



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

May 14, 2021

IA-21-029

Mr. Ryan Kirkpatrick
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-018

Dear Mr. Kirkpatrick:

This letter refers to the investigation completed on February 25, 2021, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations regarding your activities at the Waterford Steam Electric Station, Unit 3. The purpose of the investigation was to determine whether you, as a former Senior Reactor Operator and Control Room Supervisor, deliberately failed to promptly report to the reviewing official, your supervisor, or other management personnel designated in site procedures, legal action (arrest) taken against you by a law enforcement authority. A factual summary of the investigation, as it pertains to your actions, is provided as Enclosure 1.

During a telephone conversation on April 12, 2021, an NRC enforcement specialist discussed the results of the NRC's investigation and the apparent violation with you. The enforcement specialist provided you an opportunity to accept the violation or to provide additional information either at a predecisional enforcement conference or in a written response. You chose to accept the violation and the results of the NRC's investigation. In addition, you acknowledged that you understood the importance of following NRC regulations and the high standard to which the NRC holds licensed operators.

Based on the information developed during the investigation, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in Enclosure 2, "Notice of Violation" (Notice). Your deliberate actions placed you in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 73.56(g)(1), which required that you promptly report your arrest by the Louisiana Department of Wildlife and Fisheries to Entergy Nuclear Operations, Inc. (Entergy) personnel. Your deliberate failure to report the arrest is a serious matter that undermines the special trust and confidence that was placed in you as a licensed Senior Reactor Operator. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The NRC Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In a letter dated April 28, 2020, Entergy informed us that, effective immediately, it no longer had a need to maintain your operator license at the Waterford Steam Electric Station, Unit 3. In a letter dated May 18, 2020, we notified you that your license had been terminated. Copies of the aforementioned documents have been placed in your 10 CFR Part 55 docket file.

The NRC has concluded that since: (1) you are no longer working as a licensed operator, (2) Entergy entered information in the Personnel Access Data System concerning your actions, (3) you were open and forthcoming during your Office of Investigations' interview, (4) you accept the violation, and (5) you confirmed that you understand the significance of complying with NRC regulations, you are not required to respond to this violation unless you contest the violation. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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 response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy information so that it can be made publicly available without redaction.

The NRC includes significant enforcement actions on its website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/current.html>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Please contact Mr. John Kramer of my staff at 817-200-1121 if you have any questions.

Sincerely,

Scott A. Morris
Regional Administrator

Enclosures:

1. Factual Summary
2. Notice of Violation

NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-018 - DATED
MAY 14, 2021

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ADAMS ACCESSION NUMBER: ML21127A281

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword: Rgn4
 By: **PAJ** Yes No Publicly Available Sensitive

OFFICE	ES:ACES	TL:ACES	C:DRS/PSB1	C:DRP/PBD	RC	NSIR
NAME	PJayroe	DDodson	RKellar	JDixon	DCylkowski	SPrasad
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	4/13/21	4/16/21	4/19/21	4/19/21	4/20/21	4/20/21
OFFICE	OGC	OE	D:DRS	RA		
NAME	RCarpenter	DJones	GMiller	SMorris		
SIGNATURE	/NLO/ E	/RA/ E	/RA/ E	/RA/		
DATE	5/7/21	4/27/21	5/7/21	5/13/21		

OFFICIAL RECORD COPY

FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT 4-2020-018

On April 24, 2020, the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV, initiated an investigation to determine whether you, as a former Senior Reactor Operator and Control Room Supervisor, deliberately failed to promptly report to the reviewing official, your supervisor, or other management personnel designated in site procedures, a legal action (arrest) taken by a law enforcement authority. The investigation was completed on February 25, 2021.

You were employed by Entergy Operations Inc. (Entergy) at Waterford Steam Electric Station, Unit 3, (Waterford) and maintained unescorted access to Waterford when you were arrested by the Louisiana Department of Wildlife and Fisheries on July 27, 2019. You did not report the arrest to any Entergy official and Entergy did not become aware of your arrest until April 1, 2020. During your interview with the NRC's Office of Investigations, you admitted that you knew the requirement to report an arrest to your employer. You also admitted that you intentionally failed to report your July 27, 2019, arrest to Entergy officials because you did not want to jeopardize your employment.

Based on the evidence gathered, you deliberately failed to promptly report a legal action (arrest) by law enforcement taken against you while maintaining unescorted access at Waterford. Therefore, you violated 10 CFR 73.56(g)(1).

NOTICE OF VIOLATION

Ryan Kirkpatrick
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.390

IA-21-029

During an NRC investigation conducted from April 24, 2020, through February 25, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 73.56(g)(1) requires, in part, that any individual who is maintaining unescorted access under 10 CFR 73.56 shall promptly report to the reviewing official, his or her supervisor, or other management personnel designated in site procedures any legal action taken by a law enforcement authority to which the individual has been subject that could result in incarceration or a court order or that requires a court appearance, including but not limited to an arrest.

Contrary to the above, from July 27, 2019, to April 1, 2020, you, as an individual who had maintained unescorted access, failed to promptly report to the reviewing official, your supervisor, or other management personnel designated in site procedures legal action taken against you by a law enforcement authority, including but not limited to an arrest. Specifically, after being arrested on July 27, 2019, by the Louisiana Department of Wildlife and Fisheries, you failed to promptly report the arrest.

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

The NRC has concluded that since: (1) you are no longer working as a licensed operator, (2) Entergy Operations Inc. entered information in the Personnel Access Data System concerning your actions, (3) you were open and forthcoming during your Office of Investigations' interview, (4) you accept the violation, and (5) you confirmed that you understand the significance of complying with NRC regulations, you are not required to respond to this violation unless you contest the violation. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in the Notice of Violation (Notice) does not accurately reflect your position. In that case, or should you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-21-029" and send it to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011-4511, and email it to R4Enforcement@nrc.gov within 30 days of the date of this letter transmitting this 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, U.S. 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 and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy information so that it can be made available to the public without redaction. If personal privacy information is necessary to provide an acceptable response, then 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.

Enclosure 2

If you request withholding of such material, 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).

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 14th day of May 2021