



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

September 30, 2021

IA-21-035

Mr. Richard Ellison  
[NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-019

Dear Mr. Ellison:

This letter refers to the investigation completed on March 2, 2021, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at the River Bend Station. The investigation was conducted to determine if you, a former licensed senior reactor operator, employed by Entergy Operations, Inc. (licensee) at the River Bend Station, willfully gave a critical digital asset access key to an unauthorized individual. A factual summary of the investigation, as it pertains to your actions, was issued as an enclosure to our letter dated July 1, 2021, Agencywide Documents Access and Management System (ADAMS) Accession No. ML21181A423.

On July 16, 2021, a predecisional enforcement videoconference was conducted with you to discuss the apparent violation, its significance, the cause, and your corrective actions.

Based on the information developed during the investigation and the information that you provided during the conference, the NRC concluded that a deliberate violation of NRC requirements occurred. The violation is cited in Enclosure 1, "Notice of Violation" (Notice). The Notice states that you deliberately violated a licensee quality-related procedure by providing a critical digital asset key to a maintenance supervisor, who was not a critical group member, even though you knew the supervisor was not authorized to have the key and that doing so was in violation of a licensee procedure.

Your deliberate actions placed the licensee in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 73.54, "Protection of digital computer and communication systems and networks," and you in violation of 10 CFR 50.5, "Deliberate misconduct." Enclosure 2 includes a copy of the letter and Notice issued to the licensee. Given the significance of the underlying issue and the deliberate nature of your actions, your 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>.

You should be aware that if you are involved in NRC licensed activities in the future, additional deliberate violations could result in more significant enforcement action or referral to the U.S. Department of Justice for potential criminal prosecution.

The NRC has concluded that you are not required to respond to this letter since you: (1) are no longer a licensed senior reactor operator, (2) acknowledged that you did not follow regulations, (3) accepted full responsibility for your actions to both the licensee and the NRC, and (4) are teaching and sharing with your peers and coworkers the details of your inappropriate actions and their implications. However, should you choose to respond, 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 enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's 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 or proprietary information so that it can be made available to the public without redaction. The NRC will also make our letter describing the apparent violation, dated July 1, 2021, publicly available.

The NRC includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>. In addition, this letter and its enclosures 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. Detailed information about this system of records, including the NRC-3 system notice, can be accessed from the website at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions concerning this matter, please contact Mr. John Kramer of my staff at 817-200-1121.

Sincerely,



Signed by Morris, Scott  
on 09/30/21

Scott A. Morris  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Letter to River Bend Station

NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-019 – DATED  
SEPTEMBER 30, 2021

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 ADAMS ACCESSION NUMBER: MLxxxxxxxxxx

SUNSI Review:      ADAMS:       Non-Publicly Available       Non-Sensitive      Keyword:  
 By: JGK       Yes     No       Publicly Available       Sensitive      IA-21-035

OFFICE	SES:ACES	TL:ACES	C:DRP/PBC	C:DRS/EB2	RC	OE
NAME	JKramer	DDodson	JKozal	NTaylor	DCylkowski	JPeralta
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	09/03/21	09/06/21	09/04/21	09/04/21	09/14/21	09/24/21
OFFICE	NSIR	OGC	RLantz	SMorris		
NAME	SLee	RAugustus	/RA/ E	/RA/ E		
SIGNATURE	/RA/ E	NLO	09/16/21	09/30/21		
DATE	09/21/21	09/24/21	RLantz	SMorris		

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Richard Ellison  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

IA-21-035

Based on the results of an NRC investigation completed on March 2, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.5(a)(1) requires, in part, that an employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any regulation.

10 CFR 73.54(b)(2) requires, in part, that the licensee establish, implement, and maintain a cyber security program for the protection of the safety, security, and emergency preparedness assets from cyber attacks.

Renewed Facility Operating License No. NPF-47, License Condition 2.E requires, in part, that the licensee shall fully implement and maintain in effect all provisions of the Commission-approved Cyber Security Plan, including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p).

Cyber Security Plan, Revision 2, Section 2.2.7 states, in part, that the performance-based requirements of the Cyber Security Plan provide defense-in-depth through the integration of systems, technologies, programs, equipment, supporting processes, and implementing procedures as needed to ensure effectiveness of the program. Further, Section 3.1.6 states, in part, that defense-in-depth strategies are established by documenting and implementing the Operational and Management cyber security controls in Appendix E of NEI 08-09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6. NEI 08-09, Revision 6, Appendix E, Control E5.5 requires, in part, that security control consists of controlling physical access points (including designated entry/exit points) to locations where critical digital assets reside and verifies individual access authorization before granting access to these areas.

Entergy procedure EN-IT-103-07, "Cyber Security Physical Access Requirements for Critical Digital Assets," Revision 8, an implementing procedure of the Cyber Security Plan, Section 5.4, "Administrative Key Issue and Control Process," Step 1 requires, in part, that keys that are used to control access to a room that contains critical digital assets can only be issued by personnel who are members of the critical group to critical group members.

Contrary to the above, on March 31, 2020, you, an employee of a licensee, engaged in deliberate misconduct that caused a licensee to be in violation of a regulation. Specifically, you, a senior reactor operator and critical group member, deliberately provided a critical digital asset key to a maintenance supervisor, who was not a critical group member, even though you knew the supervisor was not authorized to have the key and that doing so was in violation of a licensee procedure.

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

The NRC has concluded that you are not required to respond to this letter since you: (1) are no longer a licensed senior reactor operator, (2) acknowledged that you did not follow regulations,

(3) accepted full responsibility for your actions to both the licensee and the NRC, and (4) are teaching and sharing with your peers and coworkers the details of your inappropriate actions and their implications.

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; IA-21-035" 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](mailto:R4Enforcement@nrc.gov) within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, provide your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 with a copy 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](mailto:R4Enforcement@nrc.gov). A response contesting this enforcement action must be submitted to the NRC within 30 days of the date of the letter transmitting this Notice.

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 or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary 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.

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).

Dated this 30th day of September 2021

## **LETTER TO RIVER BEND STATION**



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

September 30, 2021

EA-21-017  
EA-21-030  
EA-21-050

Mr. Kent Scott, 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 AND PROPOSED  
IMPOSITION OF \$150,000 CIVIL PENALTY, NRC INSPECTION REPORT  
05000458/2021091 AND INVESTIGATION REPORTS 4-2020-008, 4-2020-009,  
AND 4-2020-019

Dear Mr. Scott:

This letter refers to three investigations conducted at the River Bend Station by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations. The purpose of these investigations was to determine whether willful violations of NRC requirements occurred at the River Bend Station involving the administration of a training examination, the performance of operator rounds, and the control of critical digital asset access keys. The investigations were initiated on April 6, April 7, and May 14, 2020; and completed on February 3, March 30, and March 2, 2021, respectively. A final exit briefing was conducted telephonically with you and other members of your staff on June 16, 2021. Details of the inspection and the three associated apparent violations were provided to you in NRC Inspection Report 05000458/2021090, dated July 1, 2021, Agencywide Documents Access and Management System (ADAMS) Accession No. ML21182A222.

On August 16, 2021, a predecisional enforcement videoconference was conducted with you and members of your staff to discuss the three apparent violations, their significance, their root causes, and your corrective actions. The conference was closed to public observation because we discussed the findings of Office of Investigations' reports that have not been publicly disclosed.

Based on the information developed during the investigations and the information you provided during the conference, the NRC has determined that three violations of NRC requirements occurred. These violations are cited in the enclosure, Notice of Violation and Proposed Imposition of Civil Penalty (Notice), and the circumstances surrounding them are described in detail in the July 1, 2021, inspection report. The violations involved individuals' deliberate misconduct associated with the failure to: (A) control critical digital asset access keys; (B) ensure a tour of all required non-licensed operator watchstation areas was completed; and (C) ensure that training examinations were appropriately proctored.

The NRC considers the violations described above to be significant. In determining the significance of a violation involving willfulness, the NRC considers such factors as: the position, training, experience level, responsibilities of the person involved in the violation; the significance of any underlying violation; and the intent of the responsible individual (careless disregard or deliberateness). Therefore, each of these violations have been categorized in accordance with the NRC Enforcement Policy as Severity Level III violations. The NRC Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$150,000 is considered for each Severity Level III violation.

Because your facility is the subject of a willful escalated enforcement action, 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 has determined that *Identification* credit is warranted for all three violations because your staff identified the conditions and entered them into the corrective action program.

The NRC further determined that *Corrective Action* credit is warranted for Violations B and C based on the corrective actions documented in our July 1, 2021, inspection report; in your August 16, 2021, predecisional enforcement conference presentation, ADAMS Accession No. ML21266A112; and in your supplemental information provided to the NRC on August 20, 2021, ADAMS Accession No. ML21257A151 (not publicly available). Therefore, to encourage identification and prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty for Violations B and C. However, significant violations in the future could result in a civil penalty.

The NRC determined that *Corrective Action* credit is not warranted for Violation A. When assessing *Corrective Action* credit, the NRC evaluates both the promptness and the comprehensiveness of a licensee's corrective actions. Although you took prompt corrective actions when you discovered the unauthorized entry into a building containing a critical digital asset, your corrective actions were not comprehensive. Given the significance of the violation, the NRC does not have assurance that your corrective actions will either prevent recurrence of Violation A or prevent occurrence of violations with similar root causes. Specifically, you did not take sufficient action for organizational and programmatic causal factors, you did not take sufficient actions to prevent recurrence of the violation, and you did not apply the corrective actions that were implemented at other similarly licensed facilities in the Entergy Nuclear fleet.

Therefore, to emphasize the importance of comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the base amount of \$150,000 for Severity Level III Violation A.

The NRC recognizes that many of its licensees have been adversely impacted financially by the public health emergency caused by the Coronavirus Disease 2019 (COVID-19). Consequently, as described in the enclosed Notice, the NRC is extending by 30 days the period of time by which the civil penalty must be paid (i.e., extending the deadline from 30 days to 60 days from the date of this Notice), and the NRC would consider a request for additional time, if appropriate. Please refer to the enclosed Notice for further instructions.

If you disagree with this enforcement sanction, you may deny the violation(s), as described in the Notice, or you may request alternative dispute resolution (ADR) mediation with the NRC to resolve this issue. Alternative dispute resolution is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution at Cornell University has agreed to facilitate the NRC ADR program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the Institute on Conflict Resolution at 877-733-9415; and (2) Mr. Jason Kozal at 817-200-1144 within 10 days of the date of this letter. Your submitted signed agreement to mediate using the NRC ADR program will stay the 60-day period for payment of the civil penalty, as identified in the enclosed Notice, until the ADR process is completed.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you should provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The NRC recognizes and acknowledges the broad corrective actions that Entergy Operations, Inc. (Entergy) has taken in response to the March 12, 2018, Confirmatory Order, ADAMS Accession No. ML18072A191, as well as Entergy's identification of the violations documented in the enclosure. Notwithstanding these important actions, we have continued to observe gaps in some areas that require your attention. Specifically, although we determined that corrective action credit was warranted for the non-licensed operator case (Violation B), you did not recognize deliberate misconduct in that case (as discussed in our July 1, 2021, inspection report providing a detailed factual summary), and significant differences between what we determine to be deliberate misconduct and what Entergy determines to be deliberate misconduct continue to exist. These gaps adversely impact our confidence in your ability to recognize incidents of deliberate misconduct reliably. Similarly, we concluded that you took prompt and comprehensive corrective actions associated with the failure to ensure that training examinations were appropriately proctored (Violation C); however, we noted that Entergy did not pursue an earlier opportunity to conduct a more comprehensive extent of condition review following deliberate exam proctor violations at the Grand Gulf Nuclear Station, which resulted in the above-noted Confirmatory Order. Had a more comprehensive review been performed, Entergy might have recognized that training program management oversight and controls for "hard copy" exam processes, like the River Bend Station exam proctor case, were not adequate.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, the enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be

made available to the public without redaction. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

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

Sincerely,

**Scott A. Morris**

Digitally signed by Scott A. Morris  
Date: 2021.09.30 10:31:36 -05'00'

Scott A. Morris  
Regional Administrator

Docket No. 05000458  
License No. NPF-47

Enclosure: Notice of Violation and Proposed  
Imposition of Civil Penalty

RIVER BEND STATION - NOTICE OF VIOLATION AND PROPOSED IMPOSITION  
 OF \$150,000 CIVIL PENALTY, NRC INSPECTION REPORT 05000458/2021091  
 AND INVESTIGATION REPORTS 4-2020-008, 4-2020-009, AND 4-2020-019,  
 DATED – SEPTEMBER 30, 2021

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NAME	JPeralta	JNakoski	RAugustus	RLantz	AVegel	JMonninger	SMorris
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**NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY**

Entergy Operations, Inc.  
River Bend Station

Docket No. 05000458  
License No. NPF-47  
EA-21-017  
EA-21-030  
EA-21-050

During NRC investigations that were initiated on April 6, April 7, and May 14, 2020, and completed on February 3, March 30, and March 2, 2021, respectively, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The violations and associated civil penalty are set forth below:

**I. Violation Assessed a Civil Penalty**

- A. 10 CFR 73.54(b)(2) requires, in part, that the licensee establish, implement, and maintain a cyber security program for the protection of the safety, security, and emergency preparedness assets from cyber attacks.

Renewed Facility Operating License No. NPF-47, License Condition 2.E requires, in part, that the licensee shall fully implement and maintain in effect all provisions of the Commission-approved Cyber Security Plan, including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p).

Cyber Security Plan, Revision 2, Section 2.2.7 states, in part, that the performance-based requirements of the Cyber Security Plan provide defense-in-depth through the integration of systems, technologies, programs, equipment, supporting processes, and implementing procedures as needed to ensure effectiveness of the program. Further, Section 3.1.6 states, in part, that defense-in-depth strategies are established by documenting and implementing the Operational and Management cyber security controls in Appendix E of NEI 08-09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6. NEI 08-09, Revision 6, Appendix E, Control E5.5 requires, in part, that security control consists of controlling physical access points (including designated entry/exit points) to locations where critical digital assets reside and verifies individual access authorization before granting access to these areas.

Entergy Procedure EN-IT-103-07, "Cyber Security Physical Access Requirements for Critical Digital Assets," Revision 8, an implementing procedure of the Cyber Security Plan, Section 5.4, "Administrative Key Issue and Control Process," Step 1 requires, in part, that keys that are used to control access to a room that contains critical digital assets can only be issued by personnel who are members of the critical group to critical group members.

Contrary to the above, on March 31, 2020, a member of the critical group provided a key that is used to control access to a room that contains critical digital assets to a person who was not a critical group member. Specifically, a licensed Senior Reactor Operator provided a critical digital asset key to a maintenance supervisor, who the Senior Reactor

Operator knew at the time was not a critical group member, and the maintenance supervisor accessed a room containing critical digital assets.

This is a Severity Level III violation (NRC Enforcement Policy Section 2.2.1.d).  
Civil Penalty - \$150,000 (EA-21-030)

## II. Violations Not Assessed a Civil Penalty

- B. 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 4, a quality-related procedure intended to meet the above requirement for non-licensed operators performing watchstanding rounds, Step 5.1.8, requires, in part, that watchstanders tour all required areas of their watchstation. Section 5.1.27 states, in part, that if a trainee is taking logs as part of training, then ensure the qualified watchstander is with the trainee to check each reading and perform a complete tour as the qualified watchstander. Section 5.2.2 states, in part, that the operator assigned to an area (room, building or group of buildings) is responsible to complete rounds applicable to that area.

Contrary to the above, on September 1, 2019, a watchstander failed to tour all required areas of their watchstation. Specifically, a non-licensed operator assigned to the control building as "over-instruction" failed to properly observe the "under-instruction" operator complete all panel checks and failed to ensure a complete tour of all required areas of their watchstation.

This is a Severity Level III violation (NRC Enforcement Policy Section 2.2.1.d). (EA-21-050)

- C. 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 CEP-NDE-0100, "Administration and Control of [Nondestructive Examination] NDE," Revision 11, a quality-related procedure, Section 5.2.2.4 requires, in part, that unless administered directly by the Principal Level III, exams shall be forwarded to an exam proctor. Exams shall not be copied after issuance from the Principal Level III, unless specifically requested. Additionally, Procedure CEP-NDE-0100, Section 5.2.2.3, requires, in part, that each written exam shall have a unique number and cover sheet.

Contrary to the above, on August 13, 2018, an exam proctor, who was not the Principal Level III, made an unauthorized copy of the exam with the same control number. Specifically, following administration of the exam to the applicant, the exam proctor thought he lost the original exam and printed a duplicate exam with the same control number, without authorization from the Principal Level III, falsified the answers, and submitted the exam to the Principal Level III to prevent identification of a perceived error on his part.

This is a Severity Level III violation (NRC Enforcement Policy Section 2.2.1.d). (EA-21-017)

Pursuant to 10 CFR 2.201, Entergy Operations, Inc. (licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and the NRC Resident Inspector at the River Bend Station, and email it to [R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov) within 30 days of the date of the letter transmitting this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-21-017, 030, 050" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a demand for information requiring you to explain why your license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

You may pay the civil penalty proposed above in accordance with NUREG/BR-0254, "Payment Methods" (NRC's Agencywide Documents Access and Management System (ADAMS) Accession ML19163A244), and by submitting to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, a statement indicating when and by what method payment was made, or you may protest the imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. However, in recognition of the financial impact to licensees by the public health emergency caused by the Coronavirus Disease 2019 (COVID-19), the NRC is extending the period of time by which the civil penalty must be paid from 30 days to 60 days from the date of this Notice. Should you fail to pay the civil penalty within 60 days of the date of this Notice, the NRC may issue an order imposing the civil penalty.

Should you elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation; EA-21-017, 030, 050," and may: (1) deny the violation(s) listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty. Separately, you may request an additional extension of time to pay the civil penalty as a result of impacts from COVID-19. Such an extension request must be in writing, should explain the basis for the request, and should specify the amount of additional time being requested. This extension request must be submitted to the NRC no later than 50 days from the date of this Notice (i.e., at least 10 days before the initial 60-day deadline to pay the civil penalty).

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201

reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty, which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses noted above (i.e., Reply to Notice of Violation, statement as to payment of a civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, and the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and emailed to [R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov).

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If personal privacy or proprietary 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. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (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).

In accordance with 10 CFR 19.11, you are required to post this Notice within 2 working days of receipt.

Dated this 30th day of September 2021