

September 25, 1998

EA 98-427

Southern Nuclear Operating Company, Inc.
ATTN: Mr. J. B. Beasley, Jr., Vice President
P. O. Box 1295
Birmingham, AL 35201-1295

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION
(NRC INSPECTION REPORT NOS. 50-424 AND 425/97-05 AND NRC OFFICE OF
INVESTIGATIONS REPORT NO. 2-97-016)

Dear Mr. Beasley:

This letter refers to an NRC Office of Investigations (OI) investigation which was completed on July 28, 1998. The investigation reviewed the facts and circumstances surrounding the apparent disabling of a fire computer trouble alarm by a unit shift supervisor (USS) at your Vogtle facility as you reported to the NRC on May 9, 1997. The NRC's findings associated with the investigation were discussed between me and Mr. J. Gasser of your staff on September 25, 1998, and a copy of the synopsis to OI Report No. 2-97-016 is included as an Enclosure to this letter.

As described in the synopsis to the OI Report, OI concluded that the unit shift supervisor willfully violated the conditions of his operator license when he failed to follow procedures for annunciator response. Based on the evidence gathered by OI, the NRC has determined that a violation of NRC requirements occurred related to the facility licensee. The violation involved the failure of the USS to follow the requirements of Step 3.1 of Procedure 17103A-C, "Annunciator Response Procedures for the Fire Alarm Computer," Revision 1, when on May 4, 1997, he placed a piece of paper in the trouble alarm button to defeat the audible portion of the alarm for approximately 10 minutes. This is a violation of Technical Specification 5.4.1.d which requires that procedures be established, implemented, and maintained covering applicable activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, which includes the plant fire protection program.

The NRC is particularly concerned about willful violations, because its regulatory program is based on licensees and their employees conducting activities in a manner that would not intentionally cause a violation of regulatory requirements. Although the NRC reviewed this case because of the willful actions of the USS, his lack of awareness of procedural requirements, and his continued actions to violate requirements after his actions were initially questioned, the NRC commends the actions of the SNC staff members with regard to challenging the USS and bringing this issue to your attention. In this instance, your staff's timely review and subsequent corrective actions underscore SNC's understanding of the significance of this issue.

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PDR ADOCK 05000424
G PDR

In accordance with "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, a willful violation of this nature would normally be categorized at Severity Level IV. However, as provided in Section VII.B.6 of the Enforcement Policy, the NRC may refrain from issuing a Notice of Violation (Notice) for a Severity Level IV issue which involves special circumstances. After review of this violation and consultation with the Director, Office of Enforcement, the NRC has concluded that while a violation did occur, enforcement discretion is warranted and issuance of a Notice is not appropriate in this case. The specific bases for the decision to exercise enforcement discretion included: (1) your staff's identification of the issue; (2) appropriate corrective actions including a prompt investigation and implementation of disciplinary action; (3) the apparent motivation of the individual involved; (4) the duration of the violation; and (5) the fact that the USS did continue to monitor the fire alarm computer printer and the status of incoming alarms while the annunciator was disabled.

This letter closes NRC's actions with respect to this issue, and no formal response regarding this letter is required.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the Public Document Room.

Sincerely,

ORIGINAL SIGNED BY B. S. MALLETT

Bruce S. Mallett, Director
Division of Reactor Safety

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

Enclosure: OI Synopsis to Report
No. 2-97-016

cc/encl: See Page 3

SNC

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cc w/encl:
J. D. Woodard
Executive Vice President
Southern Nuclear Operating Company,
Inc.
P. O. Box 1295
Birmingham, AL 35201-1295

J. T. Gasser
General Manager, Plant Vogtle
Southern Nuclear Operating Company,
Inc.
P. O. Box 1600
Waynesboro, GA 30830

J. A. Bailey
Manager-Licensing
Southern Nuclear Operating Company,
Inc.
P. O. Box 1295
Birmingham, AL 35201-1295

Director, Consumers' Utility Counsel
Division
Governor's Office of Consumer
Affairs
2 M. L. King, Jr. Drive
Plaza Level East; Suite 356
Atlanta, GA 30334-4600

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

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

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

Program Manager
Fossil & Nuclear Operations
Oglethorpe Power Corporation
2100 E. Exchange Place
Tucker, GA 30085-1349

Charles A. Patrizia, Esq.
Paul, Hastings, Janofsky & Walker
10th Floor
1299 Pennsylvania Avenue
Washington, D. C. 20004-9500

Senior Engineer - Power Supply
Municipal Electric Authority
of Georgia
1470 Riveredge Parkway NW
Atlanta, GA 30328-4684

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NRC Senior Resident Inspector
 U.S. Nuclear Regulatory Commission
 8805 River Road
 Waynesboro, GA 30830

*Concurrence
 (Borchardt)
 J. Reiss on 3/22/98*

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** See Previous Concurrence*
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DATE	9/4 /98	/ /98	9/3 /98	
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SYNOPSIS

The Office of Investigations (OI), U.S. Nuclear Regulatory Commission, Region II, initiated this investigation on May 23, 1997, after Vogtle Electric Generating Plant reported a unit shift supervisor (USS) disabled a fire computer trouble alarm function for a 10-minute period. The USS reportedly disabled the alarm by placing a piece of paper in the trouble alarm button to maintain it in the silence position.

Based upon the evidence developed during this investigation, OI determined the USS willfully violated 10 CFR §55.53, by his failure to follow plant Procedure 17103A-C, Annunciator Response Procedures for Fire Alarm Computer, Revision 1, Section 3.0, during the disabling of the fire computer trouble alarm function.

Approved for release on 09/09/98

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF
FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

Case No. 2-97-016

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Enclosure