



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

December 21, 2017

EA-17-166

Mr. Darin Myers
Vice President
Southern Nuclear Operating Company, Inc.
7821 River Road
Waynesboro, GA 30830

**SUBJECT: VOGTLE ELECTRIC GENERATING PLANT - INSPECTION REPORT
05000424/2017012 AND 05000425/2017012; INVESTIGATION REPORT NO. 2-
2017-005; AND APPARENT VIOLATIONS**

Dear Mr. Myers:

This refers to the investigation completed on August 24, 2017, by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning activities at the Southern Nuclear Company's (SNC) Vogtle Electric Generating Plant (VEGP). The purpose of the investigation was to determine if SNC System Operators (SO) deliberately failed to conduct operator rounds as required by procedure and deliberately falsified information material to the NRC at VEGP Units 1 and 2. A Factual Summary of the OI investigation is provided as Enclosure 1.

Based on the results of the investigation, two apparent violations (AVs) were identified and are being considered for escalated enforcement action 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/enforce-pol.html>. Both AVs are more fully discussed in Enclosure 2.

The first apparent violation (AV) being considered for escalated enforcement involves the requirements of 10 CFR § 50, Appendix B, Criterion V, Instructions, Procedures, and Drawings. Specifically, on multiple instances during August through mid-October 2016, at least 13 SOs entered data related to equipment status, general area inspections, and housekeeping conditions for specific areas without actually entering those areas as required by Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82. The NRC concluded that the actions of the SOs were apparently deliberate as discussed in the enclosed Factual Summary, and caused SNC to be in apparent violation of SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82.

The second AV being considered for escalated enforcement involves the inaccurate/incomplete documentation of the data collected during operator rounds, contrary to the requirements of 10 CFR § 50.9(a), Completeness and Accuracy of Information. Specifically, the outside area operator round logs were not completed in accordance with SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82. The NRC concluded that the actions of the SOs

were apparently deliberate as discussed in the enclosed Factual Summary, and is being considered for escalated enforcement action.

Regarding these AVs, before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to this AV in writing within 30 days of the date of this letter; (2) request a Pre-decisional Enforcement Conference (PEC); or (3) request Alternative Dispute Resolution (ADR) as discussed below. If a PEC is held, the NRC may issue a press release to announce the time and date of the conference; however the PEC will be closed to public observation since it is associated with an OI report, the details of which have not been publicly released. If you decide to participate in a PEC, or pursue ADR, please contact Alan Blamey at 404-997-4415 within 10 days of the date of this letter. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation in NRC Inspection Report 05000424/2017012 and 05000425/2017012 and Investigation Report No. 2-2017-005, EA-17-166" and should include (1) the reason for the AV or, if contested, the basis for disputing the apparent violation; (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 previously docketed correspondence, if the correspondence adequately addresses the required response. Additionally, your response should be sent to the NRC's Document Control Center, with a copy mailed to Joel Munday, Director of Reactor Projects, Region II, 245 Peachtree Center Avenue NE, Atlanta, GA 30303, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

In lieu of a PEC, you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and your response, if you choose to provide one, 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 <https://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

For administrative purposes, this letter is issued as Inspection Report 05000424, 425/2017012 and the apparent violations are designated as AV 05000424, 425/2017012 -01, Failure to Properly Implement Operator Rounds in Accordance with Station Procedure and AV 05000424, 425/2017012 -02, Failure to Maintain Complete and Accurate Operator Rounds Records.

If you have any questions concerning this matter, please contact Mr. Alan Blamey of my staff at 404-997-4415.

Sincerely,

/RA/

Joel T. Munday, Director
Division of Reactor Projects

Docket No.: 50-424, 50-425
License No.: NPF-68, NPF-81

Enclosures:

1. Factual Summary
2. Apparent Violations

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2017-005; AND APPARENT VIOLATIONS

ADAMS Accession No. ML17355A481

OFFICE	RII/OGC	RII/EICS	RII/DRP	RII/DRP	RII/DRP	NRR	OE/EB
NAME	S. Price	M. Kowal	P. Heher	A. Blamey	J. Munday	L. Casey	D. Jones
DATE	12/07/2017	12/07/2017	12/20/2017	12/08/2017	12/08/2017	12/20/2017	12/20/2017

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FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT NO. 2-2017-005

On August 24, 2017, the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) completed an investigation at the Southern Nuclear Company's (SNC) Vogtle Electric Generating Plant (VEGP). The purpose of the investigation was to determine if SNC System Operators (SO) deliberately failed to conduct operator rounds as required by procedure and deliberately falsified information material to the NRC at VEGP Units 1 and 2.

Based on information provided by NRC inspectors, Southern Nuclear Company (SNC) conducted an internal investigation. As part of the investigation, SNC pulled records for all card readers at Vogtle from August 1, 2016 to October 27, 2016. SNC's investigation determined that 22 SOs had missed at least one room or area while conducting outside area rounds.

From August through October 2016, SOs were tasked with performing outside area operator rounds in the following areas for Units 1 and 2, using SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82:

- Motor Driven Auxiliary Feed-Water-Alpha/Bravo (MDAFW – A/B)
- North Main Steam Valve Room (NMSVR)
- Turbine Driven Auxiliary Feed Water (TDAFW)
- Alpha Diesel Generator ("A" DG)
- Bravo Diesel Generator ("B" DG)
- South Main Steam Valve Room (SMSVR)
- Alpha Train Nuclear Service Cooling Water ("A" Train NSCW)
- Bravo Train Nuclear Service Cooling Water ("B" Train NSCW)
- Diesel Fuel Oil Storage Area (DFO Storage Area)

SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82, required SOs to record equipment status, general area inspections, and housekeeping conditions of the areas listed above once per shift.

During transcribed interviews with NRC OI, thirteen system operators (SOs) stated that based on their training and experience, they had a clear understanding of the procedural requirements for SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82. Each SO also acknowledged an understanding of roles and responsibilities as an outside area operator conducting rounds to the NRC OI investigator during transcribed interviews. Based on documentary and testimonial evidence acquired during the OI investigation, thirteen SOs had training, experience, and knowledge of the requirements of SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82.

During transcribed interviews with NRC OI, twelve SOs acknowledged providing written statements to SNC admitting that he/she did not conduct outside area operator rounds for select areas on certain days from August through October 2016, as required by SNC Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82.

Lacking specific testimony or evidence to the contrary and despite testimony of the SOs to the OI investigators that these acts were not intentional; the documentary and testimonial evidence obtained by OI during the investigation seems to demonstrate that the SOs had a clear understanding of the requirements and the data seems to support that at least 13 assigned SOs did not enter certain areas for which they had recorded readings. This appears to have caused SNC to be in violation of 10 CFR 50.9 and 10 CFR 50, Appendix B, Criterion V.

APPARENT VIOLATIONS

1. 10 CFR 50, Appendix B, Criterion V requires, 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.

NMP-OS-007, Conduct of Operations, Version 12, Section 3.19 required system operators (SOs) to perform detailed building rounds to detect actual or potential equipment problems that could hamper plant operations. Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82, required SOs to record equipment status, general area inspections, and housekeeping conditions of the areas listed below once per shift:

- Motor Driven Auxiliary Feed-Water-Alpha/Bravo (MDAFW – A/B)
- North Main Steam Valve Room (NMSVR)
- Turbine Driven Auxiliary Feed Water (TDAFW)
- Alpha Diesel Generator ("A" DG)
- Bravo Diesel Generator ("B" DG)
- South Main Steam Valve Room (SMSVR)
- Alpha Train Nuclear Service Cooling Water ("A" Train NSCW)
- Bravo Train Nuclear Service Cooling Water ("B" Train NSCW)
- Diesel Fuel Oil Storage Area (DFO Storage Area)

Contrary to the above, on multiple instances during August thru mid-October, 2016, at least 13 SOs failed to complete their rounds, an activity affecting quality, as prescribed by documented instructions and procedures. Specifically, at least 13 SOs entered data related to equipment status, general area inspections, and housekeeping conditions of the areas listed above on multiple occasions without actually entering those areas as required by Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82.

2. 10 CFR 50.9 requires, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 50, Appendix B, Criterion V requires, 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.

NMP-OS-007, Conduct of Operations, Version 12, Section 3.19, required system operators (SOs) to perform detailed building rounds to detect actual or potential equipment problems that could hamper plant operations. Operations Procedure 11882-1/2, "Outside Area Rounds," versions 97/82, required SOs to record equipment status, general area

inspections, and housekeeping conditions of the areas listed below once per shift:

- Motor Driven Auxiliary Feed-Water-Alpha/Bravo (MDAFW – A/B)
- North Main Steam Valve Room (NMSVR)
- Turbine Driven Auxiliary Feed Water (TDAFW)
- Alpha Diesel Generator (“A” DG)
- Bravo Diesel Generator (“B” DG)
- South Main Steam Valve Room (SMSVR)
- Alpha Train Nuclear Service Cooling Water (“A” Train NSCW)
- Bravo Train Nuclear Service Cooling Water (“B” Train NSCW)
- Diesel Fuel Oil Storage Area (DFO Storage Area)

10 CFR 50, Appendix B, Criterion XVII, Quality Assurance Records, requires that sufficient records shall be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: Operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Records shall be identifiable and retrievable. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

Contrary to the above, on multiple instances from August thru mid-October, 2016, information required by the Commission’s regulations to be maintained by the licensee was not complete and accurate in all material respects. Specifically, at least 13 SOs failed to comply with the procedural requirements of Operations Procedure 11882-1/2, “Outside Area Rounds,” versions 97/82, in that the SOs recorded data for areas that they never actually entered on multiple occasions.