

From: Kenneth M. Clark (KMC2) *Region II*
To: WMB *W. Becker, PA*
Date: Monday, May 9, 1994 10:58 am
Subject: Vogtle Enforcement Action

The Vogtle enforcement action scheduled for notification to Georgia Power Company (and Southern Nuclear Operating Company) today and its concurrent press release, scheduled for release tomorrow, is complicated and subject to possible misinterpretation by the press.

We have these factors involved:

1. The Notice of Violation and Demand For Information with its concurrent press release.
2. OI Report indicating a finding of deliberate provision of misinformation to the NRC staff.
3. Vogtle Coordinating Committee Report (Staff) differing with OI findings of deliberateness.
4. Staff Requirements Memorandum (SRM) from the Commission to the staff which agrees with the staff position but instructs the staff to take no further enforcement action after receipt of responses to the demands for information.

In the Region II staff meeting in Atlanta this morning, OI Director Ben Hayes indicated that the OI report will be placed in the Public Document Room this week (possible concurrent with our enforcement action press release). This will raise questions as to why the staff position differs from the OI findings.

I recommend that we do one of three things:

A. Proceed with the NOV (which is being done this morning) and issue the press release on Tuesday, in accordance with our policy. Later this week or next, make available to the press the OI report, the Coordinating Committee Report, and the SRM which details the differences.

OR

B. Make the three reports available at the same time we issue the press release on the enforcement action.

OR

C. Proceed with the NOV and press release concurrent with or followed by the OI report. Prepare a unified agency response for use in responding to inquiries as to why the difference of opinion within the agency and what we will do with the responses to the demands for information.

Reporters are going to ask for a copy of the Notice of Violation and accompanying letter. They are going to ask if the agency thinks the licensee deliberately misinformed us. When the OI report is released (an unusual move but one necessitated in this case by direction of an Atomic Safety & Licensing Board) intervenors can be expected to distribute it to the press. We need to coordinate an agency response using information from all documents to explain the agency's "collegial" position.

B/92

We can expect intervenors in the pending ASLB proceeding on Vogtle and a local activist group to provide ample comment to the press on the adequacy of the staff action when compared to the OI findings.

####

CC: EAH, SDE, EWM, FLI, JTK, BXU,

* User name: BXU (61) Queue: AT2/HPIIISI-AT1-3015 *
* File name: 0509.PR Server: 90E88E7F *
* Directory: *
* Description: *
* May 9, 1994 11:39am *

*
* BBBB X X U U *
* B B X X U U *
* B B X X U U *
* BBBB X U U *
* B B X X U U *
* B B X X U U *
* BBBB X X UU *
*
*

*
* W W d PPPP ff t *
* W W d P P f t *
* W W ooo rrrr dddd F P eee rrrr ffff eee ccc tttt *
* W W W o o r r d d PPPP e e r r f e e c c t *
* W W W o o r d d P eeeee r f eeeee c t *
* WW WW o o r d d P e e r f e c c t t *
* W W ooo r dddd P eeee r f eeee ccc tt *
*
*
