



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

November 26, 2021

IA-21-049

Ms. Peggy Lucky
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-016

Dear Ms. Lucky:

This letter refers to the investigation completed on March 24, 2021, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations at the Entergy Nuclear Operations, Inc. (licensee) headquarters in Jackson, Mississippi. The investigation was conducted to determine if you, a former Corporate Functional Area Manager, willfully submitted inaccurate information to the licensee when you closed a corrective action in a condition report without proper review and approval. A factual summary of the investigation, as it pertains to your actions, was issued as an enclosure to our letter dated October 27, 2021, Agencywide Documents Access and Management System (ADAMS) Accession No. ML21299A296.

In the letter transmitting the factual summary of the Office of Investigations report, we provided you with the opportunity to address the apparent violation identified in the letter by attending a predecisional enforcement conference, participating in an alternative dispute resolution mediation session, or providing a written response before we made our final enforcement decision. In an email dated November 4, 2021 (ADAMS Accession No. ML21309A017), you indicated that you decided not to challenge the apparent violation.

Based on the information developed during the investigation, the NRC determined that a violation of NRC requirements occurred. The violation is cited in the enclosed "Notice of Violation" (Notice). The Notice states that you deliberately entered inaccurate information in a condition report indicating that a performance improvement review group had met and approved the associated apparent cause analysis with no comments, when in fact the performance improvement review group had not met or approved the analysis.

Your deliberate actions placed you in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(2), "Deliberate misconduct." 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: (1) you are no longer an employee of the licensee, (2) the licensee entered information in the Personnel Access Data System concerning your actions, and (3) you decided not to challenge the apparent violation. 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 "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 and 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 information so that it can be made publicly available without redaction. The NRC will also make our letter describing the apparent violation, dated October 27, 2021, publicly available in ADAMS.

The NRC includes significant enforcement actions on its website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/current.html>. In addition, this letter and its enclosure 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 11/26/21

Scott A. Morris
Regional Administrator

Enclosure:
Notice of Violation

NOTICE OF VIOLATION, NRC INVESTIGATION REPORT 4-2020-016 - DATED NOVEMBER 26, 2021

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ADAMS ACCESSION NUMBER: ML21340A262

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

OFFICE	SES:ACES	TL:ACES	C:DRP/PBC	RC	OE	NRR
NAME	JKramer	JGroom	JKozal	DCylkowski	DJones	RFelts
SIGNATURE	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E	/RA/ E
DATE	11/04/21	11/08/21	11/05/21	11/10/21	11/16/21	11/15/21
OFFICE	OGC	D:DRP	RA			
NAME	MSimon	AVegel	SMorris			
SIGNATURE	/NLO/ E	/RA/ E	/RA/ E			
DATE	11/16/21	11/16/21	11/26/21			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Peggy Lucky
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-21-049

During an NRC investigation conducted from April 16, 2020, through March 24, 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)(2) requires, in part, that any employee of a licensee may not deliberately submit to a licensee information that the person submitting the information knows to be inaccurate in some respect material to the NRC.

Contrary to the above, on June 25, 2019, you, an employee of a licensee, deliberately submitted to the licensee information that you knew to be inaccurate in some respect material to the NRC. Specifically, in Condition Report CR-HQN-2019-00182, Corrective Action No. 7, you entered inaccurate information indicating that a performance improvement review group had met and approved the associated apparent cause analysis with no comments, when in fact the performance improvement review group had not met or approved the analysis. The information in the condition report was material to the NRC because it is subject to NRC inspection and informs the NRC's assessment of the licensee's implementation of the corrective action program.

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: (1) you are no longer an employee of the licensee, (2) the licensee entered information in the Personnel Access Data System concerning your actions, and (3) you decided not to challenge the apparent violation.

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 position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; IA-21-049" 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 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. 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 information so that it can be made available to the public without redaction. If personal privacy information is

Enclosure

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 26th day of November 2021