



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

August 6, 2013

EA-13-106

Mr. Thomas D. Gatlin
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, UNIT 1 – NRC INSPECTION REPORT
NO. 05000395/2013009, NRC OFFICE OF INVESTIGATIONS
REPORT 2-2012-041 AND NOTICE OF VIOLATION**

Dear Mr. Gatlin:

On May 2, 2013, the Nuclear Regulatory Commission's (NRC) Office of Investigations completed an investigation (and in-office review) at Virgil C. Summer Nuclear Station Unit 1 to determine, in part, whether three contract employees deliberately failed to follow an applicable plant procedure and falsified a data sheet associated with safety-related electrical supports by backdating it to a date when the previous procedure (Rev. 8) was in effect. Based on the results of the investigation, the NRC concluded that these individuals deliberately failed to follow the electrical maintenance procedure EMP-391.003, Installation of Electrical Supports, Rev. 8, Change A, while implementing safety-related modification work associated with Work Order (WO) 120155-021 for Engineering Change Request (ECR) 50780. The results of the investigation were discussed on July 31, 2013 with you and other members of your staff. The enclosed inspection report presents the finding resulting from this investigation.

During this inspection, the NRC staff examined activities conducted under your license as they relate to public health, safety and the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on a review of the facts and circumstances in this case, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enfore.pol.html>

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice due to the deliberate misconduct aspects, the fact that of the three contract (two electricians and a lead electrician) employees' failed to follow the plant procedural requirements, the lack of oversight of contract workers and inadequate corrective actions.

T. Gatlin

2

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

In light of the above, the NRC requests that your response address corrective actions that have or will be implemented to ensure adequate oversight of contract workers and provide additional details of training for all contract and SCE&G employees to prevent similar issues with procedural compliance in the future.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, 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>. To the extent possible, your response should not include any personal privacy or proprietary, 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/encl: (See page 3)

Enclosures: 1. Notice of Violation
2. Inspection Report 05000395/2013009
w/Attachment: Supplemental Information
3. OI Synopsis, Investigation 2-2012-041

T. Gatlin

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/RA/

Gerald J. McCoy, Chief
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OFFICE	RII:DRP	RII:DRP	RII:DRP	RII:DRP	RII:DRP	RII:DRP
SIGNATURE	Via email	Via email	Via email	BDB /RA/	GJM /RA/	CFE /RA/
NAME	JReece	SNinh	ECoffman	BBishop	GMcCoy	CEvans
DATE	07/25/2013	07/25/2013	07/25/2013	08/01/2013	08/04/2013	07/24/2013
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

T. Gatlin

3

cc:

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Senior Vice President
Nuclear Operations and Chief Nuclear
Officer
South Carolina Electric & Gas Company
Electronic Mail Distribution

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General Manager
Nuclear Plant Operations
South Carolina Electric & Gas Company
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TN Dept. of Environment & Conservation
401 Church Street
Nashville, TN 37243-1532

T. Gatlin

4

Letter to Thomas D. Gatlin from Gerald J. McCoy dated August 6, 2013

SUBJECT: VIRGIL C. SUMMER NUCLEAR STATION, UNIT 1 – NRC INSPECTION REPORT
NO. 05000395/2013009, NRC OFFICE OF INVESTIGATIONS
REPORT 2-2012-041 AND NOTICE OF VIOLATION

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NOTICE OF VIOLATION

South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station Unit 1

Docket No.: 50-395
License No.: NPF-12
EA-13-106

Following an NRC OI investigation completed on May 2, 2013, and in-office review, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy in effect at the time, the violation is listed below:

10 CFR 50, Appendix B, Criterion V, states in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

EMP-391.003, "Installation of Electrical Supports", Revision 8, Change A, the procedure of record for implementation of safety-related modification work associated with Work Order 1201155-021, for Engineering Change Request 50780, provide instructions for installation of electrical equipment and conduits, and installation of toggle bolts in drywall for supports. The revision added a new QC inspection hold point referenced step 7.2.4 (Cleaned holes) between the steps when the holes are drilled to the necessary depth and the placement of the Hilti bolts.

Contrary to the above, on July 16, 2012, three contract employees working for the licensee deliberately failed to accomplish activities affecting quality in accordance with applicable procedures. Specifically, the contract employees used a previous revision (Revision 8 instead of Revision 8, Change A) of procedure EMP-391.003, "Installation of Electrical Supports", to implement safety-related modification work associated with Work Order 1201155-021, for Engineering Change Request 50780, and back-dated the procedure to June 29, 2012, to indicate that the work was performed prior to implementation of the latest revision (Rev. 8, Change A) to the procedure dated July 10, 2012. Additionally, these contract employees failed to ensure inspection of work activities by the licensee's quality control personnel as required by EMP-391.003 Rev. 8, Change A.

This is a Severity Level IV violation (Section 6.1, Reactor Operations).

Pursuant to the provisions of 10 CFR 2.201, South Carolina Electric & Gas Company is hereby required to submit a written statement or explanation 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 the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-13-106" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 previous docketed correspondence, if the correspondence adequately addresses the required response.

Enclosure 1

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because 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>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 6th day of August 2013.

U. S. NUCLEAR REGULATORY COMMISSION

REGION II

Docket No. 50-395

License No. NPF-12

Report No. 05000395/2013009

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

Facility: Virgil C. Summer Nuclear Station, Unit 1

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

Dates: June 24, 2013 through July 31, 2013

Inspectors: J. Reece, Senior Resident Inspector
S. Ninh, Senior Project Engineer
E. Coffman, Resident Inspector
B. Bishop, Project Engineer

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

SUMMARY OF FINDINGS

IR 05000395/2013009; 06/24/2013 – 07/31/2013; Virgil C. Summer Nuclear Station Unit 1; Plant Modifications

The report covered an in-office review of NRC Office of Investigations (OI) Report No. 2-2010-029 by resident inspectors, a senior project engineer and 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" Revision 4, dated December 2006.

Cornerstone: Mitigating Systems

Severity Level IV: The licensee identified a violation of 10 CFR 50, Appendix B, Criterion V, instructions, procedures, or drawings, when it was determined that the contract employees failed to complete the electrical maintenance procedure EMP-391.003, Installation of Electrical Supports, Rev. 8, Change A, and falsified a data sheet associated with safety-related electrical supports by backdating it to a date when the previous (Rev.8) was in effect. The licensee took substantial disciplinary actions and entered the deficiency into the corrective action program for resolution as CR -12-03100.

The failure to follow procedure issue was a performance deficiency and it would be considered a minor under the reactor oversight process (ROP) because the quality control personnel subsequently inspected the pull box; the components had been installed properly and could have performed their safety-related function. A review of other work performed by these contract employees did not identify any other issues. This minor finding was not warranted to be documented in a quarterly inspection report in accordance with IMC 0612. However, with respect to deliberate misconduct aspects, failure to provide complete and accurate information regarding completion of the electrical maintenance procedure EMP-391.003, Installation of Electrical Supports, Rev. 8, Change A, was a performance deficiency. This issue was dispositioned using traditional enforcement due to the deliberate misconduct 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. These individuals deliberately violated the requirements in the revised electrical maintenance procedure EMP-391-003, Rev. 8, Change A, on July 16, 2013, in that they failed to follow the procedural requirements to obtain a quality control inspection after the holes were drilled in the concrete wall and then back-dated the procedure to June 29, 2012, to indicate that the work was performed prior to implementation of Rev. 8, Change A, which had an effective date of July 10, 2012. In accordance with the guidance in Section 6.1, Reactor Operations of the Enforcement Policy, this issue is a Severity Level IV violation because it involved information that the NRC required to be maintained by a licensee that was incomplete or inaccurate and of more than minor safety significance. No cross-cutting aspect was identified because this performance deficiency was dispositioned using traditional enforcement.

Enclosure 2

REPORT DETAILS

1. REACTOR SAFETY

Cornerstones: Initiating Events, Mitigating Systems, Barrier Integrity

1R18 Plant Modifications

a. Inspection Scope

The inspectors reviewed the OI summary and transcripts of interviews conducted by OI investigators related to plant modifications conducted by the contract employees as well as 10 CFR 50 Appendix B requirements, license conditions, Technical Specifications, procedures and the UFSAR to determine if violations of regulatory requirements occurred.

b. Findings

Introduction: The licensee identified a violation of 10 CFR 50, Appendix B, Criterion V, instructions, procedures, or drawings, when it was determined that the contract employees failed to complete an applicable plant procedure and falsified a data sheet associated with safety-related electrical supports by backdating it to a date when the previous (Rev.8) was in effect.

Description: On July 16, 2012, three contract electricians installed pull box PB-CS189 using procedure EMP-391-003 Rev. 8 as part of Work Order (WO) 201155-021 – Alternate Seal Injection Modification (ECR 50780). This procedure had been updated to Rev. 8, Change A, effective July 10, 2012. The electricians backdated the completed procedure to June 29, 2012 to indicate that the procedure had been performed while the previous revision (Rev. 8) was still in effect. Backdating the completed procedure enabled the electricians to complete the entire job without reaching a quality control hold point, which was required by the latest revision (Rev. 8, Change A). Consequently, the quality control inspection required by the effective version of the procedure was not performed between when the mounting holes were drilled and before the mounting bolts were installed.

This issue was immediately brought to the NRC's attention by the licensee and this issue was entered in the licensee's corrective action program (CAP) as CR-12-03100. The licensee and contractor immediately initiated their investigation.

Region II OI investigation was initiated on August 22, 2012, to determine if a contract electrician at V. C. Summer Nuclear Station, Unit 1, employed by Shaw Industry, did willfully violate electrical maintenance procedure EMP-391.003, Installation of Electrical Supports, Rev. 8, Change A, while implementing safety-related modification work associated with Work Order (WO) 1201155-021 for Engineering Change Request (ECR) 50780.

On May 2, 2013, Region II OI issued a report and concluded, based upon the evidence developed during the investigation, that a contract electrician at V.C. Summer Nuclear Station Unit 1, deliberately failed to follow an applicable procedure and falsified a data sheet associated with safety-related electrical supports by backdating it to a date when the previous revision (Rev. 8) was in effect. Additionally, the OI investigation determined that another contract electrician and a lead electrician deliberately directed the contract electrician to falsify the data sheet associated with safety-related electrical supports.

The inspectors reviewed the OI transcripts, licensee's condition reports, and evidence obtained during the OI investigation. The inspectors agreed with the OI's conclusion that these individuals deliberately violated the requirements in the revised procedure EMP-391.003, Rev. 8, Change A, on July 16, 2013, in that they failed to follow the procedural requirements to obtain a quality control inspection after the holes were drilled and then back-dated the procedure to June 29, 2012, to indicate that the work was performed prior to implementation of Rev. 8, Change A, which had an effective date of July 10, 2012.

The licensee took disciplinary actions and entered the deficiency into the corrective action program for resolution as CR -12-03100. These three contract employees were subsequently terminated and the pertinent data was placed in Personnel Access Data System. However, the inspectors determined that corrective actions were not adequate to address oversight of contract workers and additional training of all contract employees and SCE&G employees to prevent similar issues with procedural compliance in the future.

Analysis: The failure to follow procedure was a performance deficiency and it would be considered a minor under the reactor oversight process (ROP) because the quality control personnel subsequently inspected the pull box; the components had been installed properly and could have performed their safety-related function. A review of other work performed by these contract employees did not identify any other issues. This minor finding was not warranted to be documented in a quarterly inspection report in accordance with IMC 0612. However, with respect to deliberate misconduct aspects, failure to provide complete and accurate information regarding completion of the electrical maintenance procedure EMP-391.003, Installation of Electrical Supports, Rev. 8, Change A, was a performance deficiency. This issue was dispositioned using traditional enforcement due to the deliberate misconduct 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. These individuals deliberately violated the requirements in the revised electrical maintenance procedure EMP-391-003, Rev. 8, Change A, on July 16, 2013, in that they failed to follow the procedural requirements to obtain a quality control inspection after the holes were drilled in a concrete wall and then back-dated the procedure to June 29, 2012, to indicate that the work was performed prior to implementation of Rev. 8, Change A, which had an effective date of July 10, 2012. In accordance with the guidance in Section 6.1, Reactor Operations of the Enforcement Policy, this issue is a Severity Level IV violation because it involved information that the NRC required to be maintained by a licensee that was incomplete or inaccurate and of more than minor safety significance. The violation is being cited in the Notice because the deliberate misconduct aspects, the

nature of the three contract (two electricians and a lead electrician) employees' failure to follow the plant procedural requirements, lack of oversight contract works and inadequate corrective actions in accordance with the NRC's Enforcement Policy in effect at the time of the violation. No cross-cutting aspect was identified because this performance deficiency was dispositioned using traditional enforcement.

Enforcement: 10 CFR 50, Appendix B, Criterion V, states in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

EMP-391.003, "Installation of Electrical Supports", Revision 8, Change A, is the procedure of record for implementation of safety-related modification work associated with Work Order 1201155-021, for Engineering Change Request 50780.

Contrary to the above, on July 16, 2012, three contract employees working for the licensee deliberately failed to accomplish activities affecting quality in accordance with applicable procedures. Specifically, the contract employees used a previous revision (Revision 8 instead of Revision 8, Change A) of procedure EMP-391.003, "Installation of Electrical Supports", to implement safety-related modification work associated with Work Order 1201155-021, for Engineering Change Request 50780, and back-dated the procedure to June 29, 2012, to indicate that the work was performed prior to implementation of the latest revision (Rev. 8, Change A) to the procedure dated July 10, 2012. Additionally, these contract employees failed to ensure inspection of work activities by the licensee's quality control personnel as required by EMP-391.003 Rev. 8, Change A.

The violation is being cited because of the deliberate aspects, and because the three contract employees deliberately violated an applicable procedure and falsified a data sheet associated with safety-related electrical supports by backdating it to a date when the previous (Rev.8) was in effect, in accordance with Section 6.1.d of the NRC's Enforcement Policy in effect at the time of the violation: VIO 05000395/2013009-01, Installation of a modification using a superseded version of a procedure.

4OA6 Meetings, Including Exit

Exit Meeting Summary

On July 31, 2013, the results of this inspection were presented to Mr. Gatlin, Site Vice-President, and other members of the licensee staff, who acknowledged the findings. No proprietary information was provided or examined during the inspection.

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee

T. Gatlin, Vice President, Nuclear Operations
B. Thompson, Manager, Nuclear Licensing
M. Browne, Manager, Quality Systems
E. Lynch, Outage Management
L. Bennett, Manager, Business Services
L. Evans, Director, Chicago Bridge and Iron Company
S. Dunn, Manager, Chicago Bridge and Iron Company
F. Joy, Employee Concerns Program

NRC

G. McCoy, Chief, Division of Reactor Projects (DRP), Reactor Projects Branch 5 (RPB5)
J. Reece, Senior Resident Inspector
E. Coffman, Resident Inspector
S. Ninh, Senior Project Engineer, DRP, RPB5
B. Bishop, Project Engineer, DRP, RPB5

LIST OF ITEMS OPENED, CLOSED, AND REVIEWED

Opened

05000395/2013009-01	VIO	Installation of a modification using a superseded version of a procedure
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SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II (RII), on August 22, 2012, to determine whether a contract electrician employed by Shaw Power Services Division (Shaw) at South Carolina Electric and Gas Inc., (SCE&G), Virgil C. Summer Nuclear Station (Summer) willfully failed to follow applicable procedures and falsified a data sheet associated with safety related electrical supports. Additionally, OI:RII sought to determine whether another contract electrician and a lead electrician willfully directed the contract electrician to falsify the data sheet associated with safety related electrical supports.

Based on the evidence developed during this investigation, OI:RII substantiated that a contract electrician at V.C Summer deliberately failed to follow applicable procedures and falsified a data sheet associated with safety related electrical supports. Additionally, it was determined that another contract electrician and a lead electrician deliberately directed the contract electrician to falsify the data sheet associated with safety related electrical supports.

Approved for release by Oscar DeMiranda

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SPECIAL AGENT IN CHARGE, OFFICE OF INVESTIGATIONS, REGION 11~~