

March 27, 1997

EA 97-129

Mr. C. K. McCoy  
Vice President  
Southern Nuclear Operating Company, Inc.  
P. O. Box 1295  
Birmingham, AL 35201

SUBJECT: NRC INSPECTION REPORT NOS. 50-424/97-02 AND 50-425/97-02

Dear Mr. McCoy:

This refers to the inspection conducted on February 10-14, and March 3-7, 1997, at your Vogtle facility. The enclosed report presents the results of this inspection.

Based on the results of this inspection, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violation described in Section R1.2 of the inspection report involved the failure to prepare a radioactive material package for transport such that, under conditions normally incident to transportation, the radiation level on the external surface of the package exceeded 10 millisievert per hour (mSv/hr) [1000 millirem/hour (mrem/hr)] contrary to 49 CFR 173.475. The package was part of an October 23, 1996, exclusive-use, closed transport vehicle shipment, which was received at a vendor facility on October 25, 1996. The package dose rate measurements, which exceeded regulatory limits, were identified by the vendor on October 29, 1996. All other package dose rates and measured dose rates for the transport driver's position and on the outside of the transport vehicle were within regulatory limits.

The circumstances surrounding the apparent violation, the significance of the issues, and the status of your corrective actions were discussed with members of your staff at the inspection exit meeting on March 7, 1997. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity either: (1) to respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter or (2) to request a predecisional enforcement conference. Please contact Ken Barr, Chief Plant Support Branch at (404) 331-0335 within seven days of receipt of this letter to notify the NRC of your intended response.

Your response should be clearly marked as a "Response to An Apparent Violation in Inspection Report Nos. 50-424/97-02, 50-425/97-02" and should include for the apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective

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steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Sincerely,

Original signed by

Johns P. Jaudon

Johns P. Jaudon, Director  
Division of Reactor Safety

Docket No. 50-424, 50-425  
License No. NPF-68 NPF-81

Enclosure: Inspection Report 50-424/97-02, 50-425/97-02

cc w/encl:  
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cc w/encl cont'd: (See page 3)

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NRC Senior Resident Inspector  
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