

JUN 10 1980

Docket Nos. 50-321
50-366
EA-80-32

Georgia Power Company
ATTN: J. H. Miller, Jr.
Executive Vice President
270 Peachtree Street
Atlanta, Georgia 30303

Gentlemen:

On March 18, 1980, a truck carrying radioactive waste left your E. I. Hatch facility for Barnwell, South Carolina. Subsequent radiation surveys on March 19, 1980, upon arrival at the Barnwell site, revealed radiation levels exceeding regulatory limits in the truck cab.

Our investigation of this matter indicates that the problem most likely resulted from an inadequate survey of the vehicle after its final loading prior to departure from the Hatch facility. The specific occurrence and our concerns relative to it were discussed in a meeting held on May 15, 1980, in the Region II Office in Atlanta, Georgia, between Mr. James P. O'Reilly, Director of Region II and his staff, and Mr. Ehrensperger of your staff.

As a result of our investigation of this matter, we propose to impose a civil penalty for the item of noncompliance set forth in Appendix A to this letter, in the amount of Four Thousand Dollars. We recognize that the magnitude of the radiation levels involved in this instance was not large. In deciding to propose the imposition of a civil penalty, we took into consideration that the regulation involved (49 CFR 173.393(j)(4)) is specifically designed to minimize radiation exposures to transport workers. We also considered that the existence of levels of radiation indicated by your survey should have prompted a more thorough survey on your part.

Appendix B of this letter is a Notice of Proposed Imposition of a Civil Penalty. You are required to respond to this letter. In preparing your response you should follow the instructions in Appendices A and B.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

3-19-80
4-29-80/80

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JUN 19 1980

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the Commission's Public Document Room.

Sincerely,

Original signed by
Victor Stello

Victor Stello, Jr.
Director
Office of Inspection
and Enforcement

Enclosures:

- 1. Appendix A, Notice of Violation
- 2. Appendix B, Notice of Proposed Imposition of a Civil Penalty

cc w/encl:

M. Manry, Plant Manager
P. O. Box 442
Baxley, GA 31513

C. E. Belflower
Site QA Supervisor
P. O. Box 442
Baxley, GA 31513

W. A. Widner
Vice President and General Manager
Nuclear Generation
Georgia Power Company
P. O. Box 4545
Atlanta, GA 30303

Copy FAX'd to
R II - 6/10/80

Copy FAX'd
to J Lieberman
6/10/80

WPU: SM
6/10/80
Job K

XDOS
TW Brockett
6/10/80

FFMSI
AGrella
6/10/80

FFMSI
JAS Nezek
6/10/80

ELD
J Lieberman
6/13/80

XOOS
D Thompson
6/10/80

DD
R DeYoung
6/16/80

D: IE
V Stello
6/ /80

APPENDIX A
NOTICE OF VIOLATION

Georgia Power Company
(Hatch Units 1 and 2)

Docket Nos. 50-321 & 50-366
License Nos. DPR-57 & NPF-5
EA-80-32

Based on the results of the NRC inspection conducted on March 19, 1980 and April 29-30, 1980, it appears that certain of your activities were not conducted in full compliance with NRC requirements as indicated below. This item has been categorized as described in our correspondence to you dated December 3, 1979.

10 CFR 71.5 prohibits delivery of licensed material to a carrier for transport unless the licensee complies with the applicable regulations of the Department of Transportation in 49 CFR Parts 170-189. 49 CFR 173.393(j)(4) limits the radiation level to two millirem per hour in any normally occupied position of the car or vehicle.

Contrary to the above, on March 18, 1980, packages of licensed material were shipped from your facility in a transport vehicle (trailer #544104) with radiation levels in the normally occupied portions of the truck cab in excess of the regulatory limit as was evidenced by measured levels ranging from 2.6 to 3.7 mrem/hr upon its arrival at the Barnwell, South Carolina waste disposal site on March 19, 1980.

This is a Severity Level II Violation (Civil Penalty - \$4,000)

This Notice of Violation is sent to Georgia Power Company pursuant to the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Georgia Power Company is hereby required to submit to this office within twenty-five (25) days of the date of this notice, a written statement or explanation in reply which includes: (1) admission or denial of the alleged item of noncompliance; (2) the reasons for the item of noncompliance if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further items of noncompliance; and (5) the date when full compliance will be achieved.

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Appendix B

NOTICE OF PROPOSED IMPOSITION OF A CIVIL PENALTY

Georgia Power Company

Docket Nos. 50-321
50-336
CA-80-32

This office proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 USC 2282), and to 10 CFR 2.205 in the amount of Four Thousand Dollars (\$4,000) for the specific item of noncompliance set forth in Appendix A to the cover letter. In proposing to impose a civil penalty pursuant to this section of the Act and in fixing the proposed amount of the penalty, the factors identified in the Statements of Consideration published in the Federal Register with the rule making action which adopted 10 CFR 2.205 (36 FR 16894) August 26, 1971, and the "Criteria for Determining Enforcement Action," which was sent to NRC licensees on December 31, 1974, and as supplemented on December 3, 1979, have been taken into account.

Georgia Power Company may, within twenty-five (25) days of the date of this notice pay the civil penalty in the amount of Four Thousand Dollars (\$4,000) or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Georgia Power Company fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Georgia Power Company elect to file an answer protesting the civil penalty, such answer may (a) deny the item of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation, or (d) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but you may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Georgia Power Company's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, the failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise, and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Atomic Energy Act of 1954, as amended, (42 USC 2282).

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