



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

September 5, 2023

EA-22-108

R. Keith Brown
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

**SUBJECT: VOGTLE ELECTRIC GENERATING PLAN UNITS 1 AND 2–
NRC INVESTIGATION REPORT 2-2022-006 AND NOTICE OF VIOLATION–
NRC INSPECTION REPORT 05000424/2023091 AND 05000425/2023091**

Dear R. Keith Brown:

This letter refers to the investigation completed on October 31, 2022, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) regarding the Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant (Vogtle), Units 1 and 2. The purpose of the investigation was to determine whether a former supervisor and two employees of a contractor at Vogtle deliberately logged onto an incorrect radiation work permit (RWP) prior to entering Vogtle Unit 1 containment during the 1R23 refueling outage. The results of the OI investigation, including one apparent violation (AV) and a factual summary of the investigation, were included in the NRC's letter issued to SNC on March 30, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23047A033).

In the NRC's March 30, 2023, letter transmitting the AV and factual summary of the investigation, we provided you with the opportunity to address the AV identified in the report by attending a predecisional enforcement conference, by providing a written response, or by requesting resolution of the enforcement aspects through Alternative Dispute Resolution (ADR), before we made our final enforcement decision. In SNC's letter NL 23-0326, dated May 1, 2023, you provided a written response to the AV (ADAMS Accession No. ML23121A281).

SNC's letter dated May 1, 2023, did not dispute that a violation of Technical Specification 5.4.1.a, "Procedures," occurred as stated in the NRC's letter dated March 30, 2023. SNC also documented its immediate corrective actions taken upon discovery of the violation in addition to actions taken to preclude recurrence of future violations. SNC's letter requested that the NRC consider that the issue was identified by SNC due to conservative RWP dose rate alarms for self-reading dosimeters established by radiation protection processes on-site which ensures all radiological work is performed in a safe manner. SNC also stated the immediate corrective actions taken to address the event were prompt and comprehensive and that the issue was related to the contract supervisor's decision-making.

Based on the information developed during the investigation, and the information that you provided in your response, the NRC has determined that a violation of NRC requirements occurred. This violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding the violation were previously described in detail in the NRC's letter to SNC Vogtle dated March 30, 2023.

The violation provided in the enclosed Notice involves SNC's failure to comply with RWP 21-0010, which is a self-brief RWP with electronic dosimeter (ED) alarm setpoints appropriate for certain areas of low radiological risk and did not allow containment access. Use of this RWP to enter containment effectively bypassed certain administrative controls implemented by the radiation protection department during the refueling outage, such as pre-entry briefings on current radiological conditions and the ability to monitor worker exposures in real-time using transmitting dosimetry. Specifically, on September 21, 2021, a former supervisor and two employees of a contractor at Vogtle failed to comply with RWP 21-0010 by using the RWP to enter unit 1 containment during refueling outage 1R23. When the three individuals entered containment on RWP 21-0010, contrary to NMP-HP-302, "Restricted Area Classification, Postings, and Access Control," they caused SNC to be in violation of Vogtle Units 1 and 2 Technical Specification 5.4.1. In addition, as described in the factual summary of the OI investigation, the NRC has concluded that the actions of the supervisor in this incident were deliberate.

The violation did not cause any actual consequences to the plant, or to individuals involved, due to the short duration within containment before the ED alarmed and the contract supervisor exited the containment building.

However, the potential consequence of the violation is significant and concerning to the NRC, since the violation involved deliberate misconduct on the part of a contract supervisor. As articulated in the NRC's Enforcement Policy, it is NRC policy to hold facility licensees responsible for the acts of their employees. Willful violations are of particular concern to the Commission because the NRC's regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor. As such, a violation may be considered more significant than the underlying noncompliance if it includes indications of willfulness. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$175,000 was considered for a Severity Level III violation. Because your facility has been the subject of escalated enforcement actions within the last 2 years¹, and the violation was willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy.

Upon receipt of the contract supervisor's ED alarm in containment, the three individuals exited containment and reported to radiation protection. Once the issue was reported, SNC temporarily revoked radiologically controlled area (RCA) access for individuals involved and opened an investigation into the event. SNC also helped mitigate consequences of this event due to implementing conservative RWP dose rate alarms for self-reading dosimeters established by radiation protection processes on-site to ensure all radiological work is performed in a safe manner, rather than relying on RWP administrative limits. Therefore, due to the immediate

¹ A Severity Level III violation was issued on January 4, 2022, EA-21-026, (ADAMS Accession No. ML22004A388).

actions taken by both the individuals involved and SNC, the NRC concluded that credit was warranted for the civil penalty assessment factor of *Identification*.

In your written response dated May 1, 2023, and through condition reports referenced in the NRC letter dated March 30, 2023, SNC identified several corrective actions taken in response to the violation including, but not limited to: (1) revoked RCA access to the three individuals involved pending an investigation; (2) performed supplemental radiological surveys of the area where the dose alarm was received in containment; (3) employment termination of the contract supervisor (4) pre-outage briefs will be conducted prior to all outages with supplemental supervision to reinforce the importance of procedure adherence and site standards and expectations; (5) use of smart turnstile technology that physically prevents entry into containment on an incorrect RWP; and (6) the SNC vice president of regulatory affairs and chief nuclear officer performed a training video to all SNC employees with a reminder that compliance with regulations, procedures and technical specifications is always necessary, as well as the importance of having a culture where anyone can raise a compliance question. Therefore, the NRC concluded credit was warranted for the civil penalty assessment factor of *Corrective Action*.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding: (1) the reason for the violation; (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 NRC's letter to SNC dated March 30, 2023 (ADAMS Accession No. ML23047A033) and in your response letter dated May 1, 2023 (ADAMS Accession No. ML23121A281). 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 that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program," Section 13.02.b, the NRC will follow up on the violation 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 IR 05000424/2023091 and 05000425/2023091. The original AV and the circumstances surrounding it were previously described in detail in the NRC's letter to SNC Vogtle dated March 30, 2023 (ADAMS Accession No. ML23047A033), and was assigned violation tracking number AV 05000424, 05000425/2023090-01. Apparent Violation 05000424, 05000425/2023090-01 has been re-designated as Notice of Violation (NOV) 05000424, 05000425/2023090-01. Also, a typographical error was identified in the original factual summary contained in the NRC's letter dated March 30, 2023. The reference to the containment RWP signed in on during a previous containment entry was erroneously referred to RWP 21-0003. The correct RWP number is 21-1003.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, and any response will be made available electronically for public inspection in the NRC Public Document Room and in ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc/collections/enforcement/actions/>. If you have any questions concerning this matter, please contact Mr. Binoy Desai of my staff at (404) 997-4519.

Sincerely,



Signed by Dudes, Laura
on 09/05/23

Laura A. Dudes
Regional Administrator

Docket Nos. 05000424 and 05000425
License Nos. NPF-68 and NPF-81

Enclosure:
Notice of Violation

cc w/ encl: Distribution via LISTSERV

SUBJECT: VOGTLE ELECTRIC GENERATING PLAN UNIT 1–NRC INVESTIGATION REPORT 2-2022-006 AND NOTICE OF VIOLATION–NRC INSPECTION REPORT NO. 05000424/2023091 AND 05000425/2023091

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NOTICE OF VIOLATION

Southern Nuclear Operating Company, Inc.

Docket No.: 05000424 and
05000425

Vogtle Electric Generating Plant Unit 1 and Unit 2

License No.: NPF-68 and NPF-81
EA-22-108

During an NRC investigation completed on October 31, 2022, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Vogtle Unit 1 Technical Specification (TS) 5.4.1 requires that the procedures recommended in Regulatory Guide 1.33, "Quality Assurance Program Requirements," Rev. 2, Appendix A, be established, implemented, and maintained, including for a radiation work permit (RWP) system.

Southern Nuclear Operating Company (SNC) Procedure NMP-HP-302, "Restricted Area Classification, Postings, and Access Control," Version 12.8, Section 4.1 Step 15 states, "Entry requirements into any [radiological controlled area] RCA will be defined by a Radiation Work Permit."

SNC RWP 21-0010 allowed radiological work to be performed in certain low-risk areas, including the auxiliary building, fuel handling building, control building, turbine building, and outside areas, but did not allow access into Unit 1 or Unit 2 containment.

Contrary to the above, on September 21, 2021, during the 1R23 refueling outage, the licensee failed to follow RWP 21-0010, as required by TS 5.4.1. Specifically, three contract employees entered Unit 1 containment on RWP 21-0010, which did not allow containment access.

This is a Severity Level III violation (Enforcement Policy 2.2.1.d).

The NRC has concluded that information regarding: (1) the reason for the violation, (2) the corrective actions taken and planned to correct the violation and prevent recurrence, and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC's letter to SNC on March 30, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23047A033) and in your response letter on May 1, 2023 (ADAMS Accession No. ML23121A281). However, you are required to submit a written statement or explanation under Title 10 of the *Code of Federal Regulations* (10 CFR) 2.201 if the description on the docket does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, please mark your reply "Reply to a Notice of Violation; EA-22-108" 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 2, and a copy to the NRC Resident Inspector at Vogtle, within 30 days of the date of the issuance of 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 5th day of September 2023