

To: Travers, Rll

Jeffrey T. Gasser
Executive Vice President
and Chief Nuclear Officer

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January 12, 2007

Docket Nos.: 50-424
50-425

NL-07-0092

Mr. Luis A. Reyes
Executive Director of Operations
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Vogtle Electric Generating Plant - Units 1 and 2
Appeal of Final Significance Determination for a White Finding
(NRC Inspection Report Nos. 05000424/2006011 and 05000425/2006011)**

Dear Mr. Reyes:

On December 14, 2006, I notified you, by telephone, of Southern Nuclear Operating Company's ("SNC") intent to appeal the decision of the NRC Regional Administrator, dated November 30, 2006, upholding the Staff's White Finding and Notice of Violation for Vogtle Electric Generating Plant, dated September 18, 2006. Consistent with my earlier notification, SNC hereby invokes its right to appeal the Regional Administrator's decision, in accordance with NRC's Inspection Manual, Chapter 0609, Attachment 2 ("IMC 0609.02"). SNC respectfully requests a public meeting for the purpose of making an oral presentation of its position on appeal. SNC also intends to supplement its oral presentation with a written submittal.

As previously stated in its Appeal to the Regional Administrator, SNC strongly believes that the Site Area Emergency declared by the Emergency Director ("ED") was the correct classification, and that the unintended consequences of the actions that the Staff, in the NOV and associated White Finding, suggests should have been taken by the ED would be contrary to sound nuclear safety principles, and would contravene vital lessons learned and years of progress made by the industry. Specifically, for the ED to reach the same conclusion as the NRC Staff, given the inability to maintain reactor coolant system ("RCS") inventory without Safety Injection flow, the ED would have had to ignore symptom-based procedural guidance; ignore multiple symptoms of the loss or potential loss of the RCS barrier; and utilize non-procedurally specified indicators; or inappropriately delay his decision until procedures attempted to re-establish normal RCS inventory control.

Such a non-symptom based decision-making approach or excessive delay in determining the Emergency Action Level classification, when applied to the numerous scenarios that could occur, would pose an unnecessary and unacceptable risk to public health and safety. In SNC's view, this approach by the NRC sets a very troubling precedent related to accurate and timely emergency classification.

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This letter contains no NRC commitments. If you have any questions, please advise..

Sincerely,



Jeffrey T. Gasser

JTG/AFT/daj

cc: Southern Nuclear Operating Company
Mr. J. B. Beasley, President & CEO
Mr. T. E. Tynan, Vice President – Vogtle
Ms. B. C. Terry, Vice President & General Counsel
Ms. A. F. Thornhill, Managing Attorney & Compliance Manager
Mr. D. P. Burford, Manager, Nuclear Fleet Security & Emergency Preparedness
RType: CVC7000

U. S. Nuclear Regulatory Commission
Dr. W. D. Travers, Regional Administrator
Mr. R. E. Martin, NRR Project Manager – Vogtle
Mr. G. J. McCoy, Senior Resident Inspector – Vogtle
Ms. C. F. Evans, Regional Counsel/Enforcement Officer
Mr. B. Bonser, Chief, Plant Support, Branch 1
Director, Office of Enforcement, USNRC
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