



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200  
ATLANTA, GEORGIA 30303-1200

March 11, 2020

EA-19-025

Mr. Ernest J. Kapopoulos, Jr.  
Site Vice President  
H. B. Robinson Steam Electric Plant  
Duke Energy Progress, LLC  
3581 West Entrance Road, RNPA01  
Hartsville, SC 29550

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE – H. B. ROBINSON STEAM  
ELECTRIC PLANT

Dear Mr. Kapopoulos:

The enclosed Confirmatory Order is being issued to Duke Energy Progress, LLC (Duke Energy) as a result of a successful alternative dispute resolution (ADR) mediation session. The commitments in the Confirmatory Order were made by Mr. Steven D. Capps, Senior Vice President, Duke Energy, as part of a settlement agreement with the U.S. Nuclear Regulatory Commission (NRC). The mediation was related to three apparent violations of NRC requirements, as described in an enclosure to the NRC's inspection report 05000261/2019012, dated September 19, 2019 (Agency-wide Documents Access and Management System (ADAMS) accession number ML19262H275).

NRC inspection report 05000261/2019012 provided you the results of an investigation by the NRC's Office of Investigations (OI), conducted at Duke Energy's H. B. Robinson Steam Electric Plant, and identified three apparent violations:

- 1) Failure to conduct hourly fire watches in accordance with 10 CFR § 50.48, Fire Protection, and licensee procedure, AD-EG-ALL-1522, "Duties of a Fire Watch." Specifically, on multiple occasions between September 15, 2017, and September 21, 2017, four inside auxiliary operators (IAOs) assigned the duties of an hourly fire watch in the 'A' and 'B' emergency diesel generator rooms failed to visually watch or inspect the assigned location for signs of fire. The NRC concluded that the actions of the IAOs were deliberate.
- 2) Failure to conduct operator rounds in accordance with Technical Specification 5.4.1.a, procedures established through Regulatory Guide 1.33, Appendix A, including administrative procedures for Log Entries, Record Retention, and Review Procedures. Specifically, on several occasions between July 1, 2017, and October 31, 2017, four IAOs failed to conduct operator rounds in accordance with procedure AD-OP-ALL-1000, "Conduct of Operations," Revision 8. The NRC concluded that the actions of the IAOs were deliberate.

- 3) Failure to maintain complete and accurate fire watch and operator rounds logs in accordance with 10 CFR § 50.9(a). Specifically, on several occasions, between July 1, 2017, and October 31, 2017, as described in the two previous AVs, IAOs failed to enter an area to conduct operator rounds or fire watches yet signed off as completing them. The NRC concluded that the actions of the IAOs were deliberate.

NRC inspection report 05000261/2019012 also informed you that the apparent violations were being considered for escalated enforcement action, in accordance with the NRC's Enforcement Policy. The NRC provided you the option of (1) respond to the apparent violation in writing, (2) request a pre-decisional enforcement conference, or (3) request alternative dispute resolution (ADR) with the NRC, in an attempt to resolve the issue.

In response to our letter, Duke Energy requested ADR. An ADR mediation session was held on December 16, 2019, and a preliminary settlement agreement was reached. As evidenced by the signed "Consent and Hearing Waiver Form" (Enclosure 1), dated March 3, 2020, you agreed to issuance of a Confirmatory Order confirming the commitments outlined in the settlement agreement. In light of the corrective actions Duke Energy agreed to take, as described in the Confirmatory Order (Enclosure 2), the NRC is satisfied that its concerns will be addressed by making the commitments legally binding.

The Confirmatory Order will be administratively tracked under Inspection Report No. 05000261/2020090.

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 civil monetary penalty. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, along with its enclosures, will be made available electronically for public inspection in the NRC Public Document Room or from ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The Confirmatory Order will be published in the Federal Register. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

**/RA/**

Joel T. Munday  
Deputy Regional Administrator

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

Enclosures:

1. Consent and Hearing Waiver
2. Confirmatory Order

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ELECTRIC PLANT - DATED MARCH 11, 2020

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