

From: [Musser, Randy](#)
To: tgurdziel@twcny.rr.com
Cc: [Hannah, Roger](#)
Subject: Responses to Your Questions Regarding the Duke Confirmatory Order
Date: Monday, March 30, 2020 4:27:00 PM

Mr. Gurdziel,

The NRC is in receipt of your email dated March 12, 2020 regarding the Confirmatory Order to Duke Energy for Violations at the Robinson Nuclear Power Plant. In your email, you asked a number of questions. Below are those questions with our answers attached.

Randy Musser
Chief, Reactor Projects Branch 2
Division of Reactor Projects, Region II

Apparently, Duke Energy does (or did) not hold workers accountable for their (in)action(s) since I did not read in the News Release that any action was taken against the involved “workers”.

The News Release did not cover the actions taken against the individual operators. NRC Inspection Report (IR) 05000261/2019012, Agency-wide Documents Access and Management System (ADAMS) accession number ML19262H275, discussed the three violations and noted that individual operators who missed fire watches and operator rounds received disciplinary corrective actions. Due to privacy concerns the NRC did not expand on the extent of the actions taken against the individuals. Additionally, in light of Duke Energy’s disciplinary actions, the non-supervisory role of the individuals involved, the low underlying safety significance of their respective individual actions, and consistent with precedents, the NRC concluded that enforcement action against the individuals was not warranted.

Why should this matter take 3 years to address?

The identification of the potential for missed fire watches occurred in September 2017. The matter was referred to the NRC Office of Investigations due to the potential for willfulness. The Office of Investigations completed their investigation and issued their report on March 18, 2019. The NRC issued an inspection report (ADAMS Accession No. ML ML19262H275) on September 19, 2019 describing three apparent violations. Duke Energy requested to proceed with the Alternative Dispute Resolution (ADR) process. The ADR mediation session was held on December 16, 2019. The proposed actions agreed upon at the ADR session were converted into a confirmatory order, which effectively modifies the Robinson operating license (i.e., a license amendment). As such, confirmatory orders necessitate substantial internal review by the NRC and by Duke Energy. The Confirmatory Order was issued on March 5, 2020. The NRC has a Congressional timeliness metric to complete enforcement actions and completed this action within these timelines.

While two and a half years passed between the time NRC inspectors identified these issues and the time that the confirmatory order was ultimately issued, the licensee took swift and broad corrective actions at the time NRC communicated the issues. These included both corrective actions

associated with the individuals involved and more broadly-based extent-of-condition audits aimed at ensuring that other instances similar to those that we identified did not take place. The NRC concluded that these corrective actions were sufficient to provide a reasonable assurance of safe operation while the investigative and enforcement processes took place.

Why should it take 3 months to write a Confirmatory Action Letter/Confirmatory Order for something agreed to on December 16, 2019?

The Confirmatory Order was based on an agreement reached between the NRC and Duke Energy during an Alternative Dispute Resolution meeting held on December 16, 2019. The Confirmatory Order effectively modified the Robinson operating license (representing a license amendment), and as such, required substantial internal review by the NRC and by Duke Energy, to ensure the language was clear and provided sufficient detail for implementation and NRC inspection. The NRC's internal review involved multiple NRC offices, including but not limited to Region II staff and management, Office of Enforcement review and concurrence, and review by the NRC's Office of General Counsel, to ensure technical, regulatory, and legal sufficiency. A 3 month review process is consistent with the time taken for other license amendments and other ADR cases.

How much would it really cost to follow Project Rule 6B; how much is going to be spent by Duke Energy on their agreed to actions?

Project Rule 6B is not applicable to the Robinson site. The Duke Energy actions are listed in the confirmatory order; however, the NRC does not regulate or monitor the costs associated with compliance with Confirmatory Orders.