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GPC II-202

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Georgia Power

C. K. McCoy  
Vice President, Nuclear  
Vogtle Project

February 1, 1995

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 50-424  
License No. NBF-68

Mr. James Lieberman  
Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Attn: Docket Control Clerk  
Washington, D.C. 20555

GEORGIA POWER COMPANY  
Vogtle Electric Generating Plant  
Supplemental Reply to Notice of Violation and  
Proposed Imposition of Civil Penalties:  
EA93-304

Dear Mr. Lieberman:

Georgia Power Company ("GPC") submits this letter as a supplement to GPC's July 31, 1994 Reply to the NRC's Notice of Violation ("NOV") issued May 9, 1994 in the above-referenced matter. We appreciate the opportunity to provide you with this supplement.

At the outset, Georgia Power recognizes your view that this is a significant enforcement action. We also recognize that sufficient care was not exercised in 1990 by the Company to ensure the accuracy of certain statements. As a result of recent settlement discussions between counsel, the Company has a better understanding of your concerns and a fuller appreciation of them. All individuals associated with this enforcement action have learned a great deal about the attention to detail required when making formal communications to the NRC Staff. We respect your views and stand ready to address them.

We understand that the facts associated with these events are viewed essentially the same by the NRC Staff and Georgia Power. We also understand that our July 31, 1994 response to the NOV has not persuaded the Staff of the appropriateness of actions of George Bockhold, who was at the time the General Manager of Vogtle. The Staff, we further understand, remains concerned with the unwillingness of Mr. Bockhold to accept responsibility for his role in the 1990 events and needs assurance that such events would not be repeated by him if he were allowed to continue in responsible management roles in the nuclear industry.

NUCLEAR REGULATORY COMMISSION

Docket No. 50-424/425-OLA-3 EXHIBIT NO. II-202  
In the matter of Georgia Power Co. et al., Vogtle Units 1 & 2  
 Staff  Applicant  Intervenor  Other  
 Identified  Received  Rejected Reporter SP  
Date 9/27/95 Witness SKINNER HOLD MATHEWS

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With respect to Violation A of the NOV, we have already admitted that the April 9, 1990 letter was inaccurate, and withdraw our request for the NRC to reexamine the "materiality" of the inaccuracy. Even though some NRC representatives have indicated that the "start count" of diesel starts did not influence their views of the diesels' operability and could not reconcile the "count" number with the NRC's, the NRC reasonably could conclude that the April 9 letter had the capacity to be misconstrued by other representatives in the performance of their responsibilities. With respect to Violation C, we previously acknowledged that the April 19, 1990 LER was inaccurate. As with Violation A, we withdraw the request for reconsideration of the materiality of the inaccuracy. The LER statement was reasonably subject to different interpretations which would result in significantly different messages (i.e., the number of starts after completion of all diesel testing following the Site Area Emergency as compared to the number after sensor recalibration and logic testing). With respect to Violation D, we have admitted that the June 29, 1990 cover letter for the revised LER failed to correct the April 9 letter explicitly, and was materially incomplete in not identifying additional personnel error as a cause of the April communication errors. With respect to Violation E, we are prepared to admit that the August 30 letter could have been reasonably misinterpreted by the NRC as stating that underlying error in prior statements was caused by confusion by the counter about start terminology. Therefore, it was inaccurate.

Regarding Mr. Bockhold's personal actions, Georgia Power has previously acknowledged that he did not perform up to its standards or expectations with respect to these issues in light of his position as General Manager. After submission of our NOV reply, we concluded that, with respect to Violation C, Mr. Bockhold failed to use reasonable care to ensure the accuracy of communications to the NRC. As our prior NOV response indicates, Mr. Bockhold has already been disciplined and counseled, including emphasis on his personal responsibility for delegated tasks.

To summarize: In preparing for the April 9 presentation to the NRC, although Mr. Bockhold took reasonable steps to task a subordinate and to receive information, Mr. Bockhold was ultimately responsible for ensuring that he fully understood the information he received, that it was what he intended and that it was totally accurate and complete. It is obvious that he did not do so. His strong assurances voiced to others thereafter on April 19 concerning the accuracy of the April 9 data and the validity of "comprehensive test program" phraseology contributed to a lax verification of the LER statement by his staff. The assurances were greater than justified in that he did not have a detailed

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knowledge of the start count's data base. He should have urged his staff to reverify the number. On June 29, he should have assured that the drafters of the cover letter for the revised LER knew about, and the letter reflected, his historic understanding of the "comprehensive test program" phrase. For the August 30 letter, Mr. Bockhold changed the wording and actively reviewed the information in the letter. He was responsible for the language chosen, i.e., "confusion."

We have reviewed Mr. Bockhold's letter of February 1, 1995 to the Director of the Office of Enforcement, and consider its conclusions and perspective as an important factor in our continued confidence that Mr. Bockhold may continue in his present position outside of line management of operations. Mr. Bockhold has requested, and his current employer, Southern Nuclear Operating Company, has agreed, to implement a personal training opportunity which focuses upon, and develops, his abilities to perform any future line management role in licensed activities commensurate with the standard of care reflected in the Notice of Violation. To impress on all concerned the seriousness of his performance failures, Southern Nuclear and Georgia Power are prepared to commit to maintain Mr. Bockhold in his present position in The Southern Company system (subject, of course, to an employer's rights to terminate, transfer, and the like), and to prohibit him from holding a line management position in Georgia Power plants until the satisfactory completion of that training. We would provide you with sixty (60) days notice prior to his assumption of such a position. This also would apply to Southern Nuclear relative to these plants upon assumption of operating authority.

We note that the NOV and associated Demands for Information (EA94-036, EA94-037, and EA94-052) did not assert that there was willful (e.g., deliberate or intentional, or careless or reckless disregard) misrepresentation or omission by the Company or any officer or employee in 1990 concerning statements about the diesel generators. We request that the NRC acknowledge that the NOV reply was detailed, helpful in providing additional information for consideration of this matter, and, to the extent of the staff's knowledge, accurate. Also, we request that Violation B be withdrawn. We believe that Violation B simply reflect a misunderstanding of the context and import of the statement in the April 9 letter concerning dew point measurements.

In addition, with respect to Violation D, we ask that the NRC recognize our strongly held belief that, beginning with the April 9 presentation and the April 19 LER development and continuing through August, 1990, recordkeeping practices were a contributing factor of increasing significance to Georgia Power's inability to

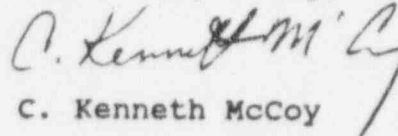
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provide accurate and complete data to the NRC. This belief is not offered to excuse any involved individual, but the document's absence clearly hindered Georgia Power from quickly providing the data to the NRC in March and from timely reverification of the numbers. For this reason, we do not believe that we should be faulted in Violation D for our identification of recordkeeping as one of the factors that contributed to the inaccuracy of the LER.

Finally, we ask that the NRC acknowledge, with the commitments of Mr. Bockhold and the Company, (1) the involved individuals' actions do not warrant any enforcement sanctions, including a letter of reprimand, and (2) they will receive closure letters. We understand that the NRC agrees, subject to the commitments of the licensee and Mr. Bockhold, that this matter does not call into any question the character or integrity of any employee or officer of Southern Nuclear or Georgia Power Company. Our resolution of this matter, we believe, sends a strong message to our mutual employees that fair and just settlement of these matters is possible to the satisfaction of all affected parties.

We hope this supplemental reply is constructive. Please call me if you have any questions.

Yours very truly,

  
C. Kenneth McCoy

xc: Georgia Power Company  
Mr. J. Beasley, Jr.  
Mr. M. Sheibani  
NORMS

xc: U.S. Nuclear Regulatory Commission  
Mr. S. D. Ebnetter, Regional Administrator  
Mr. D. S. Hood, Licensing Project, WRR  
Mr. B. R. Bonser, Senior Resident Inspector