

DCS

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J. T. Beckham, Jr.  
Vice President and General Manager  
Nuclear Generation



NED-84-585

November 27, 1984

Director, Office of Inspection and Enforcement  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

NRC DOCKETS 50-321, 50-366  
OPERATING LICENSES DPR-57, NPF-5  
EDWIN I. HATCH NUCLEAR PLANT UNITS 1, 2  
PAYMENT OF CIVIL PENALTY: EA 84-59

ATTENTION: Mr. James M. Taylor, Deputy Director,  
Office of Inspection and Enforcement

Gentlemen:

Your letter dated November 1, 1984, transmitted an "Order Imposing Civil Monetary Penalty" in the amount of sixty-thousand dollars (\$60,000) for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty, EA 84-59. By this letter, we are transmitting to you a check for payment thereof in accordance with 10 CFR 2.205.

Although Georgia Power Company (GPC) is paying the fine as ordered, we go on record as objecting to the imposition of a civil penalty in this case and to the NRC's decision not to mitigate the penalty. GPC is paying the fine, rather than requesting further legal review, because we recognize that the application of the enforcement policy is a matter within the discretion of the NRC to which reviewing bodies will undoubtedly defer.

The application of a civil penalty to the subject violation is unnecessary and does not further the objectives of the enforcement policy. The particular facts of the case simply do not rise to the level of potential seriousness that deserves the inclusion of a significant monetary penalty to the enforcement action. GPC would clearly have responded to the violation in exactly the same manner had the penalty not been imposed. GPC believes that the NRC should have exercised its discretion not to impose a monetary penalty for this violation.

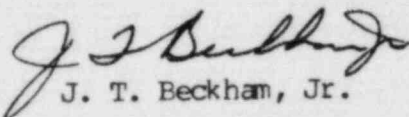
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Page Two

Furthermore, GPC does not agree with the NRC response to our penalty mitigation arguments. The actual security violation was episodic in nature, and the resultant effect of the violation lasted only slightly more than an hour. In fact, the only actual evidence of the violation are the reports by the persons involved. Thus, it does not seem material to the concept of prompt reporting whether this event was reported in one hour or eight hours, or whether the situation was reported to the Company by one employee or four employees. What is important is that the event was indeed discovered by the licensee and reported the same day, which was certainly sufficient time to begin addressing the event. With respect to the NRC's discussion of how the licensee learned of the event, GPC believes it is a matter of the NRC seeing a glass as being half empty rather than half full. We believe that GPC should have been given credit for the fact of prompt self-identification.

Sincerely,

  
J. T. Beckham, Jr.

WEB:SCR/mb

Enclosure: Check for \$60,000.00

xc: L. T. Gucwa  
H. C. Nix, Jr.  
J. P. O'Reilly (NRC- Region II)  
Senior Resident Inspector