

Official

MAY 28 1992

EA 92-089

Mr. John D. Davis
HOME ADDRESS DELETED
UNDER 10 CFR 2.790

Dear Mr. Davis:

SUBJECT: NOTICE OF VIOLATION
(ENFORCEMENT CONFERENCE OF MAY 13, 1992 AND NRC INSPECTION REPORT
NOS. 50-424/92-02 AND 50-425/92-02)

This refers to the enforcement conference which was conducted with you at our request on May 13, 1992, in the U.S. Nuclear Regulatory Commission's (NRC) Region II office, Atlanta, Georgia. The purpose of the conference was to discuss your actions related to knowingly deviating from procedure during a surveillance on reactor trip system instrumentation which occurred at the Vogtle Electric Generating Plant on January 28, 1992. This matter was documented in the above referenced inspection report which was dated March 20, 1992.

During the transcribed conference you admitted violating a calibration procedure and having knowledge of the fact that false data was created and subsequently entered on a test data sheet that indicated you performed certain calibrations when, in fact, those calibrations were not performed on the system. You provided your account of the event during the conference and responded to questions from the staff.

Following the conference, the staff reviewed and evaluated all the relevant information in this matter. After careful deliberation, I have concluded that your activities in this matter were in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). The violation is of concern because of your intentional disregard for procedural requirements.

In determining the appropriate enforcement action to be taken in this matter under the NRC Enforcement Policy (10 CFR Part 2, Appendix C, 1991), several factors were considered along with your deliberate failure to follow procedure and your knowledge and acquiescence in the falsification of surveillance data. Those factors included: 1) the low safety significance of the underlying activities in this case, 2) your cooperation with Georgia Power Company's management officials and disclosure to them once this matter was identified, 3) your statements to the staff during our subsequent review of the matter, 4) your sincere remorse at having engaged in such activity and your demeanor during the conference, 5) the disciplinary action already taken against you by the Georgia Power Company, and 6) your acknowledgement of guilt and acceptance of personal responsibility for your actions.

Other than the issuance of the enclosed Notice, we plan to take no further enforcement action against you in this matter because it appears that you now fully understand the significance of your actions and the potential

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implications associated with those actions. However, you should be fully aware that any future intentional failures of the type involved in this matter could result in more severe action in accordance with 10 CFR 50.5, irrespective of actions that may be taken by your employer.

As you know, your employer holds a U.S. Nuclear Regulatory Commission license to operate the Vogtle Electric Generating Plant and must ensure full compliance with regulatory requirements and license conditions. As a trusted employee, you have a responsibility to both your employer and the public to do your utmost to ensure the safe operation of the plant and the full compliance with regulatory requirements.

In accordance with 10 CFR 2.790, "Rules of Practice," a copy of this letter will be placed in the NRC's Public Document Room with your home address deleted. Although 10 CFR 2.201 requires you to submit to this office, within 20 days of your receipt of this Notice, a written statement of explanation, we note that this violation has been corrected and those actions have been reviewed by the staff. Therefore, no response with respect to this matter is required.

Should you have any questions, please feel free to contact Mr. A. Herdt, Chief, Reactor Projects Branch 3, Division of Reactor Projects, Region II, at (404) 331-5583.

Sincerely,

Original Signed By:
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation

cc w/encl:
Georgia Power Company
ATTN: W. G. Hairston, III
Senior Vice President
Nuclear Operations
Post Office Box 1295
Birmingham, Alabama 35201

W. B. Shipman
General Manager, Nuclear Operations
Georgia Power Company
Post Office Box 1600
Waynesboro, Georgia 30830

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CFEvans
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~~GRJenkins
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