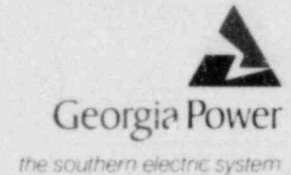


Georgia Power Company
333 Piedmont Avenue
Atlanta, Georgia 30308
Telephone 404 526-6526

Mailing Address:
Post Office Box 4545
Atlanta, Georgia 30302

L. T. Gucwa
Manager Nuclear Engineering
and Chief Nuclear Engineer

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September 12, 1984

U. S. Nuclear Regulatory Commission
Office of Inspection and Enforcement
Region II - Suite 2900
101 Marietta Street, NW
Atlanta, Georgia 30323

REFERENCE:
RII: JPO
50-321/50-366
Inspection Report
84-28-01

ATTENTION: Mr. James P. O'Reilly

GENTLEMEN:

Georgia Power Company (GPC) submits the following information in response to the violation cited in NRC I&E Inspection Report No. 50-321/366-84-28-01 dated August 20, 1984.

VIOLATION:

10 CFR 20.203(b) requires that each radiation area be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: Caution - Radiation Area.

Contrary to the above, the area around containers of demineralizer filters stored in the waste handling building and reading 16 mr/hr at about 18 inches, was not posted as a radiation area on July 18, 1984.

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

RESPONSE:

Admission or denial of alleged violation: The violation did not occur.

Although 10 CFR 20.203(b) requires that each radiation area be posted with a sign, 10 CFR 20.204 states, in pertinent part:

Notwithstanding the provisions of 20.203, ...

- (d) A room or other areas not required to be posted with a caution sign ... solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with regulations of the Department of Transportation.

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Region II - Suite 2900
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RESPONSE: (Continued)

It is undisputed that the subject steel box shipping container was "prepared for transport and packaged and labeled in accordance with regulations of the Department of Transportation." Therefore, the area in question falls squarely within the Section 20.204(d) exception.

In the statement of the violation, reference is made to the material being "stored" in the waste handling building. The implication is that perhaps some period of retention limits the exception of Section 20.204(d). However, that exception is unequivocal and unquestionable. It is also sensible, since a container packaged and labeled in accordance with Department of Transportation regulations gives ample notice of the radiological condition. Furthermore, even if such a time limitation to the exception may be implied, licensees are not given any reasonable notice of what such a period might be, and, as such, the enforcement of the violation would be arbitrary and capricious.

Finally, the fact is that GPC was not storing the material, but was indeed holding the material for transportation to the disposal facility. Given burial facility volume allocation constraints, it is not uncommon for waste to be prepared for shipment some time in advance of actual transport. The waste material in question was shipped to a radioactive burial facility one week later. The material was clearly destined for disposal and GPC had no motivation to store the material.

Reason for the violation: (not applicable)

Corrective steps which have been taken and the results achieved: (not applicable)

Corrective steps which will be taken to avoid future violations: (not applicable)

Date when full compliance will be achieved: Full compliance was achieved prior to, on, and after the inspection date July 18, 1984.

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If you have any questions, please contact this office.

Very truly yours,

L. T. Gucwa

L. T. Gucwa

SCR/mb

xc: J. T. Beckham, Jr.
H. C. Nix, Jr.
Senior Resident Inspector