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Docket No. EJ-424
License No. NPF-EB
EA 91-141

Georgia Power Company
ATTN: Mr. W. G. Hairston, III
Senior Vice President -
Nuclear Operations
Post Office Box 1295
Birmingham, Alabama 35201

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$100,000
(NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-90-001)

This refers to the investigation conducted by the Nuclear Regulatory Commission's Office of Investigations (OI) at Georgia Power Company's (GPC) Vogtle Electric Generating Plant (VEGP) which was completed on March 19, 1991. The investigation was initiated as a result of information received by Region II in January 1990, alleging that VEGP Unit 1 was intentionally placed in a condition prohibited by Technical Specifications (TS). The event in question involved the alleged willful violation of TS 3.4.1.4.2 that occurred when Unit 1 Reactor Makeup Water Storage Tank (RMWST) valves were opened to facilitate chemical cleaning of the Reactor Coolant System (RCS) in October 1988, while the plant was in a refueling outage. The TS required the RMWST valves to be closed and secured in position while the plant was in Mode 5 with the reactor coolant loops not filled. A notice of enforcement conference and Demand for Information was sent to you on June 3, 1991. An enforcement conference was held on September 19, 1991, in the Region II office to discuss this issue, its cause, and subsequent corrective actions taken. As a result of questions raised during the enforcement conference, a supplemental response to the Demand for Information was requested. The additional information was received by the NRC on October 1, 1991. The list of personnel in attendance at the enforcement conference and copies of the presentation material provided by your staff during the enforcement conference are enclosed.

The violations described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) resulted from the failure of GPC management to provide adequate procedures, appropriate training and guidance relative to mid-loop operation, and planning assistance to operations personnel at VEGP during the first refueling outage and associated chemical cleaning evolution that involved the injection of chemicals into the RCS. As a result of this failure, several VEGP operators and operations management personnel placed the plant in an unanalyzed condition. Furthermore, the root cause that led to the improper valve manipulations condition were not fully addressed by GPC management until more than a year after the events.

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The NRC staff recognizes that GPC maintains that the basis of TS 3.4.1.4.2, precluding an uncontrolled boron dilution, was met by operating the valves under administrative controls. However, the words of the T.S. prohibit uncontrolled boron dilutions in Mode 5, loops not filled, by prohibiting all dilutions through the flow path at issue. Additionally, the NRC staff understands your position about voluntary entry into the TS ACTION requirement. Again the NRC staff concludes that the words of the requirement clearly prohibit entering ACTION 6c, of TS 3.4.1.4.2. However, the issues specific to the TS aside, procedures and training were inadequate.

The violations, when considered collectively, indicate a significant breakdown in managerial and administrative controls of licensed activities in a number of interrelated areas. Such a breakdown is also indicative of a significant lack of attention to licensed responsibilities by plant personnel. This breakdown in control was wide-ranging in that it not only involved inadequate actions and faulty decisions during the event by individual senior licensed operators in management positions, but included the Plant Review Board which subsequently performed an inadequate review of reportability, failed to recognize that an unanalyzed condition existed, and consequently confirmed the reasonableness of a flawed Technical Specification interpretation. Therefore, in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C (1988), the violations are classified in the aggregate as a Severity level III problem.

After careful deliberation, the NRC has concluded that based on the evidence available a willful violation of regulatory requirements due to the manipulation of the RMWST valves in October 1988 could not be substantiated. This conclusion was based on the OI report, a review of the information provided by your staff in the several responses to Demands for Information which were received on August 29, 1991, as well as presentations at the enforcement conferences on September 19, 1991. The NRC also recognizes that the personnel who were directly involved in this matter provided credible assurances that they intend to comply with regulatory requirements in the future.

To emphasize the importance of ensuring that plant staff is complying with Technical Specifications and that management is maintaining control of plant activities, I have been authorized, after consultation with the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, and the Commission to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 for the Severity Level III problem. The base value of a civil penalty for a Severity Level III problem is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered.

The base civil penalty was escalated by 50 percent because the violations were identified by the NRC and should have been identified when the questions were raised by your staff. Escalation of 50 percent was applied for the corrective action factor since no long-term corrective action was taken to prevent recurrence. Even as late as one year after the initial occurrence, the Plant

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Review Board had still not made the appropriate reportability decision regarding the circumstances of opening the RMWST valves because an adequate root cause evaluation had yet to be made. They did, however, initiate actions to change the applicable Technical Specification. The other adjustment factors in the Policy were considered and no further adjustment to the base civil penalty is considered appropriate. Therefore, based on the above, the base civil penalty has been increased by 100 percent.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. Your response may cross reference your previous submittals concerning these events. In your response, you should document the specific actions taken and any additional action you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure's will be placed in the NRC Public Document Room (PDR). Also being placed in the PDR, now that our evaluation of these events is complete, are the Demand for Information sent to you and your response to it. The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

**Original Signed By:
Stewart D. Ebnetter**

Stewart D. Ebnetter
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. Copy of licensee presentation material
3. List of Attendees at NRC enforcement conference, 9/19/91

cc w/encs:

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Georgia Power Company

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