

October 29, 2009

IA-09-036

Mr. Robert C. Robbirds
[Home Address Deleted
Under 10 CFR 2.390(a)]

SUBJECT: ORDER (EFFECTIVE IMMEDIATELY) PROHIBITING INVOLVEMENT IN
NRC-LICENSED ACTIVITIES (NRC OFFICE OF INVESTIGATIONS REPORT
NO. 2-2008-055)

Dear Mr. Robbirds:

The enclosed Order prohibiting involvement in U.S. Nuclear Regulatory Commission (NRC) licensed activities (Order) is being issued because you engaged in deliberate misconduct as defined in Section 50.5, "Deliberate misconduct," of Title 10 of the *Code of Federal Regulations* (10 CFR) that has caused Southern Nuclear Operating Company, Inc.'s (SNC) Joseph M. Farley Nuclear Plant (FNP), to be in violation of regulatory requirements.

On March 5, 2009, an investigation was completed by the NRC's Office of Investigations at FNP's facility at Columbia, AL. The purpose of the investigation was to review your involvement in an alcohol related fitness for duty incident that occurred on June 27, 2008. The investigation substantiated that you deliberately consumed alcohol for several hours prior to arriving for work at the facility and entered the facility with alcohol concealed in bottles containing a mixture of alcohol and water. After you had been onsite for several hours while serving in your official capacity as a Nuclear Security Officer and an armed responder inside the protected area, you then consumed alcohol and were found shortly thereafter by FNP personnel to be in an unresponsive state and not fit for duty.

Your deliberate actions caused FNP, an NRC licensee, to be in violation 10 CFR 73.55(f), which requires, in part, that each guard, watchman or armed response individual on duty shall be capable of maintaining continuous communication with an individual in each continuously manned alarm station.

Although your actions did not adversely affect the public health and safety or the common defense and security because additional armed security responders in excess of minimum requirements were onsite, and because FNP was not challenged by an actual security threat during the time you were under the influence of alcohol, you knowingly and deliberately caused the licensee to be in violation of 10 CFR 73.55(f). Consequently, the NRC has determined that an Order prohibiting your involvement in NRC-licensed activities for a period of three years is appropriate.

The enclosed Order is effective immediately. In accordance with 10 CFR 2.202, you must file a written answer to this Order within 20 days of its date. Your answer may request a hearing.

The Order requires you to immediately cease your involvement in NRC-licensed activities. If you are involved with an NRC licensee on the date of the Order, you must provide a copy of the Order to that NRC licensee and inform the NRC of the name, address, and telephone number of that licensee.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to a civil monetary penalty.

A copy of this letter and its enclosure is being sent to your former employer, SNC's Farley Nuclear Plant.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

In accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding," a copy of this letter, its enclosure, and your response will be made available for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards 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 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21, "Requirements for the protection of safeguards information."

Questions concerning this Order should be addressed to the Director of the Office of Enforcement, who can be reached at 301-415-2741.

Sincerely,

/RA/

Cynthia A. Carpenter, Director
Office of Enforcement

Enclosure: As stated

cc w/encl: (see page 3)

R. Robbirds

3

cc w/ encl:

Mr. J. Randy Johnson

Vice President - Farley

Southern Nuclear Operating Company, Inc.

7388 North State Highway 95

Columbia, AL 36319

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Cynthia A. Carpenter, Director
Office of Enforcement

Enclosure: As stated cc w/encl: (see page 3)

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