



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
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ATLANTA, GEORGIA 30303-1200

November 17, 2021

EA-21-109

Mr. Michael Yox
Regulatory Affairs Director
Southern Nuclear Operating Company
7825 River Road, BIN 63031
Waynesboro, GA 30830

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNIT 3 – FINAL SIGNIFICANCE DETERMINATION OF A PRELIMINARY WHITE FINDING, A PRELIMINARY GREATER THAN GREEN FINDING, NOTICE OF VIOLATION, AND ASSESSMENT FOLLOW-UP LETTER; NRC SPECIAL INSPECTION REPORT 05200025/2021011

Dear Mr. Yox:

This letter provides you with the final significance determination of the preliminary White finding and the preliminary greater-than-Green finding discussed in Nuclear Regulatory Commission (NRC) Special Inspection Report No. 05200025/2021010 and 05200026/2021010, issued on August 26, 2021 (Agency Document and Management System (ADAMS) Accession No. ML21236A057). The first finding involved a failure to promptly identify and correct conditions adverse to quality, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion XVI, "Corrective Action," associated with the installation of Class 1E cables and associated raceways. The conditions adverse to quality involved approximately 600 cable separation discrepancies between safety-related (SR) and nonsafety-related cables located in 22 systems on Unit 3, which included several risk-significant SR systems. The discrepancies also involved multiple nonconformances with the seismic and structural requirements for the installation of the Class 1E SR raceways. The second finding involved the failure to accomplish separation for Class 1E system field installations in accordance with applicable instructions, procedures, and drawings, as required by 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings." The field installations were related to 16 reactor trip and reactor coolant pump switchgear cabinets in Unit 3, and the extent of condition affected the protection and monitoring system, the Class 1E direct current and uninterruptible power supply system, the reactor trip system, and engineered safety features.

On October 5, 2021, you submitted a written response to the NRC (Accession No. ML21278A354). After considering the information developed during the inspection and the additional information you provided in your written response, the NRC has determined that:

- The finding associated with the failure to promptly identify and correct conditions adverse to quality for the installation of Class 1E cables and associated raceways is characterized as White, an issue of low to moderate safety significance.

- The finding associated with the failure to accomplish separation for Class 1E system field installations in accordance with applicable instructions, procedures, and drawings, is characterized as White, an issue of low to moderate safety significance.

The NRC has determined that the failure to promptly identify and correct conditions adverse to quality for the installation of Class 1E cables and associated raceways is a violation of 10 CFR 50, Appendix B, Criterion XVI. Additionally, the NRC has concluded that the failure to accomplish separation for Class 1E system field installations in accordance with applicable instructions, procedures, and drawings, is a violation of 10 CFR 50, Appendix B, Criterion V. Both violations are provided in the enclosed Notice of Violation (Notice).

Enclosure 1 to this letter provides the bases for the NRC's conclusions and response to the information provided in your October 5, 2021 letter.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White findings. Such appeals will be considered to have merit only if they meet the criteria given in IMC 2519, Attachment 2, "Process for Appealing NRC Characterization of Inspection Findings (SDP Appeal Process)." An appeal must be sent in writing to the Regional Administrator, Region II, Atlanta, GA 30303.

The NRC has concluded that the information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in your October 5, 2021 letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

In accordance with IMC 2505, "Periodic Assessment of Construction Inspection Program Results," dated November 25, 2020, the NRC has determined the performance at Vogtle Unit 3 was in the Regulatory Response Column of the Construction Action Matrix beginning third quarter of 2021 (July 1, 2021). Therefore, the NRC plans to conduct a supplemental inspection in accordance with Inspection Procedure (IP) 90001, "Construction Regulatory Response Column Inspections," dated October 27, 2010. This IP is conducted to verify the root and contributing causes for the performance issues are understood, the extent of condition and extent of cause are identified, and the corrective actions are sufficient to address the root and contributing causes and to preclude repetition. This inspection will be scheduled after you notify the NRC of your readiness. This letter supplements, but does not supersede, the annual assessment letter issued on March 3, 2021 (Accession No. ML21061A216).

In accordance with 10 CFR 2.390 of the NRC's, "Rules of Practice," 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 document 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, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

Laura A. Dudes
Regional Administrator

Docket No. 05200025
License No. NPF-91

Enclosures:

1. NRC Response to Information Provided
in Southern Nuclear Operating Company Letter
Dated October 5, 2021
2. Notice of Violation

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SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNIT 3 – FINAL SIGNIFICANCE DETERMINATION OF A PRELIMINARY WHITE FINDING, A PRELIMINARY GREATER THAN GREEN FINDING, NOTICE OF VIOLATION, AND ASSESSMENT FOLLOW-UP LETTER; NRC SPECIAL INSPECTION REPORT 05200025/2021011- DATED NOVEMBER 17, 2021

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Date	11/3/2021	11/4/2021	11/17/2021					

NRC RESPONSE TO INFORMATION PROVIDED IN SOUTHERN NUCLEAR OPERATING COMPANY LETTER DATED OCTOBER 5, 2021

In a letter dated October 5, 2021, Southern Nuclear Operating Company (SNC) submitted a written response to the Nuclear Regulatory Commission (NRC) (Agency Document and Management System (ADAMS) Accession No. ML21278A354) regarding the two preliminary apparent violations (AVs) in NRC Special Inspection Report No. 05200025/2021010 and 05200026/2021010, issued on August 26, 2021 (Accession No. ML21236A057). The licensee's response indicated the following positions: (a) the two findings are examples of the same performance deficiency and should not be identified as two separate findings; (b) the failure to accomplish separation for Class 1E system field installations in accordance with applicable instructions, procedures, and drawings is associated with the design functions described for Class 1E raceways in Inspection Manual Chapter (IMC) 2519, "Construction Significance Determination Process (SDP)," dated October 26, 2020, which is intermediate risk, and therefore is not of "High Risk Importance;" (c) this failure was of very low safety significance (Green), as demonstrated through a probabilistic risk assessment (PRA) analysis; (d) the failure to promptly identify and correct Institute of Electrical and Electronics Engineers (IEEE) Standard 384 cable separation and seismic/structural nonconformances resulted in only a portion of the Class 1E raceway structure being affected, and therefore should not be categorized any higher than Row 2 for "Quality of Construction," in Appendix A, "AP1000 Construction Significance Determination Process," of IMC 2519; and (e) the failure modes and effects of the identified cable separation issues are of very low safety significance.

1. NRC determination that the two findings are not examples of the same performance deficiency

After considering the information developed during the inspection and the additional information provided by the licensee in the October 5, 2021 letter, the NRC concluded that the two findings are not examples of the same performance deficiency. As discussed below, the two findings represent two distinct performance issues, each associated with different regulatory requirements, and their mode of identification was not connected.

The Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion XVI, "Corrective Action," violation was cited for failure to document and correct conditions adverse to quality. These failures resulted in a significant number of nonconformances, extensive rework, and reportability under 10 CFR 50.55(e) for a significant quality assurance breakdown. Inspection examples supporting this finding included the failure for quality control (QC) personnel to identify cable separation and structural/seismic nonconformances during inspections, which were noted by at least 26 completed work packages. Additional examples included instances where QC identified installation issues to be corrected by craftsman, but then failed to enter those issues into the corrective action program (CAP) since they were considered work in progress; this practice allowed the adverse installation trends to go undetected in the CAP for an extended period of time. The nonconformances associated with the 10 CFR 50, Appendix B, Criterion XVI violation affected both cable separation and seismic/structural nonconformances related to the Class 1E cable raceway structure, indicating programmatic issues with the implementation of the CAP. During the inspectors' follow-up inspections for corrective actions and conformance with inspections, tests, analyses, and acceptance criteria (ITAAC), the inspectors will perform room-by-room inspections and specifically assess any potential nonconformances for ITAAC or system impacts.

In contrast to the Criterion XVI violation discussed above, the 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," violation documented failure to install cables according to the plant design, specifically resulting in cable separation nonconformances in high-risk system panels that impacted reactor trip and reactor coolant pump switchgear functions. The NRC staff evaluated these nonconformances against high-risk system impacts and highlighted the licensee's failure to follow specifications during the installation of safety-related (SR) cables.

Finally, the 10 CFR 50, Appendix B, Criterion XVI violation was identified by the licensee through walkdowns starting in November 2020, in which they initiated extent of condition (EOC) walkdowns and entered issues into their CAP. The 10 CFR 50, Appendix B, Criterion V violation was identified by NRC inspectors in April 2021, and the licensee did not initially document the need for an EOC inside panels in the CAP.

2. Final Determination of AV 05200025/2020010-01, Failure to Promptly Identify and Correct IEEE 384 Cable Separation and Seismic/Structural Nonconformances (White NOV)

After considering the information developed during the inspection and provided in the October 5, 2021 letter, the NRC concluded that the 10 CFR 50, Appendix B, Criterion XVI violation for Unit 3 is appropriately characterized as White in accordance with IMC 2519, a finding of low to moderate safety significance. The inspectors screened the programmatic finding for the approximately 600 cable separation and multiple seismic/structural nonconformances using Appendix A of IMC 2519. As a result, the inspectors concluded that because examples of the nonconformances affected all four Class 1E divisions, Row 3 of Step 12 was applicable because the finding was associated with structures such that reasonable assurance was not provided to conclude that the structure can meet its design function.

In their submittal, the licensee asserted that only a portion of the Class 1E raceway was affected, specifically noting that the initial EOC identified nonconforming separation in only 7% of the installed population, and that the root cause determination (RCD) completed in April 2021 found only about 22% of the sample work package installations were at the point of QC inspection completion. These numbers (7% and 22%) only represent IEEE 384 cable separation nonconformances that were identified at the time the RCD was completed (end of April 2021) and did not include IEEE cable separation nonconformances identified after the RCD was completed or any of the structural/seismic nonconformances with cable raceway construction.

3. Final Determination of AV 05200025/2020010-02, Failure to Install Electrical Raceways and Connections in Accordance with Applicable Instructions, Procedures, and Drawings (White NOV)

After considering the information developed during the inspection and the additional information provided in the October 5, 2021 written response letter, the NRC has concluded that the preliminary greater-than-Green finding which documented the failure to accomplish separation for Class 1E system field installations is a violation of 10 CFR 50, Appendix B, Criterion V and is appropriately characterized as White, a finding of low to moderate safety significance.

The initial significance determination for this finding was assessed using IMC 2519 and determined to have the potential to be of substantial risk significance (Yellow) because it was associated with the protection and monitoring system (PMS), the Class 1E direct current and uninterruptible power supply system (IDS), and reactor coolant system, which are assigned to the high-risk importance column of the “AP1000 Construction Significance Determination Matrix.” Additionally, the finding would fall on Row 3 of the “High Risk” importance column because the lack of physical separation was present in all divisions of the PMS and IDS for reactor trip and engineered safety features functions for the reactor coolant pump trip. The preliminary choice letter dated August 26, 2021 (ADAMS Accession Number ML 21236A057) was issued using this IMC 2519, Appendix A SDP result.

The initial risk significance obtained from the “AP1000 Construction Significance Determination Matrix” was based in part on the system risk achievement worth (RAW) importance measures. The RAW values for the systems were determined by assuming that the equipment being modeled in the PRA was failed for all plant conditions and initiating events and dividing that condition by the nominal failure likelihoods. The staff noted that the finding being assessed did not directly result in a condition where the impacted systems were in a failed state, but instead resulted in a condition where non-safety-related cable faults had the potential to adversely impact SR cables due to the lack of physical separation should a fault condition occur. For this reason, the staff determined that the initial Yellow significance obtained from Row 3 of the “High Risk” column of the “AP1000 Construction Significance Determination Matrix” may overestimate the risk significance of this finding and that it should be considered an upper bound of the significance of the issue.

In order to properly consider the licensee’s position on the risk of this finding, the NRC staff determined IMC 2519, Appendix M, “Construction Significance Determination Process Using Qualitative Criteria,” was an appropriate evaluation tool given the underlying assumptions that were used to determine the risk significance of systems in the “AP1000 Construction Significance Determination Matrix” and the complexities introduced by the extent of condition of the finding. Further, the criteria to use Appendix M in IMC 2519, were met because SDP methods and tools are not available or are not adequate to determine the significance of the finding within the established SDP timeliness goal of 90 days.

The NRC assessed the licensee’s submittals regarding the PRA and failure modes and effects analyses and determined that while the modeling approach taken by the licensee was conservative, concerns related to the scope of the licensee’s review and the treatment of common cause failures added uncertainty to the licensee’s conclusion. The staff reviewed the licensee’s response and risk evaluation and determined that, although the methodology and assumptions that were used in estimating the change in risk had merit, there remained sufficient uncertainties as to whether the risk evaluation, including its sensitivities, would capture all the potential risk of the non-conforming conditions. Specifically, there were uncertainties with respect to the data for cable failure likelihoods, common mode failure coupling mechanisms given the broad extent of the physical separation issues, and the potential for adverse impact to other SR functions not explicitly discussed in the evaluation. Considering both the quantitative and qualitative factors involved, the NRC staff concluded that the uncertainties involved did not warrant reduction of the significance of the issue by two or more orders of magnitude below the upper bound obtained from the “AP1000 Construction Significance Determination Matrix.” A final significance enforcement review panel was conducted on October 21, 2021, which concluded the finding was most appropriately characterized as low to moderate safety significance (White). Further details regarding the IMC 2519, Appendix M, significance determination can be found at Agency Document and Management System (ADAMS) Accession No. ML21312A360.

NOTICE OF VIOLATION

Southern Nuclear Operating Company, Inc. (SNC)
Vogtle Electric Generating Plant (VEGP)
Unit 3

Docket Nos. 5200025
License Nos. NPF-91
EA-21-109

During the Nuclear Regulatory Commission (NRC) inspection conducted from June 21 to July 2, 2021, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, dated January 15, 2020, the violations are listed below:

1. Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that "Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected."

Section 5.1 of procedure ND-AD-002-025, "Issue Identification and Condition Report Screening," Version 2.0, states that "all personnel are required to promptly report conditions adverse to quality or to identify an event, condition, problem, or process that needs correcting."

Updated Final Safety Analyses Report (UFSAR) Section 8.3.2.4.2, "Raceway and Cable Routing," states, in part, that separation between safety-related (SR) divisions, and between SR divisions and non- safety-related (NSR) cables are routed according to spatial separation stipulated in Regulatory Guide (RG) 1.75 and Institute of Electrical and Electronics Engineers (IEEE) Standard 384-1981. The purpose of IEEE 384 is to establish criteria for the independence and separation of SR and NSR cables/raceways. RG 1.75 states that following IEEE 384 is an acceptable method for meeting the independence and separation requirements provided the provisions in the regulatory guide are met. UFSAR Section 8.3.2.4.2, also states, in part, that "A raceway system is the complete assembly of raceways (e.g., conduit, cable tray, or wireway) and raceway supports." The seismic/structural components like restraints, supports, and embedded plates, are considered part of the Class 1E cable raceway structure and are essential to its design function.

Contrary to the above, since 2019, the licensee failed to promptly identify and correct conditions adverse to quality associated with the installation of Class 1E cables and associated raceways. Specifically, the licensee failed to promptly identify that cable separation was not maintained in accordance with RG 1.75 and IEEE 384-1981, as specified in UFSAR Section 8.3.2.4.2; failed to promptly identify deficiencies throughout the installation of seismic supports and structural components; and failed to correct these issues in a timely manner. The conditions adverse to quality involved approximately 600 cable separation discrepancies in 22 systems and multiple seismic/structural nonconformances.

This violation is associated with a White Significance Determination Process (SDP) finding.

2. Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," 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."

The Unit 3 combined license, Appendix C, Section 2, "System Based Design Descriptions," states, in part, for the various systems described, "Separation is provided between [*the systems*] Class 1E divisions, and between Class 1E divisions and non-Class 1E cable."

The UFSAR Section 8.3.2.4.2, "Raceway and Cable Routing," states, in part, that "within panels and control switchboards, the minimum horizontal separation between components or cables of different separation groups (both field-routed and vendor-supplied internal wiring) is one inch, and the minimum vertical separation is one inch."

Safety-related specification APP-G1-V8-01, Section B2, "Separation and Segregation Spacing Requirements," states, in part, "within panels and control switchboards, the minimum horizontal separation between components or cables of different separation groups (both field-routed and vendor supplied internal wiring) is 1 inch, and the minimum vertical separation is 1 inch."

Contrary to the above, on or before April 20, 2021, the licensee failed to accomplish activities affecting quality using prescribed documented instructions, procedures, or drawings, of a type appropriate to the circumstances. Specifically, for the 16 reactor trip switchgear and reactor coolant pump switchgear cabinets in Unit 3, the licensee failed to provide separation between Class 1E divisions and non-Class 1E cables within panels as specified by safety related specification APP-G1-V8-01, Section B2.

This violation is associated with a White SDP finding.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in SNC's letter dated October 5, 2021. 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 the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

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 of receipt.

Dated this 17 day of November 2021