



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

August 27, 2024

EA-23-139

Jamie M. Coleman
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
3535 Colonnade Parkway, Bin N-274-EC
Birmingham, AL 35243

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2 -
NRC INVESTIGATION REPORT 2-2023-003 AND NOTICE OF VIOLATION –
NRC INSPECTION REPORT 05000321/2024-091 AND 05000366/2024-091

Dear Jamie M. Coleman:

This letter refers to the investigation completed on November 8, 2023, by the U.S. Nuclear Regulatory Commission's (NRC, the Commission) Office of Investigations (OI) at Southern Nuclear Operating Company's (SNC's) Edwin I. Hatch Nuclear Plant (Hatch), Units 1 and 2. The purpose of the investigation was to determine whether a former senior radiation protection (RP) technician for SNC at Hatch falsified radiation and contamination surveys. The incident under OI review occurred between August 2021 and November 2021 while the subject senior RP technician was assigned to perform surveys within radiologically controlled areas at Hatch. The results of the OI investigation, including two apparent violations (AVs) and a factual summary of the investigation, were included in the NRC's letter issued to SNC on May 15, 2024 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML24080A415).

In the letter transmitting the AVs and factual summary of the investigation, we provided you with the opportunity to address the AVs by attending a pre-decisional 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. On June 17, 2024, SNC submitted a letter to the NRC providing a written response to the AVs (SNC Letter NL 24-0239, ADAMS Accession No. ML24169A622).

SNC's letter dated June 17, 2024, did not dispute that a violation of Title 10 of the *Code of Federal Regulations* (CFR) 20.1501, "Surveys and Monitoring", occurred, as stated in the NRC's letter dated May 15, 2024. 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's own internal investigation. SNC also stated the immediate corrective actions taken to address the event were prompt and comprehensive and that the violations involved the actions of one individual acting alone, the subject senior RP technician.

Based on the information developed during the investigation, and the information that you provided in your response, the NRC has determined that two violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) as a “problem” and the circumstances surrounding the violations were previously described in detail in the NRC’s letter to SNC Hatch dated May 15, 2024.

The first violation provided in the enclosed Notice involves the failure to conduct surveys that are reasonable under the circumstances to evaluate the magnitude and extent of radiation levels and potential radiological hazards of the radiation levels, as required by 10 CFR 20.1501(a)(2). Specifically, on eight occasions between August 2021 and November 2021, the senior RP technician failed to physically enter radiologically controlled areas to obtain radiation survey readings on assigned dates. Instead, the technician submitted survey data copied from previous surveys. The failure to obtain current and accurate RP survey data effectively bypassed administrative controls implemented by the RP department to communicate information necessary to establish adequate protective measures related to radiological conditions and hazards to workers that exist throughout the plant. In addition, as described in the factual summary of the OI investigation, the NRC has concluded that the actions of the senior RP technician in this incident were deliberate.

The second violation provided in the enclosed Notice involves the failure to maintain complete and accurate records of radiation surveys, as required by 10 CFR 50.9(a) and 10 CFR 20.2103(a). Specifically, for the surveys identified in the first AV, the records of survey data submitted by the senior RP technician were not complete and accurate because they were copied from previous survey records instead of being based on readings obtained from actual physical surveys on the assigned dates. Survey records are material to the NRC because survey results are used to convey information on conditions and potential hazards to licensee staff and contractors entering radiologically controlled areas and because survey records provide evidence of compliance with the regulatory requirements in 10 CFR Part 20, “Standards for Protection against Radiation.”

The violations did not cause any actual consequences to the plant, or to individuals involved because there were no occupational exposures exceeding regulatory limits and the affected plant areas were properly surveyed afterwards as part of the normal frequency of routine surveys. However, the potential consequence of the violations is significant and concerning to the NRC because the violations involved repetitive deliberate misconduct on the part of the senior RP technician. 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, these violations have been categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$180,000 was considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last two years, and the violations were 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 information from several witnesses related to whether an individual RP technician had been performing required RP surveys in accordance with procedural requirements, SNC

promptly initiated an investigation to ensure the proper compensatory actions were taken to restore compliance. Therefore, due to the immediate actions taken by SNC, the NRC concluded that credit was warranted for the civil penalty assessment factor of *Identification*.

In your written response dated June 17, 2024, and through condition reports referenced in the NRC letter dated May 15, 2024, SNC identified several corrective actions taken in response to the violations including, but not limited to: 1) conducted independent audit of RP surveys to determine whether there were indications that any individual within the Hatch RP department was not completing RP surveys as required, 2) an independent outside investigator conducted a fact-finding investigation on the former RP technician, 3) an investigator from SNC's Corporate Security department conducted an additional, independent investigation into the former RP technician's actions, 4) placed the former RP technician on paid administrative leave on April 13, 2022, 5) terminated the RP technician's employment in August 2022 and placed an administrative flag in the Personnel Access Data System (PADS) indicating potentially disqualifying information regarding the individual, 6) implemented several training and communication actions to reinforce the importance of integrity and to deter future recurrence of survey falsification, 7) implemented a requirement for RP supervisors to conduct periodic checks of RP surveys (at least quarterly) to increase oversight of survey data and verify RP technicians are completing their assigned surveys, and 9) initiated a causal analysis on the AVs. Based on these actions, the NRC concluded that credit was warranted for the civil penalty assessment factor of *Corrective Action*.

Therefore, to encourage identification and prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, 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. In addition, issuance of this Severity Level III problem constitutes escalated enforcement action that may subject Hatch to increased inspection effort.

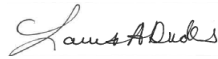
The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in NRC's letter to SNC dated May 15, 2024 (ADAMS Accession No. ML24080A415) and in your response letter dated June 17, 2024 (ADAMS Accession No. ML24169A622). 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 inspection report 05000321/2024091 and 05000366/2024091. The original AVs and the circumstances surrounding them were previously described in detail in the NRC's letter to SNC Hatch dated May 15, 2024, and were assigned violation tracking numbers AV 05000321, 05000366/2024090-01 and -02. The AVs have been re-designated as Notice of Violations (NOVs) 05000321, 05000366/2024090-01, and -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 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 08/27/24

Laura A. Dudes
Regional Administrator

Docket Nos. 05000321 and 05000366
License Nos. DPR-57 and NPF-5

Enclosure:
Notice of Violation

cc w/ encl: Distribution via LISTSERV

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2–
 NRC INVESTIGATION REPORT 2-2023-003AND NOTICE OF VIOLATION–
 NRC INSPECTION REPORT 05000321/2024091 AND 05000366/2024091
 DATED AUGUST 27, 2024

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NOTICE OF VIOLATION

Southern Nuclear Operating Company, Inc.
Hatch Nuclear Plant Unit 1 and Unit 2

Docket No.: 05000321 and 05000366
License No.: DPR-57 and NPF-5
EA-23-139

During an NRC investigation completed on November 8, 2023, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (10 CFR), paragraph 20.1501(a)(2) requires, in part, that each licensee shall make or cause to be made surveys of areas that are reasonable under the circumstances to evaluate the magnitude and extent of radiation levels, concentrations or quantities of residual radioactivity, and potential radiological hazard of the radiation levels and residual radioactivity detected. Per 10 CFR 20.1003, "Definitions," *Survey* means, in part, an evaluation of the radiological conditions and potential hazards incident to the use or presence of radioactive material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material.

Contrary to the above, on eight occasions between August 2021 and November 2021, the licensee did not make or cause to be made surveys of radiologically controlled areas at Hatch that were reasonable under the circumstances to evaluate radiation levels, concentrations or quantities of residual radioactivity, and the potential hazards associated with radiation levels or residual radioactivity. Specifically, a senior radiation protection technician at Hatch did not conduct and document routine radiation dose rate and contamination surveys as prescribed by licensee procedure NMP-HP-300, "Radiation and Contamination Surveys," which requires the technician to physically enter an area to obtain survey readings. Instead of physically entering areas on assigned dates to directly obtain required measurements, the technician copied data from previously completed surveys of the same areas and submitted the data as his own without performing the surveys.

- B. Title 10 CFR, paragraph 50.9(a) 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. Paragraph 10 CFR 20.2103(a) requires, in part, that the licensee maintain records showing the results of surveys required by 10 CFR 20.1501, "Surveys and Monitoring."

Contrary to the above, on eight instances between August 2021 and November 2021, the licensee failed to maintain records of radiation and contamination surveys that were complete and accurate in all material aspects. Specifically, a senior radiation protection technician at Hatch copied data such as dose rates, contamination levels, survey points, and contamination boundaries from previous surveys of plant areas without physically entering the areas to obtain actual survey readings on the assigned dates. As a result, the records of these surveys did not accurately reflect radiological conditions in those areas on the assigned dates. These survey records are material to the NRC because

survey results are used to convey information on conditions and potential hazards to licensee staff and contractors entering radiologically controlled areas and because survey records provide evidence of compliance with regulatory requirements.

This is a Severity Level III problem (Enforcement Policy, Section 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 May 15, 2024 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML24080A415) and SNC's response letter dated June 17, 2024 (ADAMS Accession No. ML24169A622). However, you are required to submit a written statement or explanation under 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-23-139" 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 Hatch, 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 27th day of August 2024