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C. K. McCoy
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Vogtle Project



Georgia Power

the southern electric system

July 9, 1992

ELV-03856
000472

Docket No. 50-424

Director, Office of Enforcement
U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555

Gentlemen:

VOGTLE ELECTRIC GENERATING PLANT
RESPONSE TO ORDER IMPOSING
CIVIL MONETARY PENALTY
ENFORCEMENT ACTION 91-141

In response to the Order dated June 12, 1992, enclosed is a check in the amount of \$100,000. Given that this enforcement action addresses events of almost four years ago, Georgia Power Company (GPC) believes that the time has come to put the matter behind us. Georgia Power Company has implemented a series of corrective actions (as detailed in our January 30, 1992, Response to a Notice of Violation and Proposed Imposition of Civil Penalty) that we believe are sufficient to prevent future violations of this type. Notwithstanding that GPC is paying the civil penalty, we believe the following remarks are in order.

First, we are concerned that the investigation, which ultimately resulted in this enforcement action was unnecessarily protracted, causing an inordinate drain on the resources of both the NRC and GPC. The matter was originally referred to the Office of Investigations based on an allegation of willful misconduct by individuals. Almost two years elapsed before the matter of willfulness was dropped and a Notice of Violation was issued. In addition, the matter was not documented in an inspection report until April 1992, after the Notice of Violation was issued. An investigation focused on vague allegations of misconduct, handled in this manner, creates significant and undue strain on a licensee's employees, organization, and operations.

Second, notwithstanding the position taken in the enforcement action by the NRC staff, we continue to believe that the Technical Specification violation was a direct result of ambiguous guidance on the part of the NRC. In general, we do not believe that an enforcement action should be the vehicle for promulgating generic, clarifying guidance.

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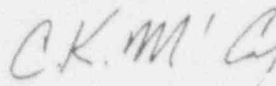
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Third, we continue to be concerned with the position taken in this enforcement action regarding reporting of the event. Even assuming a violation of the Technical Specifications occurred, events outside the plant licensing basis, such as this case, are not always outside the design basis of the plant. The position taken by the NRC staff in this enforcement action is at odds with widespread practice and with ongoing discussions between the industry and the NRC on developing consistent interpretations of reporting requirements.

Considering that the event at issue occurred several years ago, that it lacked safety significance with respect to the actual operation of the plant at the time, that there has been a tremendous demand placed on company resources by the subsequent analysis and debate of this event, and that plant policy has been changed to preclude recurrence of events of this type, GPC chooses not to pursue an appeal of this enforcement action. We hope that the NRC will review these matters internally and provide the necessary clarification to all licensees.

Sincerely,


C. K. McCoy

CKM/NJS

Enclosure

xc: Georgia Power Company
Mr. W. B. Shipman
Mr. M. Sheibani
NORMS

U. S. Nuclear Regulatory Commission
Dr. Ivan Selin, Chairman
Mr. S. D. Ebnetter, Regional Administrator
Mr. D. S. Hood, Licensing Project Manager, NRR
Mr. B. R. Bonser, Senior Resident Inspector, Vogtle