



OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION

**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

December 27, 2016

EA-16-227

Mr. Richard Michael Glover
Site Vice President
H. B. Robinson Steam Electric Plant
Duke Energy
3581 West Entrance Road, RNPA01
Hartsville, SC 29550

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION, OFFICE OF INVESTIGATIONS
REPORT 2-2016-001; H.B. ROBINSON STEAM ELECTRIC PLANT – NRC
INSPECTION REPORT 05000261/2016404

Dear Mr. Glover:

This refers to an investigation completed on September 30, 2016, by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning activities at Duke Energy's H. B. Robinson Steam Electric Plant (RNP). The purpose of the investigation was to review a security incident that was identified on September 23, 2015.

Based on the results of this investigation, one apparent violation (AV) was identified as documented in Enclosure 1, and is being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Enclosure 2 contains a Factual Summary of the OI investigation.

The circumstances surrounding the apparent violation, your corrective actions, the significance of the issue, and the need for lasting and effective corrective action were previously discussed between members of your staff and the NRC. As a result, it may not be necessary to conduct a pre-decisional enforcement conference in order to enable the NRC to make an enforcement decision. In addition, because your facility has not been the subject of escalated enforcement within the past two years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy. The final decision will be based on you confirming on the license docket that the corrective actions previously described or discussed with the NRC staff have been or are being taken.

~~Enclosure(s) transmitted herewith contain(s) SUNSI. When separated from enclosure(s), this transmittal document is decontrolled.~~

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Before the NRC makes its final enforcement decision, we are providing you an opportunity to (1) respond in writing to the AV in this inspection report within 30 days of the date of this letter, or (2) request a Pre-decisional Enforcement Conference (PEC). If a PEC is held, the NRC will issue a press release to announce the time and date of the conference, and the conference will be closed to public observation. The PEC will also be transcribed. If you decide to participate in a PEC, please contact Binoy Desai at 404-997-4519 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation in NRC Inspection Report 05000261/2016404, EA-16-227" and should include (1) the reason for the AV or, if contested, the basis for disputing the AV; (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 previously docketed correspondence, if the correspondence adequately addresses the required response. Additionally, your response should be sent to the NRC's Document Control Center, with a copy mailed to Anthony T. Gody, Director of Reactor Safety, Region II, 245 Peachtree Center Avenue NE, Atlanta, GA 30303, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions, taken or planned.

In addition, please be advised that the number and characterization of the AV described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

For administrative purposes, this letter is issued as Inspection Report 05000261/2016404 and the apparent violation is designated as AV 05000260/2016404-01, Security Safeguards Control.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, 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 NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

R. Glover

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The material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in in the enclosure will not 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 NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Should you have any questions concerning this letter, please contact Mr. Binoy Desai at 404-997-4519.

Sincerely,

/RA/

Anthony T. Gody, Director
Division of Reactor Safety

Docket No. 50-261
License No. DPR-23

Enclosures:

1. Apparent Violation
2. Factual Summary

cc: (See page 4)

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Sincerely,

/RA/

Anthony T. Gody, Director
Division of Reactor Safety

Docket No. 50-261
License No. DPR-23

Enclosures:

- 1. Apparent Violation
- 2. Factual Summary

cc: (See page 4)

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R. Glover

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cc:

Jeffrey Remick, Director
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Hartsville, South Carolina 29550

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