

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Georgia Power Company
Vogtle Electric Generating Plant
Units 1 and 2

Docket Nos. 50-424 and 50-425
License Nos. NPF-68 and NPF-81
EA 90-129

During the Nuclear Regulatory Commission (NRC) Incident Investigation Team inspection conducted on March 23 - June 8, 1990, and a subsequent inspection conducted on July 9 - 13, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violation Assessed a Civil Penalty

10 CFR Part 50.47(b)(5) requires that, as part of licensee emergency response plans, procedures be established for notification, by the licensee, of State and local response organizations.

10 CFR Part 50, Appendix E, Section IV.D.3 requires, as part of the required emergency response plan, that licensees have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency.

Technical Specification 6.7.1(d) requires that written procedures shall be established, implemented, and maintained covering the Emergency Plan implementation.

Section E.2 of the Vogtle Electric Generating Plant Emergency Plan states, in part, that the Emergency Director is responsible for the notification of the Georgia Emergency Management Agency Emergency Operations Center (EOC) Communicator, and Burke County Emergency Operations Center (EOC) Communicator, within 15 minutes after the declaration of an emergency.

Procedure 91002-C, Revision 15, "Emergency Notifications," which implements Section E.2 of the Emergency Plan, states, in part, that initial notification of the State of Georgia, Burke County, Savannah River Site, State of South Carolina, Aiken County, Barnwell County, and Allendale County offsite authorities shall be accomplished within 15 minutes of the declaration of an emergency or an upgrade to a more severe emergency classification level.

Contrary to the above, during the March 20, 1990, Site Area Emergency, declared at 9:40 a.m. EST, initial notifications to Burke County and Georgia Emergency Management Agency Operations Center Communicators were not accomplished until approximately 10:40 a.m. EST, a period of time in excess of 15 minutes.

This is a Severity Level II violation (Supplement VIII).
Civil Penalty - \$40,000

II. Violation Not Assessed a Civil Penalty

Technical Specification 6.7.1 requires that written procedures shall be established, implemented, and maintained for activities covered in Regulatory Guide 1.33, Revision 2, Appendix A.

Regulatory Guide 1.33 delineates the type of safety-related activities that should be covered by written procedures and includes General Plant Operating Procedures and Procedures for Combatting Emergencies and Other Significant Events.

Procedure 12006-C, Revision 15, provides instructions for taking the unit from hot standby to cold shutdown. Step D4.2.15a(1) requires that the containment equipment hatch be capable of being closed within 57 minutes or that the hatch be closed prior to reducing Reactor Coolant System level below three feet below the reactor vessel flange.

Contrary to the above, the licensee failed to develop appropriate procedures for the timely closing of the Unit 1 containment equipment hatch within 57 minutes. This resulted in the March 20, 1990 event in which this hatch was not closed until 74 minutes after the decision to initiate the closure.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Georgia Power Company (licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty, in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within

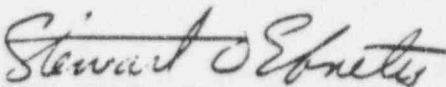
the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) 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.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1990) should be addressed. 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 may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this 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 Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector at Vogtle.

FOR THE NUCLEAR REGULATORY COMMISSION


Stewart D. Ebnetter
Regional Administrator

Dated at Atlanta, Georgia
this 19th day of October 1990



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W., SUITE 2900
 ATLANTA, GEORGIA 30323-0199

August 14, 1995

Georgia Power Company
 ATTN: Mr. C. K. McCoy
 Vice President
 Vogtle Electric Generating Plant
 P. O. Box 1295
 Birmingham, AL 35201

SUBJECT: RESOLUTION OF OUTSTANDING ISSUE ASSOCIATED WITH CALIFORNIA
 CONTROLS SWITCHES USED ON EMERGENCY DIESEL GENERATORS

Dear Mr. McCoy:

This refers to an outstanding issue discussed in our October 19, 1990, letter associated with your root cause analysis of the failure of the emergency diesel generator (EDG) to provide AC power as intended. This concern was precipitated by the past history of reliability of California Controls Company (Calcon) sensors. These sensors were used on the EDGs at the Vogtle facility and became a significant concern during the Site Area Emergency (SAE) that occurred on March 20, 1990.

An enforcement conference was held at our request on September 5, 1990, to discuss numerous items identified by the NRC Incident Investigation Team (IIT) which investigated the circumstances of the SAE. The primary items discussed at the enforcement conference were the failure to make timely emergency notifications to state and local government agencies, the inability of site personnel to establish containment integrity within the required time limits, and the failure of the EDG. The internal contamination found in the Calcon jacket water temperature sensors and inconsistent calibration techniques resulting in intermittent Calcon sensor failure were identified as the most probable cause of the EDG trips. In the October 19, 1990 letter, we informed you that the NRC concerns associated with your root cause analysis of EDG problems would be addressed separately.

The IIT report, NUREG 1410, was issued in June 1990. In this report, the IIT identified that a significant number of Calcon sensor failures had occurred at Vogtle since 1985. The NUREG identified a list of failures that had occurred between 1985 and 1990. In your letter dated July 9, 1990, documenting your review of the NUREG, you took exception to the conclusion reached by the IIT with respect to the sensor failures. In your review you pointed out that a large percentage of the problems identified were associated with calibration setpoints being out-of-specification during construction acceptance testing. You also identified that an out-of-calibration condition is not typically counted as a failure by either Georgia Power Company (GPC) or other plants in accordance with the Nuclear Plant Reliability Data System reporting criteria and, therefore, the conclusion reached by the NRC was not based on comparable data. The NRC reviewed this correspondence and did not disagree with the GPC position and a formal reply was not provided.

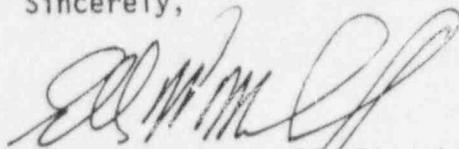
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Following the SAE, the NRC has inspected EDG activities and reviewed root cause/corrective action activities on a frequent basis. The most recent NRC inspection addressing Calcon sensors was conducted May 9-20, 1994, (Inspection Report 50-424,425/94-12, dated June 9, 1994.) The inspectors did not identify any violations associated with these sensors. In addition, the inspectors identified that you had corrected the deficiencies that existed in the March 1990, time frame and few failures have been experienced since that time. The NRC inspections have confirmed that your Safety Audit and Engineering Review group has conducted adequate root cause analyses and GPC has corrected similar deficiencies.

Based on the reviews conducted in 1990 and subsequent observations, no further actions are necessary and this action is considered closed.

Should you have any questions concerning this letter, please contact us.

Sincerely,



Ellis W. Merschoff, Director,
Division of Reactor Projects

Docket Nos.: 50-424, 50-425
License Nos.: NPF-68, NPF-81

cc: J. D. Woodard
Senior Vice President-Nuclear
Georgia Power Company
P. O. Box 1295
Birmingham, AL 35201

J. B. Beasley
General Manager, Plant Vogtle
Georgia Power Company
P. O. Box 1600
Waynesboro, GA 30830

J. A. Bailey
Manager-Licensing
Georgia Power Company
P. O. Box 1295
Birmingham, AL 35201

(cc cont'd - See page 3)

(cc cont'd)
Nancy G. Cowles, Counsel
Office of the Consumer's
Utility Council
84 Peachtree Street, NW, Suite 201
Atlanta, GA 30303-2318

Office of Planning and Budget
Room 615B
270 Washington Street, SW
Atlanta, GA 30334

Office of the County Commissioner
Burke County Commission
Waynesboro, GA 30830

Harold Reheis, Director
Department of Natural Resources
205 Butler Street, SE, Suite 1252
Atlanta, GA 30334

Thomas Hill, Manager
Radioactive Materials Program
Department of Natural Resources
4244 International Parkway
Suite 114
Atlanta, GA 30354

Attorney General
Law Department
132 Judicial Building
Atlanta, GA 30334

Ernie Toupin
Manager of Nuclear Operations
Oglethorpe Power Corporation
2100 E. Exchange Place
Tucker, GA 30085-1349

Charles A. Patrizia, Esq.
Paul, Hastings, Janofsky & Walker
12th Floor
1050 Connecticut Avenue, NW
Washington, D. C. 20036