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September 27, 1988

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

PLANT VOGTLE - UNIT 1
NRC DOCKET 50-424
OPERATING LICENSE NPF-68
REVISED REPLY TO A NOTICE OF VIOLATION

Gentlemen:

Georgia Power Company (GPC) submits the enclosed revised response to NRC Inspection Report 50-424/88-09, Violation 50-424/88-09-02, Example 2 concerning the inspection conducted by Messrs. J. F. Rogge and C. W. Burger of the NRC Region II staff on January 30 - February 26, 1988. This revised response is submitted in accordance with the NRC Region II letter dated August 31, 1988. A copy of this revised response is being provided to the NRC Region II office for their review.

In the enclosure, transcription of the NRC violation precedes GPC's response. Example 1 of the subject violation was previously responded to by our letter SL-4404 dated April 18, 1988. Accordingly, the enclosed response will address only Example 2 of the violation.

The NRC Region II letter of August 31, 1988, indicated that the response to Example 1 of Violation 50-424/88-09-02 was inadequate in that the corrective action had not included the submission of a Licensee Event Report (LER). Please be advised that GPC expects to submit an LER for the occurrence described in Example 1 of the subject violation by October 28, 1988.

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ENCLOSURE

PLANT VOGTLE - UNIT 1
NRC DOCKET 50-424
OPERATING LICENSE NPF-68
NRC NOTICE OF VIOLATION 88-09-02 AND REVISED GPC RESPONSE

VIOLATION 50-424/88-09-02

"10 CFR 50.73 requires in part, that the Licensee Event Report shall be submitted within 30 days after discovery of an event. 10 CFR 50.73(a)(2), requires, in part, a report for any operation or condition prohibited by the plant's Technical Specification.

Contrary to the above, the licensee failed to report events within 30 days of discovery as follows:

1. On July 23, 1987, an event was discovered which occurred on July 12, 1987, involving a failure to perform an Analog Channel Operational Test Surveillance on the Power Low Setpoint prior to the unit startup.
2. On June 24, 1987, an event was discovered which identified that missed surveillances were not always reported. Five missed surveillances were not reported because the subsequent surveillance was performed satisfactorily.

Failure to perform a required surveillance is a condition prohibited by the plant's Technical Specification.

This is a Severity Level IV Violation (Supplement I)."

REVISED RESPONSE TO VIOLATION 50-424/88-09-02 (EXAMPLE 2 ONLY)

Admission or denial of alleged violation:

Georgia Power Company (GPC) accedes that the alleged violation occurred; however, GPC is still of the opinion that the clarifications contained in NRC Generic Letter 87-09 should not be applied to events that occurred prior to issuance of the Generic Letter.

Reason for violation:

A detailed review of various regulatory documents was conducted prior to the issuance of violations of this nature. As a result of this review, it was concluded that, under certain circumstances, a missed surveillance may not be

NRC NOTICE OF VIOLATION 88-09-02 AND
REVISED GPC RESPONSE

reportable pursuant to the requirements of 10 CFR 50.73. However, the issuance of NRC Generic Letter 87-09 clarified and superseded the previously reviewed information. In NRC Generic Letter 87-09, it was stated:

"Second, Specifications 3.0.2 and 4.0.3 should not be misinterpreted.... under Specification 4.0.3, non-performance of a Surveillance Requirement, within the surveillance interval defined by Specification 4.0.2, constitutes a violation of the Operability Requirements of an LCO...."

It also states in part:

"To avoid any conflict among or misreading of Specifications 3.0.2, 4.0.3 and 4.0.2, the staff wishes to make clear (1) . . . , and (2) that the failure to perform a surveillance within the allowed surveillance interval defined by Specification 4.0.2 constitutes a reportable event under 10 CFR 50.73(a)(2)(i)(b) because it is a condition prohibited by the plant's TS."

It should also be noted that the NRC recognized that confusion over these points existed, especially indicated by the use of phrases such as "to avoid any conflict among or misreading", "should not be misinterpreted", "issues need to be clarified", etc.

Corrective steps which have been taken and the results achieved:

When NRC Generic Letter 87-09 was issued, instructions were issued to appropriate personnel that missed surveillances were to be reported. Since the issuance of those instructions, GPC knows of only one surveillance at Plant Vogtle (that referenced in Example 1 of Violation 50-424/88-09-02) that was not reported. (The occurrence identified in Example 1 of Violation 50-424/88-09-02 was not reported due to a difference in interpretation of the applicability of 4.0.2).

Corrective steps which will be taken to avoid further violations:

Appropriate Licensee Event Reports (LERs) which will address the missed surveillances referred to in Example 2 of Violation 50-424/88-09-02 are expected to be submitted to the NRC by October 28, 1988.

No additional corrective actions are currently planned. The corrective action described above is expected to preclude any further violations.

Date when full compliance will be achieved:

Full compliance is expected to be achieved by October 28, 1988, with the submittal of appropriate LERs which will address the missed surveillances referred to in Violation 50-424/88-09-02.

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Should there be any questions in this regard, please contact this office at any time.

Sincerely,


W. G. Hairston, III

JAE/PAH:11h

Enclosure:

1. Violation 88-09-02 and Revised GPC Response (Example 2 only)

c: Georgia Power Company
Mr. P. D. Rice
Mr. G. Bockhold, Jr.
GO-NORMS

U. S. Nuclear Regulatory Commission
Dr. J. N. Grace, Regional Administrator
Mr. J. B. Hopkins, Licensing Project Manager, NRR (2 copies)
Mr. J. F. Rogge, Senior Resident Inspector - Operations, Vogtle