



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

May 18, 2009

EA-09-103

Mr. J. Randy Johnson  
Vice President - Farley  
Southern Nuclear Operating Company, Inc.  
7388 North State Highway 95  
Columbia, AL 36319

**SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT - NRC EMERGENCY  
PREPAREDNESS INSPECTION REPORT 05000348/2009502 AND  
05000364/2009502; PRELIMINARY WHITE FINDING**

Dear Mr. Johnson:

On April 20, 2009, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at your Joseph M. Farley Nuclear Plant, Units 1 and 2. The enclosed inspection report documents the inspection results which were discussed via teleconference on April 20, 2009, with you and other members of your staff.

The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Based on the results of this inspection, a finding was identified involving the degradation of the administrative and physical means established for alerting the public and providing prompt instruction to the public within the plume exposure pathway in the event of a radiological emergency. The licensee did not provide tone alert radios (TARs) to approximately 109 addresses requiring tone alert radios and failed to ensure the State of Georgia had established the capability for compensatory alerting measures. The finding does not present an immediate safety concern because TARs were mailed to addresses identified as needing TARs on June 20, 2008, and the Farley Tone Alert Radio Distribution and Maintenance procedure was revised on August 8, 2008.

This finding was assessed using the applicable Emergency Preparedness Significance Determination Process (SDP). It was preliminarily determined to be of low-to-moderate safety significance (White) because of the licensee's failure to maintain the public alert and notification system as required to meet the design requirements of the Federal Emergency Management Agency (FEMA) approved Alert and Notification system (ANS) design report and supporting FEMA approval letter. This resulted in a degraded capability to alert and notify the public utilizing TARs.

This finding is also an Apparent Violation (AV) of 10 CFR 50.47(b)(5) for failure to maintain the means to provide alert and notification and clear instruction to all of the population within the plume exposure pathway Emergency Planning Zone (EPZ). In addition, this finding had a cross

cutting aspect of Human Performance because the licensee did not adequately ensure supervisory and management oversight of work activities, including the electrical utilities providing connect and disconnect information regarding addresses within the emergency planning zone, such that nuclear safety was supported (H.4.c). Accordingly, for administrative purposes, Unresolved Item (URI) 050000348, 050000364/2008502-01 is considered closed and AV 050000348, 050000364/2009502-01, Inaccurate Tone Alert Radios Addresses is opened. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Before we make a final decision on this matter, we are providing you an opportunity to: (1) present to the NRC your perspectives on the facts and assumptions used by the NRC to arrive at the finding and its significance, at a Regulatory Conference, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be open for public observation. The NRC will also issue a press release to announce the conference. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of the receipt of this letter.

Please contact Mr. Brian Bonser at (404) 562-4653 within 10 business days of the date of your receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination decision and you will be advised by separate correspondence of the results of our deliberations on this matter.

Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for this inspection finding at this time. In addition, please be advised that the number and characterization of the AV may change as a result of further NRC review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Kriss M. Kennedy, Director  
Division of Reactor Safety

Docket No.: 50-348, 50-364  
License No.: NPF-2, NPF-8

Enclosure: Inspection Report 05000348/2009502 and 05000364/2009502  
w/Attachment: Supplemental Information

cc w/encl.: (See page 3)

cc w/encl:  
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Senior Resident Inspector  
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Columbia, AL 36319

Letter to J. Randy Johnson from Kriss Kennedy dated May 18, 2009

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT - NRC EMERGENCY  
PREPAREDNESS INSPECTION REPORT 05000348/2009502 AND  
05000364/2009502

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RidsNrrPMFarley Resource

**(\*) – See previous page for concurrences**

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NON-SENSITIVE

ADAMS:X  Yes ACCESSION NUMBER: \_\_\_\_\_

SUNSI REVIEW COMPLETE

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U.S. NUCLEAR REGULATORY COMMISSION

REGION II

Docket Nos.: 05000348, 05000364

License Nos.: NPF-2, NPF-8

Report No.: 05000348/2009502 and 05000364/2009502

Licensee: Southern Nuclear Operating Company, Inc.

Facility: Joseph M. Farley Nuclear Plant, Units 1 and 2

Location: Columbia, AL

Dates: March 6 – April 20, 2009

Inspector: Lee Miller, Senior Emergency Preparedness Inspector

Approved by: Brian R. Bonser, Chief  
Plant Support Branch 1  
Division of Reactor Safety

Enclosure

## SUMMARY OF FINDINGS

IR 05000348/2009502 and 05000364/2009502; 03/06/2008 – 04/20/2009; Joseph M. Farley  
Nuclear Plant, Units 1 and 2; Event Follow-up

The report covered an event follow-up inspection by an emergency preparedness inspector. One White apparent violation (AV) was identified. The significance of most findings is indicated by their color (Green, White, Yellow, Red) using Inspection Manual Chapter (IMC) 0609, "Significance Determination Process" (SDP). Findings for which the SDP does not apply may be Green or assigned a severity level after NRC management review. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process", Revision 4, dated July 2006.

### Cornerstone: Emergency Preparedness

- TBD. An AV of 10 CFR 50.47(b)(5) was identified for a failure to maintain the means to provide alert and notification and clear instruction to all of the population within the plume exposure pathway emergency planning zone (EPZ). Specifically, in February 2008 the licensee determined that they had not provided tone alert radios (TARs) to approximately 171 addresses requiring radios, and failed to ensure the State of Georgia had established the capability for compensatory alerting measures. The licensee's failure to maintain the public alert and notification system to meet the design requirements of the Federal Emergency Management Agency (FEMA) approved Alert and Notification system (ANS) design report and supporting FEMA approval letter resulted in a degradation of a risk significant planning standard.

The licensee's failure to provide the means for notification and instruction to the populace within the plume exposure pathway EPZ in the event of a radiological emergency as required by 10 CFR 50.47(b)(5) is a performance deficiency. The licensee's failure to remain in compliance with the FEMA approved ANS design report and supporting FEMA approval letter contributed to the performance deficiency. This finding is more than minor because it is associated with the emergency preparedness cornerstone attribute of facilities and equipment, and affected the cornerstone objective of ensuring that the licensee is capable of implementing adequate measures to protect the health and safety of the public in the event of a radiological emergency. The significance of this finding was determined using Manual Chapter 0609 Appendix B, Emergency Preparedness Significance Determination Process (sheet 1) – Failure To Comply. The NRC preliminarily determined this finding to have low to moderate safety significance (White) in that it resulted in the degradation of a Risk Significant Planning Standard (RSPS) function (10 CFR 50.47(b)(5)).

This finding had a cross cutting aspect of Human Performance because the licensee did not adequately ensure supervisory and management oversight of work activities, including the electrical utilities providing connect and disconnect information regarding addresses within the emergency planning zone, such that nuclear safety was supported (H.4.c).

## REPORT DETAILS

### 1. REACTOR SAFETY

Cornerstone: Emergency Preparedness

#### 4OA3 Follow-up of Events and Notices of Enforcement Discretion

##### a. Inspection Scope

The inspector conducted an in-office review of unresolved item (URI) 05000348, 364/2008502-01 documented in section 4OA3.02 of NRC Inspection Report 05000348, 364/200804, and 05000348, 364/2008502. The inspector reviewed the licensee's procedures, Alert and Notification System (ANS) design documents, and conducted interviews to gain an understanding of the event and to assess the licensee's actions. The inspector reviewed the March 6, 2009, letter from Ms. Vanessa E. Quinn, Chief, Radiological Emergency Preparedness Branch, Federal Emergency Management Agency to Mr. Robert Kahler, Chief, Inspection and Regulatory Improvements Branch, Nuclear Regulatory Commission, (ADAMS accession number ML090860796). The inspector used 10 CFR 50.47(b), ANS design documents, and the FEMA response letter as criteria to determine if the licensee was in compliance with NRC requirements.

##### b. Findings

Introduction: The NRC identified a White AV associated with emergency preparedness planning standard 10 CFR 50.47(b)(5), which requires in part, that the means to provide alert and notification and clear instruction to the populace within the plume exposure pathway EPZ have been established. The finding was preliminarily determined to be of low to moderate safety significance (White). This report closes URI 50-348, 364/2008502-01, Inaccurate Tone Alert Radios Addresses and opens AV 50-348, 364/2009502-01, Inaccurate Tone Alert Radios Addresses.

Description: NRC Inspection Report 05000348, 364/2008004 and 05000348, 364/2008502 identified an unresolved item (05000348, 364/2008502-01) in which the inspector determined that: 1) The licensee did not maintain an accurate listing of addresses requiring TARs in the plume exposure pathway emergency planning zone; 2) The licensee's TAR distribution process did not annually offer TARs to addresses where TARs were initially refused; and 3) Several revisions were made to the 'Alert Radio Distribution and Maintenance' procedure that may have required FEMA review and approval prior to implementation.

The first indication that the listing of addresses requiring TARs may not have been accurate occurred in late January 2008 when an abnormal number of Farley Nuclear Plant (Farley) 2008 emergency preparedness (EP) informational calendars were returned. The licensee determined in early February 2008, that an unknown number of addresses were without TARs in the Georgia sector of the 10 mile EPZ outside the areas covered by the three sirens (Condition Report (CR) 200810413). The NRC was made aware of this concern on June 19, 2008, by the Farley Senior Resident Inspector

Enclosure

upon his review of CR2008106217 which identified that resident addresses in the EPZ were not covered by TARs.

The NRC promptly notified FEMA Region IV and the State of Georgia of this issue on June 19, 2008, of this issue. The inspector found that the State of Georgia was not aware of the need for compensatory measures/route alerting for the Georgia addresses without TARs. On June 20, 2008, Farley provided the Georgia Emergency Management Agency (GEMA) Program Manager - Radiological/ Hazardous Materials, and Early County Emergency Management Agency (EMA) the TAR mailing list of approximately 171 addresses that required TARs in the Georgia sector of the Farley EPZ. The number of addresses in the Georgia sector of the Farley EPZ was subsequently determined to involve 109 addresses requiring TARs.

The licensee's investigation into the cause of the failure to identify all addresses needing TARs found that two Georgia utilities, Georgia Power Company and Three Notch Cooperative, had not provided accurate updates of electrical service connects and disconnects because of personnel changes and ineffective turnovers within the utilities' staff. The database of addresses within the 10-mile EPZ but outside the three siren coverage area was maintained by Farley based on information provided by five utilities in Alabama and Georgia supplying electric service to addresses within the Farley 10-mile EPZ.

A FEMA analysis of the Farley ANS, completed in June 1991, found the system to be adequate to provide reasonable assurance that appropriate off-site protective measures could be taken in the event of a radiological emergency. The Farley Alert and Notification System design report describing the ANS was reviewed against the criteria in NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654), and FEMA-43, "Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants", Evaluation Criteria E.6 (FEMA-43 was subsequently published as FEMA REP-10, "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants," in November 1985). The evaluation criterion states: Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway EPZ. It shall be the licensee's responsibility to demonstrate that such means exist, regardless of who implements this requirement. It shall be the responsibility of the State and local governments to activate such a system.

During this inspection, the NRC requested a FEMA review of the acceptability of the licensee's actions to meet their ANS design requirements given the number of addresses that did not have TARs. FEMA provided their response in a letter dated March 6, 2009, from Ms. Vanessa E. Quinn, Chief, Radiological Emergency Preparedness Branch, to Mr. Robert Kahler, Chief, Inspection and Regulatory Improvements Branch (ADAMS accession number ML090860796).

In their response, FEMA concluded that: (1) Farley was responsible for maintaining an accurate listing of addresses for residences and businesses in which TARs were needed; (2) compensatory alerting was the responsibility and authority of the States to implement and required notification of the States by the utility if a condition existed that would warrant its employment; (3) upon discovery by Farley that households in

Georgia requiring TARs had not received them, the utility should have notified the State of Georgia; (4) Farley was responsible for annually re-contacting residents who declined a TAR and offering them a radio; and (5) changes made to the Alert Radio Distribution and Maintenance Program procedure were material changes to the program and should have been forwarded to FEMA for approval. The FEMA's review concluded that Farley took actions over time that diminished the effectiveness of the prompt ANS and brought the system out of compliance with the submitted and approved ANS design report.

The inspector concluded that Farley was not meeting the approved ANS design report requirements for the following reasons: (1) The licensee did not maintain an accurate listing of addresses needing TARs; (2) The licensee did not notify the State of Georgia to institute compensatory measures upon discovery that households requiring TARs had not received them; (3) The licensee did not offer TARs on an annual basis to residents who had initially refused a radio; and (4) The licensee made significant changes to the Alert Radio Distribution and Maintenance procedure which should have been reviewed by FEMA for approval prior to implementation.

The significant changes made by the licensee to the maintenance program procedure included increasing the interval for reporting Georgia utility electrical connects and disconnects; increasing the required time to distribute TARs to the public (once the monthly connect/disconnect reports were received to 90 days); and eliminating the use of the Farley Document Control system from controlling the management of TAR program records.

The licensee entered the discovery of addresses within the 10 mile EPZ not covered by TARs into their corrective action program (CR 2008104013 and CR2008106217), conducted an apparent cause determination, and identified several immediate and long-term corrective actions. The corrective actions included: 1) identification of all addresses within the 10 mile EPZ requiring TARs; 2) distribution of TARs to required addresses identified as without TARs; 3) conduct of a 100 percent walkdown of the 10 mile EPZ; and 4) review of the emergency preparedness procedures to ensure regulatory compliance with the Farley ANS Design Report and the ANS Quality Assurance Verification report.

As part of the long-term corrective measures, the licensee conducted a survey of the TAR EPZ to identify any database discrepancies. As a result, the June 20, 2008, TAR mailing list of 171 addresses in the Georgia sector of the Farley EPZ was reduced to 109 addresses needing TARs. The number of TARs required was reduced due to residents that had moved out (residences that had power disconnected), connections determined to be churches, residences determined to already have TARs, and addresses determined to be outside the 10 mile EPZ.

Subsequent action by the licensee on April 23, 2009, identified 25 additional addresses without TARs in Henry County, Alabama. Henry County EMA provided their 911 telephone listing to the licensee. The licensee compared the TAR address listing with the Henry County 911 listing and discovered 25 addresses that were not included in the TAR listing. The licensee put the issue in their corrective action program (CR2009105268).

The Houston County and Henry County EMA offices and the State of Alabama were notified and provided a listing of the residence addresses. The licensee indicated that part of the immediate corrective action on April 27, 2009, was to dispatch four teams to the Alabama sector of the 10-mile EPZ to verify the TAR address listings. Two teams were dispatched to the Georgia sector of the 10-mile EPZ to perform 100 percent survey of the addresses requiring TARs. As the 100 per cent survey progresses, the States of Georgia and Alabama, and the respective county emergency management agencies will be provided a listing of addresses needing TARs or have refused TARs. The listings will allow compensatory measures to be taken by the appropriate state and local governments.

Analysis: The licensee's failure to provide the means for notification and instruction to the populace within the plume exposure pathway EPZ in the event of a radiological emergency as required by 10 CFR 50.47(b)(5) is a performance deficiency. The licensee's failure to remain in compliance with the FEMA approved ANS design report and supporting FEMA approval letter contributed to the performance deficiency.

This finding is more than minor because it is associated with the emergency preparedness cornerstone attribute of facilities and equipment, and affected the cornerstone objective of ensuring that the licensee is capable of implementing adequate measures to protect the health and safety of the public in the event of a radiological emergency. The significance of this finding was determined using Manual Chapter 0609 Appendix B, Emergency Preparedness Significance Determination Process (sheet 1) – Failure To Comply. The inspector preliminarily determined this finding to have low to moderate safety significance (White) in that it resulted in the degradation of a RSPS function (10 CFR 50.47(b)(5)).

The finding does not present an immediate safety concern because TARs were mailed to addresses identified as needing TARs on June 20, 2008, and the Farley Tone Alert Radio Distribution and Maintenance procedure was revised on August 8, 2008.

This finding had a cross cutting aspect of Human Performance because the licensee did not adequately ensure supervisory and management oversight of work activities, including the electrical utilities providing connect and disconnect information regarding addresses within the emergency planning zone, such that nuclear safety was supported (H.4.c).

Enforcement: 10 CFR 50.54(q) states, in part, that a licensee authorized to possess and operate a nuclear power reactor shall follow emergency plans which meet the standards in §50.47(b).

10 CFR 50.47(b) requires that the onsite emergency response plans for nuclear power reactors must meet each of 16 planning standards. Risk significant planning standard (5) states, in part, that the means to provide alert and notification and clear instruction to the populace within the plume exposure pathway EPZ have been established. The licensee's emergency plan described the means to provide alert and notification to the populace within the plume exposure pathway EPZ to include TARs and emergency sirens.

Contrary to the above, the licensee failed to maintain the means to provide alert and notification to all of the population within the plume exposure pathway EPZ. Specifically, in February 2008 the licensee determined that they had not provided TARs to approximately 109 addresses requiring radios and failed to ensure the State of Georgia had established the capability for compensatory alerting measures.

The licensee's failure to maintain the public alert and notification system to the requirements of the FEMA approved ANS design report and supporting FEMA approval letter resulted in a degradation of a risk significant planning standard and an apparent violation of 10 CFR 50.47(b)(5) (AV 05000348, 364/2009502-01).

#### 4OA6 Meetings, including Exit

On April 20, 2009, the inspector presented the inspection results to Mr. J. Johnson and other members of his staff in an exit teleconference. The inspector confirmed that proprietary information was not provided or examined during the inspection.

ATTACHMENT: SUPPLEMENTAL INFORMATION

SUPPLEMENTAL INFORMATION  
INFORMATION KEY POINTS OF CONTACT

Licensee Personnel

M. Ajluni, Nuclear Licensing Manager  
K. Armstrong, Emergency Planning Supervisor  
C. Brown, Emergency Planning  
C. Collins, Plant Manager  
J. Horn, Site Support Manager  
J. Johnson, Site Vice President  
W. Lee, Emergency Planning Supervisor  
H. Mahan, Principal Licensing Engineer  
D. McKinney, Nuclear Licensing Supervisor  
B. Oldfield, Fleet Oversight Supervisor  
C. Phillips, Public Affairs Manager

NRC Personnel

S. Sandal, Resident Inspector

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

Closed

05000348, 364/2008502-01      URI      Inaccurate Tone Alert Radios Addresses

Open

05000348, 364/2009502-01      AV      Inaccurate Tone Alert Radios Addresses

## LIST OF DOCUMENTS REVIEWED

### Section 40A3 Event Follow-up

#### Guidance and Controlling Documents

Farley Nuclear Plant Alert and Notification System Design Report, March 1989  
FEMA's analysis of the prompt alert and notification system quality assurance verification, June 4, 1991  
Guidance Memorandum (GM) AN-1, FEMA Action to Qualify Alert and Notification Systems Against NUREG-0654/FEMA REP-1 and FEMA-REP-10  
NUREG-0654/FEMA-REP-1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants, Rev. 1  
FEMA-43, Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants, September 2, 1983  
FEMA REP-10, Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants, November 1985

#### Procedures

GO-EIP-136, Alert Radio Distribution and Maintenance, Rev. 1, 4-8 and 10  
FNP-0-TCP-28.1, Alert Radio Distribution and Maintenance, Rev. 1 and 2  
NMP-GM-002-001, Corrective Action Program Instructions, Rev. 7.0  
NMP-GM-002-GL03, Cause Determination Guideline, Rev. 10.0

#### Condition Report - CR

CR2005105902, NRC Information Notice 2005-06, 06/16/05  
CR2008100206, EP Offsite Support for Early County, Georgia, 04/18/08  
CR2008100212, Tone Alert Radio Effectiveness Determination, 04/18/08  
CR2008100220, Tone Alert Radio ordered by the site, not budgeted for 2008  
CR2008100234, Absence of Procedure Guidance Regarding Annual Effectiveness Survey, 04/29/2008  
CR2008104013, Abnormal amount of 08 Emergency Planning Calendars returned, 04/22/08  
CR2008106217, Approximately 250 of 2900 Tone Alert Radio residents (or ~8.6% within Farley 10-mile EPZ found not covered by Tone Alert Radios, 06/19/08

#### Other

NRC Information Notice 2002-25, Challenges to Licensee's Ability to Provide Prompt Notification and Information During an Emergency Preparedness Event, August 26, 2002  
FNP-2002-19LIC, Nuclear Generation Department Memorandum, October 17, 2002  
NRC Information Notice 2005-06, Failure to Maintain Alert and Notification System Tone Alert Radio Capacity, March 30, 2005  
FNP-2005-058LIC, Nuclear Generation Department Memorandum, July 29, 2005  
CR2008106217, Apparent Cause Determination Report, Rev. 0 and 1  
Action Item 2008204750, Conduct 100% survey of FNP 10 mile EPZ to validate TAR distribution, 07/18/08  
Action Item 2008204752, Perform an effectiveness review by comparing the results of the 2009 walkdown with the connect/disconnect reports from the respective utilities, 07/18/08  
C-EP-2008, Fleet Oversight Audit of Plants Farley, Hatch, and Vogtle Offsite Emergency Preparedness Support, April 29, 2008  
C-EP-2007, Quality Assurance Audit of Plants Farley, Hatch, and Vogtle Offsite Emergency Preparedness Support, March 20, 2007  
J-EP-2008, Joint Fleet Oversight Audit of Emergency Preparedness, March 27, 2008  
Information gathered through interviews with multiple individuals

## LIST OF ACRONYMS

ADAMS	Agency-wide Documents Access and Management System
ANS	Alert and Notification System
AV	Apparent Violation
CR	Condition Report
Design Report	Farley Nuclear Plant Alert and Notification System Design Report, March 1989
EMA	Emergency Management Agency
EP	Emergency Preparedness
EPZ	Emergency Planning Zone
FEMA	Federal Emergency Management Agency
FEMA-43	FEMA-43, Standard Guide for the Evaluation of Alert and Notification Systems of Nuclear Power Plants, September 2, 1983
GEMA	Georgia Emergency Management Agency
IMC	Inspection Manual Chapter
NUREG-0654	NUREG-0654/FEMA-REP-1, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants
PARS	Publicly Available Records
RSPS	Risk Significant Planning Standard
SDP	Significance Determination Process
TARs	Tone Alert Radios
URI	Unresolved Item