



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
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KING OF PRUSSIA, PA 19406-2713

April 29, 2020

EA-17-077

Mr. Daniel G. Stoddard  
Senior Vice President and Chief Nuclear Officer  
Dominion Energy, Inc.  
Innsbrook Technical Center  
5000 Dominion Blvd.  
Glen Allen, VA 23060-6711

SUBJECT: CONFIRMATION OF COMPLETION OF ACTIONS TAKEN BY DOMINION  
ENERGY, INC. AS SET FORTH IN NRC CONFIRMATORY ORDER DATED  
NOVEMBER 21, 2017

Dear Mr. Stoddard:

The purpose of this letter is to acknowledge the actions Dominion Energy, Inc. (Dominion) has taken in response to the Confirmatory Order (Order) issued to you by the U.S. Nuclear Regulatory Commission (NRC) on November 21, 2017 (ML17318A216<sup>1</sup>). The actions were taken to fulfill commitments that were made as part of a settlement agreement reached during a September 20, 2017, Alternative Dispute Resolution (ADR) mediation session between Dominion and the NRC. Dominion requested the ADR mediation session in response to a letter the NRC issued on July 20, 2017 (ML17200C967), which informed Dominion of the results of an investigation by the NRC Office of Investigations (OI) conducted at Dominion's Millstone Power Station (Millstone). As described in the July 20, 2017, letter, based on the investigation, the NRC determined that a former contract security officer working as an Armorer at Millstone deliberately failed to perform assigned duties pertaining to the accountability, testing, and maintenance of site response weapons and falsified related records. The former contract security officer's actions caused Dominion to be in violation of NRC regulations pertaining to maintenance and testing of firearms and requiring that information required to be maintained (i.e., records) are complete and accurate in all material respects. In the July 20, 2017, letter, the NRC informed Dominion that the NRC was considering escalated enforcement action for the violations and offered Dominion the opportunity to provide its perspectives on the matter or request ADR, and Dominion selected the latter.

As a result of the mediation, and as documented in the subject Order, Dominion agreed to take a number of actions to address the violations, including: evaluating security contractor oversight and conduct of related training; obtaining independent reviews of the safety culture and organizational effectiveness within the site security organization, evaluating implementation of the armorer function and weapons accountability process at Millstone, and communicating

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.

about the issue to industry peers. In recognition of these actions, the NRC agreed to not issue a civil penalty and to not consider the Order to be an escalated enforcement action by the NRC for future assessment of violations occurring at Millstone.

The commitments contained in the Order, a description of Dominion's actions to fulfill each commitment, and a summary of the NRC evaluation of Dominion's actions are provided in the enclosed table (Enclosure). The NRC has determined that Dominion has satisfied all terms of the Order. We have no further questions at this time, and you are not required to submit any further correspondence to the NRC on these matters. However, if you have any questions or comments, please contact Marjorie McLaughlin of my staff at 610-337-5240.

In accordance with 10 CFR 2.390, of the NRC's "Rules of Practice," a copy of this letter and its enclosure and your response, should you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

David C. Lew  
Regional Administrator

Enclosure: As stated

Docket Nos. 50-336 and 50-423

License Nos. DPR-65 and NPF-49

SUBJECT: CONFIRMATION OF COMPLETION OF ACTIONS TAKEN BY DOMINION ENERGY, INC. AS SET FORTH IN NRC CONFIRMATORY ORDER DATED NOVEMBER 21, 2017: DATED APRIL 29, 2020

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**ADAMS Accession No.:** ML20084L272

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## ENCLOSURE

### Completion of Actions Set Forth in the Confirmatory Order

Confirmatory Order Commitment	Actions by Dominion	NRC's Evaluation
A.1 Dominion agreed to, within 30 days of the date of the Order, prepare a full inventory of all in-service and out-of-service weapons on site.	On December 5, 2017, Dominion completed the full inventory. (Ref. ML17363A217)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
A.2 Dominion agreed to, within 30 days of the date of the Order, prepare a report of the maintenance status of all in-service weapons on site.	On December 11, 2017, Dominion prepared a report of the maintenance status of all in-service weapons on site. (Ref. ML17363A217)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
B.1 Dominion agreed to, within 30 days of the date of the Order, communicate the issue to all personnel at Millstone and other Dominion Energy, Inc. nuclear sites.	On November 27, 2017, the Dominion Nuclear Senior Vice President and Chief Nuclear Officer issued an electronic mail message to all personnel at Dominion Energy nuclear sites that discussed the importance of transparency and ethics in the performance of actions, emphasized that falsification of records is unethical and will not be tolerated, and provided guidance on specific actions to take if an individual feels that he or she is unable to complete work as expected and required. Supervisors were provided copies of the message to post for employees who may not readily have access to email themselves. (Ref. ML17363A206)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>

<sup>2</sup> Non-public due to the inclusion of security-sensitive information.

<b>Confirmatory Order Commitment</b>	<b>Actions by Dominion</b>	<b>NRC's Evaluation</b>
B.2 Dominion agreed to, within 10 days of the date of the Order, ensure that Dominion's records related to the former security officer's entry in the Personnel Access Data System included information related to this case.	Dominion did not submit formal documentation of completion of this item, but it was confirmed to have been completed via NRC inspection.	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
C.1. Dominion agreed to, within 180 days of the date of the Order, perform an evaluation of its oversight of the security contract organization.	On April 9, 2018, Dominion completed an evaluation of its oversight of the security contract organization. The evaluation reviewed reporting relationships, licensee and contractor responsibilities for individual performance management, and the means in place to verify that regulatory requirements are being met. Results of the evaluation were captured in a Station Performance Improvement Report (PIR). The PIR identified recommended potential enhancements. (Ref. ML18134A033)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>

<b>Confirmatory Order Commitment</b>	<b>Actions by Dominion</b>	<b>NRC's Evaluation</b>
C.2 Dominion agreed to, within 90 days of completing the evaluation described in C.1, administer training to Dominion Security management staff that focused on roles and expectations for managing contractor staff and the reinforced Dominion's responsibility for assuring regulatory compliance.	On May 16, 2018, Dominion completed training to Dominion Security management staff that focused on roles and expectations for managing contractor staff and reinforced Dominion's responsibility for assuring regulatory compliance. (Ref. ML18170A091)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
C.3 Dominion agreed to, within 120 days of the date of the Order, administer a safety culture survey to the Millstone security organization. Dominion agreed to, prior to administering the survey, retain a safety culture expert, external to the Dominion Energy Inc. organization, to review Dominion's root cause evaluation of the issue.	Dominion retained a safety culture expert external to the Dominion Energy Inc. organization. The safety culture expert reviewed the results of an organizational effectiveness survey implemented by Dominion from November 2017 to January 2018 and compared the results to the safety culture assessment in the root cause related to armorer performance. This comparison was used to develop and implement additional safety culture survey questions for which data was collected through March 19, 2018. (Ref. ML18226A084)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019410; 050-423/2019410. (Ref. ML19057A612) <sup>2</sup>

Confirmatory Order Commitment	Actions by Dominion	NRC's Evaluation
<p>C.4 Dominion agreed to, within 240 days of the date of the Order, perform an organizational effectiveness evaluation of the Millstone security organization.</p>	<p>On July 16, 2018, Dominion completed an organizational effectiveness evaluation of the Millstone security organization. The evaluation team included four members, two of which were external to Dominion Energy Inc., including the safety culture expert from Item C.3. The evaluation reviewed results of the safety culture survey developed in Item C.3, including trending within the Millstone security organization and benchmarking with other Dominion nuclear sites, along with the root cause evaluation of armorer performance, with particular emphasis on the traits of a healthy nuclear safety culture. The evaluation also reviewed the clarity for the security staff about lines of responsibility and reporting, and the performance and quality of how individual job performance results are evaluated, documented, and communicated. Based on conclusions identified in the evaluation, an action plan that includes measures of effectiveness was developed and entered into the Station's corrective action program. (Ref. ML18226A084)</p>	<p>The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019410; 050-423/2019410. (Ref. ML19057A612)<sup>2</sup></p>

<b>Confirmatory Order Commitment</b>	<b>Actions by Dominion</b>	<b>NRC's Evaluation</b>
D.1 Dominion agreed to, within 180 days of the date of the Order, evaluate its implementation of the Armorer function at Millstone.	On March 9, 2018, Dominion completed its evaluation of the implementation of the Armorer function at Millstone. The evaluation included a comparison of the Millstone processes to other Dominion Energy and non-Dominion Energy nuclear stations. Results of the evaluations were captured in a Station Performance Improvement Report (PIR). The PIR identified strengths and recommended potential enhancements. (Ref. ML18094A117)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
D.2 Dominion agreed to, within 90 days of completing the evaluation described in Item D.1, communicate to Dominion Security management staff at Millstone the results of the evaluation of the armorer function and any completed or pending corrective actions.	On March 23, 2018, Dominion communicated the results of the evaluation of the armorer function to security personnel. (Ref. ML18109A041)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2018410; 050-423/2018410. (Ref. ML18205A363) <sup>2</sup>
E.1 Dominion agreed to, within 180 days of the date of the Order, review its process for performing and recording in-service and out-of-service weapons inventory.	On March 9, 2018, Dominion completed its evaluation of the process for performing and recording in-service and out-of-service weapons inventory. The evaluation included a comparison of the Millstone processes to other Dominion Energy and non-Dominion Energy nuclear stations. Results of the evaluations were captured in a Station Performance Improvement Report (PIR). The PIR identified strengths and recommended potential enhancements. (Ref. ML18094A117)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019410; 050-423/2019410. (Ref. ML19057A612) <sup>2</sup>



<b>Confirmatory Order Commitment</b>	<b>Actions by Dominion</b>	<b>NRC's Evaluation</b>
F.1. Dominion agreed to, within 90 days of the date of the Order, complete the first of four quarterly reviews of the effectiveness of the weapons maintenance program and corrective actions implemented in response to this issue.	On February 15, 2018, Dominion completed the first quarterly review. (Ref. ML18075A326)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019410; 050-423/2019410. (Ref. ML19057A612)
F.2 Dominion agreed to make the effectiveness reviews available to the NRC for review for a period of one year.	Dominion reiterated its commitment to make the effectiveness reviews available to the NRC for inspection for a period of one year after completion of the final review. (Ref. ML18075A326)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019410; 050-423/2019410. (Ref. ML19057A612) <sup>2</sup>
G.1 Dominion agreed to, by December 31, 2019, discuss the issue to the Nuclear Security Working Group and the 2019 National Nuclear Security Conference.	On March 19, 2019, Dominion completed a presentation to the Nuclear Security Working Group. On August 20, 2019, Dominion completed a presentation to the 2019 National Security and Emergency Preparedness Summit (previously called National Nuclear Security Conference). The presentations included a discussion of the issue, the results of the evaluations performed, including organizational weaknesses that contributed to the issue, and the resulting corrective actions taken.  (Ref. ML19109A108 & ML19260D632)	The NRC documented its inspection confirming that Dominion completed this action in Inspection Report No. 050-336/2019411; 050-423/2019411. (Ref. ML19263B953) <sup>2</sup>