff) on August 24, 2020.¹

Pursuant to the briefing schedule set by the Secretary, the NRC Staff hereby responds.²

As explained below, for a Notice of Violation (NOV) there is neither a due process right to a hearing nor a discretionary hearing established by regulation. The NRC Staff issued Ms. Henderson a NOV based on her violation of employee protection regulations found in 10 C.F.R. § 50.7. Because it is well established that the NRC does not hold hearings on NOV's, the request for hearing should be dismissed.

BACKGROUND

Erin Henderson is the former Director of Corporate Nuclear Licensing for the Tennessee Valley Authority (TVA). Ms. Henderson engaged in deliberate misconduct on March 9, 2018, when she retaliated against two TVA employees for engaging in protected activity.³ On

¹ Erin Henderson's Request for a Hearing (Sept. 13, 2020) (ADAMS Accession No. ML20259A299) ("Henderson Request for Hearing"); Notice of Violation, Nuclear Regulatory Commission Office of Investigations Report Nos. 2-2018-033 and 2-2019-015 (IA-20-009) (Aug. 24, 2020) (ML20218A584, ML20232B524 (package)) ("Notice of Violation").

² Order of the Sec'y (Sept. 29, 2020) (unpublished) (Prescribing Briefing Schedule) (ML20273A329).

³ See Notice of Violation (ML20218A584).

August 24, 2020, the Staff issued Ms. Henderson a Severity Level II NOV for this retaliation.⁴ On September 13, 2020, Ms. Henderson responded to the NOV and requested a hearing on the notice.⁵ On September 29, 2020, the Secretary of the Commission set forth a briefing schedule for this hearing request.

DISCUSSION

I. NRC Regulations do not permit an adjudicatory hearing on a Notice of Violation

10 C.F.R. Part 2 sets forth those NRC enforcement actions that are subject to challenge in a hearing and those for which such a challenge is not allowed. Specifically, the regulations provide that both orders and civil penalties may be challenged in a hearing.⁶ In contrast, the regulations governing NOV, demands for information, and requests for enforcement action do not provide for hearing opportunities.⁷

This is not a novel issue. The Commission has carefully considered whether it should offer adjudicatory hearings when it issues a NOV. The Commission did so most recently in its detailed consideration of the comprehensive work of the Discrimination Task Group in the early 2000s. The Discrimination Task Group was chartered to, among other things, propose recommendations for improving the NRC's handling of employee protection matters.⁸ In 2000, it held two rounds of public meetings at six locations around the country, which focused on gathering stakeholder input regarding potential changes to how the NRC handles employee protection matters.⁹ The Discrimination Task Group published a draft report and accepted

⁴ *Id.*

⁵ Henderson Request for Hearing (ML20259A299).

⁶ 10 C.F.R. §§ 2.202, 2.205.

⁷ 10 C.F.R. §§ 2.201, 2.204, 2.206.

⁸ SECY-02-0166, Policy Options and Recommendations for Revising the NRC's Process for Handling Discrimination Issues, at 1 (Sept. 12, 2002) (ML022120479, ML022120535 (package)).

⁹ *Id.* at 2.

public comment.¹⁰ A Senior Management Review Team was established to review the final recommendations of the Discrimination Task Group and provide additional perspectives. The combined views of the Discrimination Task Group and the Senior Management Review Team were presented to the Commission in SECY-02-0166, with the individual reports of each group attached. Specifically, with respect to hearing opportunities for NOVs, the Discrimination Task Group observed that extending hearing opportunities to NOVs would require rulemaking and a myriad of process changes.¹¹ It also would require consideration of whether hearing rights should be extended to other violations that do not currently trigger hearing rights.¹² The Discrimination Task Group noted that this type of expansion of hearing rights would have significant resource implications for the NRC.¹³

Importantly, the Discrimination Task Group observed that the current process provides individuals the opportunity to respond not only in a predecisional enforcement conference (PEC)¹⁴ but also by filing a written response to the NOV.¹⁵ Specifically, for the years examined by the group, 1999–2000, of the sixteen individuals who participated in a predecisional enforcement conference, violations were issued to only five individuals, and of those five

¹⁰ SECY-02-0166, Attachment 1 - Discrimination Task Group Report (ML022120514) (Task Group Report).

¹¹ *Id.* at 63–64.

¹² *Id.*

¹³ *Id.*

¹⁴ A predecisional enforcement conference “is a conference held with a licensee for violations assessed using traditional enforcement. (The term “licensee,” as used in [this Section] is applied broadly and includes NRC licensees, applicants, licensed and nonlicensed individuals, contractors, vendors, and other persons.) The purpose of the PEC is to obtain information from the licensee to assist the NRC in determining whether an enforcement action is necessary and, if so, what the appropriate enforcement action is. The PEC focuses on areas such as (1) a common understanding of the facts, root causes, and missed opportunities associated with the apparent violation and (2) a common understanding of the corrective actions taken or planned. If held, a PEC is normally the final step in the NRC’s fact-finding process before making an enforcement decision.” NRC Enforcement Policy Revision 2020, at § 2.4.1 (Jan. 2020) (ML19352E921).

¹⁵ See Task Group Report at 63–64.

violations, only three were maintained following the written response to the NOV.¹⁶ Ultimately, the Discrimination Task Group did not recommend extending hearing opportunities to NOVs, the Senior Management Review Team agreed, and the Commission did not further pursue this issue.¹⁷

Prior to the work by the Discrimination Task Group, the Commission received a petition for rulemaking, dated July 26, 1999, which sought to establish hearing rights for NOVs. The petition was docketed and public comments were sought.¹⁸ However, the petition was withdrawn prior to action by the Commission.¹⁹ The Discrimination Task Group process and the consideration of the rulemaking petition each included significant stakeholder outreach and engagement on the question of whether to allow for an unprecedented expansion of NRC hearing opportunities to recipients of NOVs. Neither assessment resulted in such a change, which, as noted above, would necessitate modification of NRC's unambiguous regulations. Here, by contrast, Ms. Henderson seeks the very same substantive policy change without the benefit of a public process informed by the views of other stakeholders. Ms. Henderson has articulated no reason for the Commission to reverse its established and well-considered position based on a request from a single individual.

II. No due process right is implicated in a Notice of Violation

As a matter of law, it is well established that due process rights are only implicated when there has been a deprivation of property or a liberty interest. A "reputational" injury is not

¹⁶ *Id.* at 64. And in fact, following a predecisional enforcement conference surrounding these events, the Staff ultimately did not pursue enforcement action against one individual that it had initially considered. See Joseph Shea's Motion for Leave to Reply to Staff Answer and Reply to Staff Answer, Proposed Reply at 10 (Oct. 5, 2020) (ML20279A914); Letter from NRC to TVA, Proposed Imposition of Civil Penalty, NRC Office of Investigations Report Numbers 2-2018-033 and 2-2019-015 (EA-20-006 & EA-20-007) (Aug. 24, 2020) (ML20218A568).

¹⁷ See Task Group Report at 64; SRM-SECY-02-0166, Policy Options and Recommendations for Revising NRC's Process for Handling Discrimination Issues, at 2 (Mar. 26, 2003) (ML030850783).

¹⁸ Michael Stein; Receipt of Petition for Rulemaking, 64 Fed. Reg. 59,669 (Nov. 3, 1999).

¹⁹ Task Group Report at 63.

sufficient to infringe upon a constitutionally recognized liberty or property interest.²⁰ In the seminal case, *Paul v. Davis*, Mr. Paul's name and photograph appeared on a flyer, which was captioned "active shoplifters" and distributed by police chiefs to merchants.²¹ Mr. Paul was not given any prior notice that he would be placed on the flyer, nor did he have any opportunity to challenge the flyer.²² The Supreme Court held that "reputation alone does not implicate any liberty or property interests sufficient to invoke the procedural protection of the due process clause."²³

Ms. Henderson cites a more recent Supreme Court case, *FCC v. Fox Television Stations*, in support of her argument that she is entitled to a hearing on a NOV.²⁴ However, her claim is without merit, as she does not accurately characterize the holding in *Fox*. *Fox* concerned the Federal Communication Commission's (FCC) shifting definitions of indecency, and in particular, whether a party had sufficient process when they were not notified of a retroactive policy change.²⁵ Specifically, the FCC had issued a 2001 policy statement, which stated that in determining whether a broadcast was "patently offensive," it would look at whether the broadcast dwells on or repeats at length the offending description.²⁶ After the promulgation of that policy statement, two television networks, Fox and ABC, both aired broadcasts with brief indecency.²⁷ The FCC then changed its policy to prohibit even fleeting indecency and applied this policy retroactively to the Fox and ABC broadcasts.²⁸ The FCC issued orders to both Fox

²⁰ See, e.g., *Paul v. Davis*, 424 U.S. 693 (1976).

²¹ *Id.* at 695.

²² *Id.* at 733, n.17.

²³ *Id.* at 701.

²⁴ Henderson Request for Hearing at 5; *Fed. Comm'n v. Fox Television Stations*, 567 U.S. 239 (2012).

²⁵ *Fox*, 567 U.S. at 254.

²⁶ *Id.* at 246–47.

²⁷ *Id.* at 247.

²⁸ *Id.* at 249.

and ABC finding the broadcasts indecent, but, acknowledging the change in policy, the FCC did not propose a forfeiture (e.g., a civil penalty).²⁹ The Court held that the change in policy, as applied retroactively to Fox and ABC, violated due process, especially because it was a regulation of speech.³⁰ The FCC attempted to argue that because it did not impose a sanction, its retroactive change in policy should not be grounds for reversal.³¹ It was in this context that the Court used the language quoted by Ms. Henderson and stated that the FCC orders, even without a sanction, could still cause reputational injury and allow future violations to result in increased penalties.³² The right of judicial review, however, was not at issue in *Fox* because the FCC had in fact issued orders, whose reviewability was not in dispute.³³ The *Fox* case, quite simply, is not germane to the issue of hearing rights for NRC NOV's.

Similarly, Ms. Henderson misconstrues *Hannah v. Larche*, relying on an incomplete quote from the case to suggest that it requires judicial process for her NOV.³⁴ That case involved investigations of voter registrars and private citizens in the state of Louisiana for alleged deprivation of others' voting rights.³⁵ The accused were summoned to appear before the Civil Rights Commission, and they raised a due process challenge because the Commission's procedures did not allow for the disclosure of the identity of those who had filed the complaints, nor did the procedures provide for cross-examination of witnesses called by the commission.³⁶ The respondents argued that the investigation would cause irreparable harm

²⁹ *Id.* at 249–50.

³⁰ *Id.* at 254–55 (“This would be true with respect to a regulatory change this abrupt on any subject, but it is surely the case when applied to the regulations in question, regulations that touch upon sensitive areas of basic First Amendment freedoms.”).

³¹ *Id.* at 255.

³² *Id.* at 255–56.

³³ *See Jurisdiction of court of appeals*, 28 U.S.C. § 2342 (providing that all final orders of the Federal Communications Commission are reviewable in the Court of Appeals).

³⁴ *See Hannah v. Larche*, 363 U.S. 420 (1960).

³⁵ *Id.* at 421–22.

³⁶ *Id.*

because it could subject them to “public opprobrium and scorn, the distinct likelihood of losing their jobs, and the possibility of criminal prosecutions.”³⁷ The Court stated

“‘Due Process’ is an elusive concept. Its exact boundaries are undefinable, and its content varies according to specific factual contexts. Thus, when governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process. On the other hand, when governmental action does not partake of an adjudication, as for example, when a general fact-finding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used. Therefore as a generalization, it can be said that due process embodies the differing rules of fair play, which through the years, have become associated with differing types of proceedings. Whether the Constitution requires that a particular right obtain in a specific proceeding depends upon a complexity of factors. The nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding are all considerations which must be taken into account.”³⁸

Ultimately, the Court held that the respondents were not entitled to such procedures because the reputational injuries and potential future consequences they complained of were **not** legally cognizable rights.³⁹ Ms. Henderson provides only the first half of the quote, implying that the *Larche* Court had found that the “legal rights of individuals” had indeed been “directly affected” in that case, and thus required further judicial due process.⁴⁰ The opposite is true. Ms. Henderson’s alleged reputational harm and potential for future injury is strikingly similar to the reputational injury and potential for future consequences complained of by the *Larche* respondents.⁴¹ For the same reasons that the Supreme Court found that the *Larche* respondents were not entitled to more expansive judicial procedures, an NOV issued by the NRC does not provide a due process entitlement to a hearing.

³⁷ *Id.* at 443.

³⁸ *Id.* at 442.

³⁹ *Id.* at 451.

⁴⁰ Henderson Request for Hearing at 24–25.

⁴¹ *Larch*, 363 U.S. at 442–43.

Similarly, Ms. Henderson's references to the *Adams v. Ford Motor Co.*, line of cases are unavailing.⁴² In *Adams*, a sentence was included in a judicial opinion stating that the attorney for one of the parties had "engaged in misconduct" and was referred to the Bar for disciplinary proceedings.⁴³ Contrary to Ms. Henderson's implication, the Third Circuit did not find that the attorney had a right to a judicial hearing, as Ms. Henderson is requesting here.⁴⁴ Rather, the Court only found that the attorney should have received notice from the Court that a sanction was being considered and an opportunity to be heard.⁴⁵ As further discussed below, Henderson had both adequate notice and an opportunity to be heard at her predecisional enforcement conference, consistent with the Commission's Enforcement Policy.

III. To the extent Henderson is entitled to due process, she has received it.

Even assuming *arguendo* that Ms. Henderson has a due process entitlement, it is limited to notice of the violation cited against her and some type of opportunity to respond.⁴⁶ It is undisputed that Ms. Henderson was given notice of the apparent violation and an opportunity to respond to it. First, she was interviewed by the NRC Office of Investigations. She was informed of an open investigation regarding potential violations of 10 C.F.R. § 50.7 and had the opportunity to tell a criminal investigator her story in a voluntary interview by responding to questions with her counsel present. Second, she was provided a notice of apparent violation, which contained a redacted copy of the Office of Investigations' Report of Investigation (ROI). Additionally, she was offered an opportunity to participate in a predecisional enforcement conference, consistent with Commission Policy.⁴⁷ The conference, lasting over four hours,

⁴² *Adams v. Ford Motor Co.*, 653 F.3d 299 (3d Cir. 2011).

⁴³ *Id.* at 303.

⁴⁴ *Id.* at 309.

⁴⁵ *Id.*

⁴⁶ See, e.g., *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985).

⁴⁷ Notice of Violation at 1.

included an NRC Staff overview of the case and a presentation from Ms. Henderson as well as her counsel responding to that overview, followed by questions from the NRC Staff to which Ms. Henderson responded on a voluntary basis. Consistent with the Commission's Enforcement Policy and agency practice, the NRC Staff considered all information provided by Ms. Henderson and her counsel in dispositioning the NOV, to which she has now responded.⁴⁸ Thus, she has already been afforded multiple opportunities to respond to the violation.

In short, to the extent Ms. Henderson has a right to due process regarding the NOV, all that is required is notice and an opportunity to be heard, and Ms. Henderson had both. She was notified of and participated in the investigation conducted by the Office of Investigations. She further had notice of the specific claims in the apparent violation. She was heard in the predecisional enforcement conference. She then had additional notice in the form of the NOV, and has responded to that NOV, a response which is being considered by the NRC Staff. Ms. Henderson complains that these procedures were inadequate because they did not include a judicial procedure before a new decision-maker.⁴⁹ However, Ms. Henderson does not cite any on-point caselaw (nor is the NRC Staff aware of any) to support her claim that due process in this situation, where the only action by the government is issuance of an NOV, requires either a new decision-maker or adjudicatory procedures.⁵⁰

⁴⁸ *Id.* at 3.

⁴⁹ Henderson Request for Hearing at 36–37.

⁵⁰ Ms. Henderson suggests that *Dey v. NRC* supports her premise that not being supplied all the exhibits from the NRC investigation equates to a lack of due process. However, in that case, Mr. Dey complained about not being provided with the underlying evidence the agency relied on to support the revocation of his security clearance, and the court held that Mr. Dey had adequate due process when he was provided notice with sufficiently specific reasons so that he had adequate opportunity to make a meaningful response. *Dey v. Nuclear Regulatory Comm'n*, 264 Fed. App'x. 889, 891 (Fed. Cir. 1998) (*unpublished*). The Notice of Violation here does not revoke any license or security clearance (and therefore does not implicate property and liberty interests as such a revocation might) and, in any event, as explained above, Ms. Henderson was made aware of the reasons for the violation and has had multiple opportunities to respond. Thus, to the extent *Dey* is relevant to the matter at hand, it confirms that Ms. Henderson has in fact received adequate due process, notice, and an opportunity to respond.

IV. A discretionary hearing in this instance would be improper.

It would be an extraordinary action on the part of the Commission to grant a discretionary hearing on a NOV. The Commission has previously held that instituting a proceeding where one is not required is appropriate only where substantial public health and safety issues have been identified.⁵¹ Ms. Henderson asserts that the Commission in *Yankee Rowe* set forth a standard that a discretionary hearing is appropriate when the activities “pose any unusual unexamined issues significant enough to warrant the grant of a discretionary hearing.”⁵² However, the context of the Commission’s language makes clear that its inquiry was directed to health and safety concerns: “[w]hile the petition raises broad questions about health and safety matters inherent in the decommissioning process, the petition makes no allegations that the activities actually being conducted pose any unusual unexamined issues significant enough to warrant the grant of a discretionary hearing.”⁵³ In short, nothing in the *Yankee Rowe* decision would support the Commission taking the extraordinary step of granting an adjudicatory hearing in the instant case on a NOV, especially where the regulation provides no such hearing right and Ms. Henderson has already fully availed herself of the multiple opportunities provided for her to respond to the violation, in accordance with the Commission’s Enforcement Policy.⁵⁴

⁵¹ *Yankee Atomic Elec. Co.* (Yankee Nuclear Power Station), CLI-94-3, 39 NRC 95, 103 (1994).

⁵² Henderson Request for Hearing at 38.

⁵³ *Yankee Rowe*, CLI-94-3, 39 NRC at 103.

⁵⁴ The NRC Staff strongly disagrees with Ms. Henderson’s assertion that, in issuing the Notice of Violation, the NRC Staff has departed from past practice, ignored legal standards, or relied on factual errors. Henderson Request for Hearing at 38. As outlined above, the NRC Staff closely followed its standard process in using this Notice of Violation. If the Commission were to take the extraordinary step of granting a discretionary hearing in this case, the NRC Staff would, at the appropriate time, fully respond to Ms. Henderson’s significantly inaccurate characterization of the record. Moreover, the NRC Staff notes that a substantially similar Notice of Violation was issued to TVA. TVA responded to that Notice of Violation, and the Staff is currently considering TVA’s response. If the Staff were to issue an order to TVA imposing a civil penalty, TVA would have the opportunity to request a hearing.

Notably, Ms. Henderson does not identify any instances, whether in enforcement or even in licensing proceedings, where the Commission has in fact granted a discretionary hearing. In enforcement proceedings, the Commission has consistently declined to grant hearings to individuals who were subjected to discrimination in violation of 10 C.F.R. § 50.7 but who were unsatisfied with the enforcement sanctions issued to the licensee by the NRC.⁵⁵ The Commission likewise does not grant adjudicatory hearings to those unsatisfied with the outcome of a petition submitted pursuant to 10 C.F.R. § 2.206.⁵⁶ And as discussed in Section I, *infra*, the Commission has consistently declined to grant hearings on a NOV, a determination that is made clear in the NRC's regulations. There is simply no reason to depart from the long-standing precedent in this case.

CONCLUSION

As discussed above, given that Ms. Henderson has not shown any entitlement to a hearing on her NOV, and that granting such a hearing would be a substantial departure from precedent, her request for hearing should be dismissed.

/Signed (electronically) by/

Sara Brock Kirkwood
Counsel for NRC Staff
Mail Stop: O-14-A44
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Telephone: (301) 287-9187
E-mail: Sara.Kirkwood@nrc.gov

Dated in Arlington, VA
this 8th day of October 2020

⁵⁵ See, e.g., *State of Alaska Dep't of Transp. & Pub. Facilities*, CLI-04-38, 60 NRC 652 (2004); *S. Nuclear Operating Co.* (Vogtle Electric Generating Plant, Units 3 and 4), LBP-20-4, 91 NRC 55 (2020).

⁵⁶ See, e.g., 10 C.F.R. § 2.206(c)(2) "no petition or other request for Commission review of a Director's decision under this section will be entertained."

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of

ERIN HENDERSON

Docket No. IA-20-009

Certificate of Service

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing “NRC Staff Answer to Erin Henderson’s Request for Hearing,” dated October 8, 2020, have been served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the captioned proceeding, this 8th day of October 2020.

/Signed (electronically) by/

Sara Brock Kirkwood
Counsel for NRC Staff
Mail Stop: O-14-A44
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Telephone: (301) 287-9187
E-mail: Sara.Kirkwood@nrc.gov

Dated in Arlington, VA
this 8th day of October 2020