



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

September 5, 2023

IA-22-038

Trewick Hughes  
[NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE  
OF INVESTIGATIONS REPORT 2-2022-006

Dear Trewick Hughes:

This letter refers to the investigation completed on October 31, 2022, by the U.S. Nuclear Regulatory Commission's (NRC, the Commission) Office of Investigations (OI) at Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant (Vogtle) Unit 1. The purpose of the OI investigation was to determine whether you, acting in your official capacity of superintendent for Day and Zimmermann, a contractor for SNC at Vogtle Unit 1, deliberately failed to follow a radiation work permit (RWP). The incident under OI review occurred on September 20-21, 2021, when you and two pipefitters assigned to perform various job assignments within the auxiliary building entered Vogtle Unit 1 containment while logged into an auxiliary building RWP (an incorrect RWP).

The NRC's letter of March 30, 2023, provided you the preliminary results of the NRC's review, included a Factual Summary of the OI Investigation, and documented one apparent violation regarding your engagement in deliberate misconduct, contrary to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5, "Deliberate Misconduct." This requirement prohibits an employee of a licensee or contractor from engaging in deliberate misconduct that causes or would have caused a licensee to be in violation of any regulation, or Order; or any term, condition, or limitation of any license issued by the Commission.

The NRC's March 30, 2023, letter provided you the opportunity to address the apparent violation by either attending a predecisional enforcement conference (PEC) or providing a written response before the NRC made a final enforcement decision. The NRC held a PEC with you on May 30, 2023, in the NRC's Region II office in Atlanta, Georgia, to provide you an opportunity to describe your perspectives on the events associated with this case. During the PEC, you described your recollection of the incident and acknowledged that you made an error entering containment, stating you were in a hurry trying to make up time. You also stated your containment entry was not deliberate, as you believed you were on a RWP that allowed dual auxiliary building and containment entry. You also described that you self-reported the incident to radiation protection staff after receiving the dosimeter alarm and exiting containment.

Based on the information developed during the investigation and the information that you provided at the PEC, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation is cited in the enclosed Notice (Enclosure). The information from the OI investigation dated October 31, 2022, demonstrates that you successfully entered containment

using the correct RWP on previous occasions to the incident in question. Additionally, based on OI testimony, two pipefitters working under your supervision questioned you several times whether the RWP you were currently signed into was the correct one to enter containment, since it was different from previous RWPs used. You instructed them it was correct and proceeded to enter containment, thereby causing you and the two pipefitters to enter containment in violation of procedure.

Your deliberate actions placed SNC in violation of Vogtle Units 1 and 2 Technical Specification 5.4.1, "Procedures" and you in violation of 10 CFR 50.5, "Deliberate Misconduct." A copy of the enforcement action issued to SNC is available electronically for public inspection in the NRC Public Document Room or the Agencywide Documents Access and Management System (ADAMS), Accession Number ML23223A233, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

The violation did not cause any actual consequences to you, other employees, or to the plant due to the short duration within containment before your electronic dosimeter alarmed and you exited the containment building. However, the potential consequences of a deliberate misconduct violation are significant and concerning to the NRC. As discussed in the NRC Enforcement Policy, willful (e.g., deliberate misconduct) violations are of particular concern because the NRC's regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor. As a Day and Zimmermann superintendent at the time, you held a particular responsibility to ensure that your actions, and the actions of others, rigorously complied with regulatory requirements. Considering your supervisory role at the time and your deliberate actions, this violation has been categorized at a Severity Level III in accordance with the NRC Enforcement Policy.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal penalties.

The NRC has concluded that information regarding the violation is already adequately addressed on the docket in our March 30, 2023, letter and in the information you provided at the PEC. 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 10 CFR 2.390 of the NRC's "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 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. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

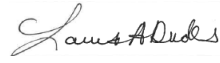
In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

T. Hughes

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If you have any questions concerning this matter, please feel free to contact Mr. Binoy Desai at 404-997-4519.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Dudes".

Signed by Dudes, Laura  
on 09/05/23

Laura A. Dudes,  
Regional Administrator

Enclosure:  
Notice of Violation

SUBJECT: NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS (OI)  
REPORT 2-2022-006 AND NOTICE OF VIOLATION

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**ADAMS ACCESSION NUMBER:ML23223A232**

<b>Entire Report:</b>		<input checked="" type="checkbox"/> Non-Sensitive			<input checked="" type="checkbox"/> Publicly Available	
X SUNSI Review		<input type="checkbox"/> Sensitive			<input type="checkbox"/> Non-Publicly Available	
OFFICE	RII:EICS	RII:DRS	RII:DRP	RII:EICS	RII:ORA-RC	RII:DRS
NAME	M. Toth	B. Desai	A. Blamey	M. Kowal	S. Price	L. Pearson
DATE	8/15/2023	8/14/2023	8/14/2023	8/15/2023	8/18/2023	8/15/2023
OFFICE	HQ:OE	HQ:NRR	HQ:OGC (NLO)	RII:ORA		
NAME	J. Peralta	T. Martinez-Navedo	R. Augustus	LDudes		
DATE	8/30/2023	8/21/2023	8/30/2023	9/5/2023		

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Mr. Trewick Hughes  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

IA-22-038

During a U.S. Nuclear Regulatory Commission (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:

Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5(a)(1), "Deliberate Misconduct" states, in part, that any contractor, employee of a contractor of any licensee, are prohibited from engaging in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Title 10 CFR 50.5(c) states, in part, that, for the purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows (1) would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition or limitation of any license issued by the Commission; or (2) constitutes a violation of a requirement, procedure, instruction or policy of a licensee.

Licensee Technical Specification (TS) 5.4.1 requires that the procedures recommended in Regulatory Guide 1.33, Revision 2 Appendix A, be established, implemented, and maintained, including a Radiation Work Permit (RWP) system. Licensee 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 entry into Unit 1 containment.

Contrary to the above, on September 21, 2021, during the 1R23 refueling outage, Mr. Trewick Hughes, at the time a superintendent for Day & Zimmermann (D&Z), acting as a Southern Nuclear Operating Company (SNC) contractor, engaged in deliberate misconduct that caused SNC to be in violation of TS 5.4.1, which is a condition of its license. Specifically, Mr. Hughes deliberately entered containment under RWP 21-0010 with the knowledge at the time that this RWP did not allow entry into containment. Additionally, in his capacity as a superintendent, Mr. Hughes also successfully encouraged two D&Z workers to also enter containment under RWP 21-0010, with the knowledge that this RWP did not allow entry into containment.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in our letter to you dated March 30, 2023, and discussed during the predecisional enforcement conference held on May 30, 2023. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IA-22-038," and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, Maryland 20852-2738, with a copy to the Document Control Desk, Washington, DC 20555-0001.

Enclosure

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.

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 5<sup>th</sup> day of September 2023