



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200  
ATLANTA, GEORGIA 30303-1257

June 20, 2023

EA-22-081

Ms. Jamie Coleman  
Regulatory Affairs Director  
Southern Nuclear Operating Company  
7825 River Road, BIN 63031  
Waynesboro, GA 30830

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT 2-2021-020 AND VOGTLE  
ELECTRIC GENERATING PLANT UNIT 3 - NRC INSPECTION REPORT  
05200025/2023012 AND NOTICE OF VIOLATION

Dear Jamie Coleman:

This letter refers to the investigation completed on August 18, 2022, by the U.S. Nuclear Regulatory Commission (NRC) Region II Office of Investigations (OI), conducted at your Vogtle Electric Generating Plant (VEGP) Unit 3 facility in Waynesboro, Georgia. Based on the results of the investigation, the NRC identified two apparent violations (AVs) that are documented in NRC inspection report 05200025/2022011, issued on March 28, 2023 (Agencywide Documents Access and Management System (ADAMS), Accession Number ML23081A004).

The AVs were related to a former test engineer employed by a contractor of Southern Nuclear Operating Company (SNC), who deliberately falsified completion of a required step associated with hot functional testing (HFT) procedures at Vogtle Unit 3. The first AV involved the failure to obtain ambient temperature pressurizer shim gap measurements and record the values on the appropriate data table in accordance with the procedure, placing SNC in violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 Appendix B, Criterion V, "Instructions, Procedures, and Drawings." The second AV involved the failure to maintain complete and accurate information in accordance with 10 CFR 52.6, "Completeness and Accuracy of Information," when the contract test engineer signed off a procedure step confirming the pressurizer shim gap measurements had been taken, when in fact they had not.

In response to the AVs, SNC provided a written response by letter dated April 26, 2023 (ADAMS Accession No. ML23116A248). In the letter, SNC did not dispute that the violations occurred as documented in the NRC's inspection report dated March 28, 2023. SNC provided additional details regarding SNC's identification and investigation of the issues, as well as the reasons for the violations. Specifically, on May 12, 2021, while recording HFT measurements at 250 degrees Fahrenheit (°F), the licensee found two reactor coolant system support settings out of tolerance and the plant was cooled down to ambient to reset the supports. The licensee conducted an extent of condition to reverify that all required ambient measurements were recorded and discovered the pressurizer shim gap measurements had not yet been obtained even though the procedure was signed as completed. The letter included the corrective actions

taken in response to both violations, including but not limited to: (1) ensuring the pressurizer shim gap measurements were taken and were within proper tolerance, (2) taking appropriate disciplinary action against the individual following completion of an investigation associated with the noncompliances, and (3) reinforcing behavioral expectations associated with integrity and compliance. The letter also provided a basis for why the violations should be dispositioned at the significance level of Severity Level (SL)-IV, in accordance with the NRC Enforcement Policy; and requested that the NRC consider combining the two AVs into a single finding in accordance with NRC Inspection Manual Chapter (IMC) 0613.

Based on the information from the completed investigation, and the information provided by SNC in its written response dated April 26, 2023, the NRC has determined that two violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violations are cited in the enclosed Notice of Violation (Notice, Enclosure) and the circumstances surrounding them are described in detail in the NRC inspection report (ADAMS Accession Number ML23081A004). The NRC determined the violations involved separate deliberate actions and therefore the Notice contains two cited violations. A Notice is being issued because the violations involved willfulness. In accordance with the guidance provided in the Enforcement Policy, the significance of each violation was determined to be SL-IV because there were no actual consequences and the potential safety significance was very low; the issues were identified during HFT with no fuel loaded into the reactor core; and the licensee took prompt and comprehensive corrective actions once they identified the problem through extent of condition reviews associated with their investigative processes.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated April 26, 2023. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with NRC IMC 0305, "Operating Reactor Assessment Program," Section 13.02.b, the NRC will follow up on the violations using Inspection Procedure 92702, "Follow-up on Traditional Enforcement Actions Including Violations, Deviations, Confirmatory Action Letters, Confirmatory Orders, and Alternative Dispute Resolution Confirmatory Orders."

For administrative purposes, this letter is issued as NRC inspection report 05200025/2023012. AV 05200025/2022011-01 and AV 05200025/2022011-02 have been re-designated as NOV 05200025/2022011-01 and NOV 05200025/2022011-02.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, 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 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.

J. Coleman

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If you have any questions concerning this matter, please contact Nicole Coovert of my staff at (404)-997-4510.

Sincerely,



Signed by Lopez-Santiago, Omar  
on 06/20/23

Omar López-Santiago, Director  
Division of Construction Oversight

Docket Nos.: 5200025  
License Nos.: NPF-91

Enclosure:  
Notice of Violation

cc w/encl: Distribution via LISTSERV

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT 2-2021-020 AND VOGTLE ELECTRIC GENERATING PLANT UNIT 3 – NRC INSPECTION REPORT 05200025/2023012 AND NOTICE OF VIOLATION

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| NAME   | O. López-Santiago |   |           |          |   |           |
| DATE   | 6/20/2023         |   |           |          |   |           |

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Unit 3

Docket No.: 05200025  
Licensee No.: NPF-91  
EA-22-081

During an NRC investigation completed on August 18, 2022, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- (1) Title 10 of the *Code of Federal Regulations* (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.

Southern Nuclear Operating Company (SNC) test procedure 3-GEN-ITPP-507, "Thermal Expansion, Dynamic Effects, and Vibration (TEDEV) Program," Section 4.1, Step 4.1.2 states, "Record SS30 Primary Support measurements on Attachment 46 through Attachment 61."

SNC test procedure 3-GEN-ITPP-507, Attachment 59 requires, in part, that ambient temperature pressurizer upper lateral support shim gap measurements be obtained at specific locations and the values recorded on Attachment 59.

Contrary to the above, between April 28 and 30, 2021, the licensee failed to obtain initial (i.e., ambient temperature) Unit 3 pressurizer upper lateral support shim gap measurements and record the measurements on Attachment 59 of 3-GEN-ITPP-507 prior to plant heat up during hot functional testing.

This violation is a Severity Level IV violation (Enforcement Policy Section 6.5.d).

- (2) Title 10 CFR 52.6(a), "Completeness and Accuracy of Information," states, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR Part 50, Appendix B, Criterion XVII, "Quality Assurance Records," states, in part, "Sufficient records shall be maintained to furnish evidence of activities affecting quality," and that such records shall include operating logs and the results of reviews, inspections and tests.

SNC test procedure 3-GEN-ITPP-517, "Precore Hot Functional Test Procedure," Version 4.1, Step 4.1.13, requires an employee to initial and date confirming that SNC procedure 3-GEN-ITPP-507, "Thermal Expansion, Dynamic Effects, and Vibration (TEDEV) Program," Section 4.1, "RCS Ambient Plateau Pre Heatup," was performed.

SNC test procedure 3-GEN-ITPP-507, Section 4.1, Step 4.1.2, states, "Record SS30 Primary Support measurements on Attachment 46 through Attachment 61."

SNC test procedure 3-GEN-ITPP-507, Attachment 59, requires, in part, that ambient temperature pressurizer upper lateral support shim gap measurements be obtained at specific locations and the values recorded on Attachment 59.

Enclosure

Contrary to the above, on April 30, 2021, information that the licensee was required to maintain was not complete and accurate in all material respects. Specifically, Step 4.1.13 of SNC procedure 3-GEN-ITPP-517 was initialed and dated, confirming that procedure 3-GEN-ITPP-507, Section 4.1, had been performed, when, in fact, required shim gap measurements on the Unit 3 pressurizer upper lateral support were not obtained and recorded as required by Step 4.1.2 and Attachment 59 of procedure 3-GEN-ITPP-507. Documents associated with test procedures 3-GEN-ITPP-517 and 3-GEN-ITPP-507 are records the licensee is required to maintain pursuant to 10 CFR Part 50, Appendix B, Criterion XVII, "Quality Assurance Records." The inaccurate information is material to the NRC because the licensee relied on it to continue with hot functional testing when prerequisite steps had not been completed, and because the records of these procedures involving tests of safety-related equipment indicate whether the licensee is performing quality-related and safety-related activities in accordance with its procedures and NRC regulations.

This violation is a Severity Level IV violation (Enforcement Policy Section 6.5.d).

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.

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 was achieved is already adequately addressed on the docket in the licensee's written response dated April 26, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23116A248). 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 (EA-22-081), 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 of Violation (Notice), within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from 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 20<sup>th</sup> day of June 2023

Enclosure