

May 5, 2000

EA-00-110

Southern Nuclear Operating Company, Inc.
ATTN: Mr. H. L. Sumner, Jr.
Vice President
P. O. Box 1295
Birmingham, AL 35201-1295

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE - NRC INSPECTION
REPORT NOS. 50-321/00-07 AND 50-366/00-07

Dear Mr. Sumner:

This refers to the inspection conducted on March 13-17, 2000, at the Hatch facility. The purpose of the inspection was to review site activities with respect to compliance with the Hatch Physical Security Plan. The results of the inspection were communicated to you during NRC exit meetings conducted on March 17 and April 17, 2000, and formally transmitted to you by letter dated April 17, 2000. The inspection report identified two apparent violations of regulatory requirements. However, you were informed that the issues remained under NRC review and that you would be advised of the results of our review at a later date.

Based on our further review of the inspection results, the two apparent violations are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, issued on November 9, 1999. As described in detail in the subject report, the two apparent violations involve the failure to comply with the requirements of the Hatch Physical Security Plan regarding the perimeter intrusion detection system and demonstration of adequate protective measures during a drill. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations may change as a result of further NRC review.

A closed predecisional enforcement conference to discuss these apparent violations has been scheduled for May 26, 2000, from 10:00 a.m. to 12:00 noon. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that violations have occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: (1) the severity of the apparent violations; (2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy; and (3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. An agenda for the conference is enclosed.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

If you have any questions regarding this letter, please contact Anne T. Boland, Acting, Chief, Plant Support Branch at 404-562-4653.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice" a copy of this letter and its enclosure will be made publically available.

Sincerely,

\RA by Kenneth Barr acting for

Charles A. Casto, Director
Division of Reactor Safety

Docket Nos.: 50-321, 50-366
License Nos.: DPR-57, NPF-5

Enclosure: Conference Agenda

cc w/encl:
J. D. Woodard
Executive Vice President
Southern Nuclear Operating Company, Inc.
Electronic Mail Distribution

P. H. Wells
General Manager, Plant Hatch
Southern Nuclear Operating Company, Inc.
Electronic Mail Distribution

D. M. Crowe
Manager Licensing - Hatch
Southern Nuclear Operating Company, Inc.
Electronic Mail Distribution

Ernest L. Blake, Esq.
Shaw, Pittman, Potts and
Trowbridge
2300 N Street, NW
Washington, D. C. 20037

Office of Planning and Budget
Room 610
270 Washington Street, SW
Atlanta, GA 30334

(cc w/encl cont'd - See page 3)

(cc w/encl cont'd)
 Director
 Department of Natural Resources
 205 Butler Street, SE, Suite 1252
 Atlanta, GA 30334

Manager, Radioactive Materials Program
 Department of Natural Resources
 Electronic Mail Distribution

Chairman
 Appling County Commissioners
 County Courthouse
 Baxley, GA 31513

Program Manager
 Fossil & Nuclear Operations
 Oglethorpe Power Corporation
 Electronic Mail Distribution

Charles A. Patrizia, Esq.
 Paul, Hastings, Janofsky & Walker
 10th Floor
 1299 Pennsylvania Avenue
 Washington, D. C. 20004-9500

Senior Engineer - Power Supply
 Municipal Electric Authority
 of Georgia
 Electronic Mail Distribution

Distribution w/encl:
 L. Olshan, NRR
 R. Borchardt, OE
 B. Summers, OE
 D. Nelson, OE
 R. Rosano, NRR
 PUBLIC

OFFICE	RII:DRS	RII:DRS	RII:EICS				
SIGNATURE							
NAME	LHayes	ABoland	CEvans				
DATE	05/05/2000	05/05/2000	05/05/2000				
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA

**HATCH NUCLEAR PLANT
MAY 26, 2000, AT 10:00 A.M.
NRC REGION II OFFICE, ATLANTA, GEORGIA**

- I. OPENING REMARKS AND INTRODUCTIONS
B. Mallett, Deputy Regional Administrator
- II. NRC ENFORCEMENT POLICY
C. Evans, Acting Enforcement Officer
Enforcement and Investigations Coordination Staff
- III. SUMMARY OF THE ISSUES
B. Mallett, Deputy Regional Administrator
- IV. STATEMENT OF CONCERNS / APPARENT VIOLATIONS
C. Casto, Director
Division of Reactor Safety
- V. LICENSEE PRESENTATION
- VI. BREAK / NRC CAUCUS
- VII. NRC FOLLOWUP QUESTIONS
- VIII. CLOSING REMARKS
B. Mallett, Deputy Regional Administrator