



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

February 5, 2010

EA-09-233

Mr. Jeffrey B. Archie  
Vice President, Nuclear Operations  
South Carolina Electric & Gas Company  
Virgil C. Summer Nuclear Station  
P. O. Box 88  
Jenkinsville, SC 29065

**SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION - NRC INSPECTION REPORT  
05000395/2010007, NRC OFFICE OF INVESTIGATIONS REPORT 2-2009-012  
AND NOTICE OF VIOLATION**

Dear Mr. Archie:

This refers to the investigation completed on August 28, 2009, by the Nuclear Regulatory Commission's (NRC) Office of Investigations at Summer Nuclear Station to determine, in part, whether a former Security officer willfully failed to conduct a roving fire watch patrol and falsely documented completion of the fire watch patrol. Based on the results of the investigation, the NRC concluded that an individual deliberately failed to follow station procedure FPP-020. The results of the investigation were discussed on January 14, 2010, with Mr. Gatlin and other members of your staff. The enclosed inspection report presents the findings resulting from this investigation.

Based on the staff's review of the facts and circumstances in this case, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the enclosed inspection report. The violation involves failure to comply with 10CFR 50.9, when a worker willfully failed to conduct a roving fire watch patrol and falsely documented completion of the fire watch patrol. This violation is being characterized as a severity level IV due to the underlying significance of the falsification and the willful actions of the SO. In addition, the violation is being cited in accordance with section VI.A.1 of the Enforcement Policy because the details regarding the falsification were not promptly provided to NRC personnel.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 05000395/2010007. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA number, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector

at Summer Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

*/RA/*

Gerald J. McCoy, Chief  
Reactor Projects Branch 5  
Division of Reactor Projects

Docket No.: 50-395

License No.: NPF-12

cc w/encls: (See Page 3)

Enclosures: 1. Notice of Violation  
2. Inspection Report 05000395/2010007  
w/Attachment: Supplemental Information  
3. OI Synopsis, Investigation 2-2009-012

at Summer Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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ADAMS:  Yes      ACCESSION NUMBER: \_\_\_\_\_

SUNSI REVIEW COMPLETE

OFFICE	RII:DRP	RII:DRP	RII:EICS		
SIGNATURE	/RA/	/RA/	/RA By SSparks for/		
NAME	DArnett	GMcCoy	CEvans		
DATE	2/4/10	2/4/10	2/4/10		
E-MAIL COPY?	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO

OFFICIAL RECORD COPY

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U.S. Nuclear Regulatory Commission  
Virgil C. Summer Nuclear Station  
U.S. NRC

SCE&G

4

Letter to Jeffrey B. Archie from Gerald J. McCoy dated February 5, 2010

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION - NRC INSPECTION REPORT  
05000395/2010007, NRC OFFICE OF INVESTIGATIONS REPORT 2-2009-012  
AND NOTICE OF VIOLATION

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## NOTICE OF VIOLATION

South Carolina Electric & Gas Company  
Summer Nuclear Station

Docket No.: 50-395  
License No.: NPF-12  
EA-09-233

During an investigation completed on August 28, 2009, by the NRC's Office of Investigations, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.9(a) states, in part, that information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or licensee shall be complete and accurate in all material respects.

Contrary to the above, on September 20, 2008, for the 2200 hour round, a worker tasked with completing roving fire watch rounds in the Intermediate Building el. 412'-0" did not enter the area which was administratively controlled by Fire Watch Area Tag no. 080164, but completed the record (Attachment VI of Procedure FPP-020) to reflect that the area had been entered and the watch completed. Creation of the inaccurate fire watch record is material to the NRC because such records constitute the means by which the NRC assures itself that required rounds are performed.

This is a Severity Level IV violation (Supplement VII).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 05000395/2010007. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA number, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at Summer Nuclear Station, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 4th day of February 2010

Enclosure 1

**U. S. NUCLEAR REGULATORY COMMISSION**

**REGION II**

Docket No.: 50-395

License No.: NPF-12

Report No.: 05000395/2010007

Licensee: South Carolina Electric & Gas (SCE&G) Company

Facility: Virgil C. Summer Nuclear Station

Location: P.O. Box 88  
Jenkinsville, SC 29065

Dates: December 2, 2008 through December 16, 2009

Inspectors: D. Arnett, RII Project Engineer

Approved by: Gerald J. McCoy, Chief  
Reactor Projects Branch 5  
Division of Reactor Projects

## SUMMARY OF FINDINGS

IR 05000395/2010007; 12/2/2008 - 12/16/2009; Summer Nuclear Station; Fire Protection

The report covered an in-office review of NRC Office of Investigations (OI) Report No. 2-2009-012 by a project engineer. One Severity Level IV violation was identified. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using IMC 0609, "Significance Determination Process.") Findings for which the Significance Determination Process does not apply may be Green or be assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, Reactor Oversight Process (ROP), Revision 4, dated December 2006.

Cornerstone: Mitigating Systems

- Severity Level IV: The NRC identified a violation of 10 CFR 50.9(a) requirements when it was determined that you failed to properly oversee a security officer who was performing required fire watches. As a result, the security officer willfully failed to conduct a roving fire watch patrol and falsely documented completion of the fire watch patrol. After the issue was identified, the licensee took substantial disciplinary actions as well as entering the deficiency into the corrective action program for resolution.

This issue was dispositioned using traditional enforcement due to the willful aspects of the performance deficiency. Furthermore, the failure to provide complete and accurate information has the potential to impact the NRC's ability to perform its regulatory function. Although the investigation revealed that no fire watch surveillances were actually missed, this issue is considered more than minor due to the willful aspects of the performance deficiency. In accordance with the guidance in Supplement VII of the Enforcement Policy, this issue is considered a Severity Level IV violation because it involved information that the NRC required be kept by a licensee that was incomplete or inaccurate and of more than minor safety significance. There was no cross-cutting aspect due to the issue of concern screening as minor because the surveillance was completed by other personnel in the area, although it was not documented.



## REPORT DETAILS

### 1. REACTOR SAFETY

Cornerstones: Initiating Events, Mitigating Systems, Barrier Integrity

#### 1R05 Fire Protection

##### a. Inspection Scope

The inspector reviewed the OI summary and transcripts of interviews conducted by OI investigators related to a fire watch conducted by a security officer to determine if violations of regulatory requirements occurred.

##### b. Findings

- .1 Introduction: The NRC identified a violation of 10 CFR 50.9(a) requirements when it was determined that a security officer willfully failed to conduct a roving fire watch patrol and falsely documented completion of the fire watch patrol.

Description: On November 28, 2008, while conducting resident inspector baseline security inspections, the resident inspector (RI) questioned a security officer (SO) about recent security officers who had left employment with V.C. Summer during the RI's two month rotation to Headquarters. During this conversation, the SO mentioned that one of the five departing SO's was terminated due to falsification of fire watch records. When the RI questioned the SO further on the details of the termination, and the SO could not provide any specific information, the RI discussed the matter with licensee management to ensure the falsification characterization was accurate.

On December 2, 2008, the RI discussed the matter with the General Manager, Organizational Effectiveness, at V.C. Summer, who confirmed the incident. Further details gathered by the RI revealed that on September 20, 2008, a SO, formerly employed by Wackenhut, was responsible for conducting a roving hourly fire watch in the Intermediate Building (IB), 412 foot elevation. During a security post review, it was identified that the SO had documented that two hourly fire checks were completed (by entering on the log that a fire tag code number was physically reviewed) when a review of door transactions revealed that the officer had not been in the areas. The licensee's investigation (conducted by Wackenhut) determined that the SO knew they had not conducted the fire checks appropriately when completing the documentation. The SO was subsequently terminated. The licensee entered the issue into their corrective action program for resolution.

Analysis: The failure to provide complete and accurate information on the fire watch by not completing Attachment VI of Procedure FPP-020 was a performance deficiency. This issue was dispositioned using traditional enforcement due to the willful aspects of the performance deficiency. Furthermore, the failure to provide complete and accurate information has the potential to impact the NRC's ability to perform its regulatory function. In accordance with the guidance in Chapter 2 of the Enforcement Manual,

although the investigation revealed that no fire watch surveillances were actually missed, this issue is considered more than minor due to the willful aspects of the performance deficiency. In accordance with the guidance in Supplement VII of the Enforcement Policy, this issue is considered a Severity Level IV violation because it involved information that the NRC required be kept by a licensee that was incomplete or inaccurate and of more than minor safety significance. There was no cross-cutting aspect due to the issue of concern screening as minor using inspection manual chapter 0612, Appendix E, example c.

Enforcement: 10 CFR 50.9 states, in part, that information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or licensee shall be complete and accurate in all material respects.

Contrary to the above, on September 20, 2008, for the 2200 hour round, a worker tasked with completing roving fire watch rounds in the Intermediate Building el. 412'-0" did not enter the area administratively controlled with Fire Watch Area Tag no. 080164, but completed the record (Attachment VI of Procedure FPP-020) to reflect that the area had been entered and the watch completed. Creation of the inaccurate fire watch record is material to the NRC because such records constitute the means by which the NRC assures itself that required rounds are performed.

This violation is being cited because the security officer deliberately falsified documenting completion of the fire watch patrol: VIO 05000395/2010007, Inaccurate Fire Watch Records

#### 40A6 Meetings, Including Exit

##### Exit Meeting Summary

On January 14, 2010, Gerald McCoy, Chief, Reactor Projects Branch 5, presented the inspection results to Mr. Dan Gatlin, General Manager, Nuclear Plant Operations, and other members of the licensee management, who acknowledged the findings. No proprietary information was provided or examined during the inspection.

**SUPPLEMENTAL INFORMATION**

**KEY POINTS OF CONTACT**

Licensee

D. Gatlin, General Manager, Nuclear Operations

B. Thompson, Manager, Nuclear Licensing

NRC

G. McCoy, Chief, Division of Reactor Projects (DRP), Reactor Projects Branch 5 (RPB5)

D. Arnett, Project Engineer, DRP, RPB5

**LIST OF ITEMS OPENED, CLOSED, AND REVIEWED**

Opened and Closed

05000395/2010007-01

VIO

Inaccurate Fire Watch Records

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SYNOPSIS OF OI Case NO. 2-2009-012

This investigation was initiated on December 18, 2008, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II (RII), to determine whether a Security Officer, Wackenhut Nuclear Services (Wackenhut), Virgil C. Summer Nuclear Plant, willfully failed to conduct a fire watch and falsely documented completion of the fire watch.

Based on the evidence developed, OI:RII substantiated that a Security Officer, Wackenhut, V.C. Summer Nuclear Plant, willfully failed to conduct a fire watch and falsely documented completion of the fire watch.

Approved for release by Scott Sparks on February 5, 2010

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