

J. N. Johnson
Vice President - Farley

Southern Nuclear
Operating Company, Inc.
Post Office Drawer 470
Aurora, Alabama 36112-0470
Tel 334 914 4511
Fax 334 914 4729

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U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

Joseph M. Farley Nuclear Plant Unit 1 and Unit 2
Response to Preliminary White Finding for Tone Alert Radios

Ladies and Gentlemen:

On May 18, 2009 the U. S. Nuclear Regulatory Commission (NRC) issued Inspection Report 2009502 concerning the degradation of the administrative and physical means established for alerting and providing prompt instruction to the public within the plume exposure pathway in the event of a radiological emergency at Joseph M. Farley Nuclear Plant (FNP). The May 18, 2009 inspection report included a finding preliminarily determined to be of low to moderate safety significance (*i.e.*, a white finding) when assessed using the applicable Significance Determination Process. This preliminary finding is also an Apparent Violation of 10 CFR 50.47(b)(5) for failure to maintain the means to provide alert, notification, and clear instruction to all of the population within the plume exposure pathway Emergency Planning Zone (EPZ). In addition, this preliminary finding has a cross cutting aspect of Human Performance because it relates to the adequacy of FNP to ensure supervisory and management oversight of work activities, H 4(c).

In February 2008, Southern Nuclear Operating Company (SNC) determined that there were approximately 109 addresses which had not received Tone Alert Radios (TARs). During SNC's continuing investigations, additional addresses have been identified that were not contained in the TAR database. SNC's response to this preliminary finding, including the root cause and corrective actions, is provided in Enclosure 1.

SNC does not dispute the preliminary findings stated in Inspection Report 2009502. SNC takes seriously its obligation to notify members of the public within the 10-mile EPZ in the event of a radiological emergency as required by NRC requirements. SNC's corrective actions to improve the procedures, guidance, and oversight of FNP's Emergency Preparedness program provide reasonable assurance that the public within the 10-mile EPZ would be notified and provided with prompt instruction in the event of a radiological emergency.

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A list of NRC commitments is provided in Enclosure 2. If you have any questions, please advise.

Sincerely,

A handwritten signature in black ink that reads "J. R. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. R. Johnson
Vice President – Farley

JRJ/SYA/

Enclosures: 1. Discussion of Preliminary White Finding
2. List of NRC Commitments

cc: Southern Nuclear Operating Company
Mr. J. T. Gasser, Executive Vice President
Mr. J. R. Johnson, Vice President – Farley
Ms. P. M. Marino, Vice President – Engineering
RTYPE: CFA04.054

U. S. Nuclear Regulatory Commission
Mr. L. A. Reyes, Regional Administrator
Mr. R. E. Martin, NRR Project Manager – Farley
Mr. E. L. Crowe, Senior Resident Inspector – Farley

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Enclosure 1

Discussion of Preliminary White Finding

Enclosure 1

Discussion of Preliminary White Finding

Statement of Violation

During the U. S. Nuclear Regulatory Commission (NRC) inspection completed on April 20, 2009 at Joseph M. Farley Nuclear Plant (FNP), an apparent violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG – 1600, the violations, as stated in the NRC Inspection Report 2009502 and Enforcement Action EA-09-103, are listed below:

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 §50.74(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 tone alert radios (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.

In late January 2008 an abnormal number of FNP 2008 Emergency Preparedness (EP) informational calendars were returned. Upon further investigation, Southern Nuclear Operating Company (SNC) determined that there were additional addresses, that were not previously identified, within the 10-mile Emergency Planning Zone (EPZ) that were not included in the current TAR database.

During the inspection, the NRC requested a Federal Emergency Management Administration (FEMA) review of the acceptability of SNC's actions to meet their Alert and Notification System (ANS) design requirements given the number of addresses that did not have TARs. The FEMA review concluded that FNP 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.

Reason for Violation

The NRC identified the following items in the description of section 40A3 of NRC Inspection Report 2009502:

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Discussion of Preliminary White Finding

1. SNC did not maintain an accurate listing of addresses requiring TARs in the plume exposure pathway EPZ.
2. SNC did not notify the state of Georgia to institute compensatory measures upon discovery that households requiring TARs had not received them.
3. SNC's TAR distribution process did not annually offer TARs to addresses where TARs were initially refused.
4. SNC made several revisions to the Alert Distribution and Maintenance procedure that may have required FEMA review and approval prior to implementation.

SNC conducted a root cause investigation involving addresses within the 10-mile EPZ that were not included in the current TAR database. The following direct and root causes were identified:

- An accurate listing of addressees requiring TARs within the 10-mile EPZ was not maintained. The SNC program for performing this task lacked the necessary rigor to ensure the accuracy of addresses contained in the TAR database.
- Lack of adequate procedural guidance and knowledge concerning regulatory requirements in the FNP Emergency Planning Organization resulted in: SNC not notifying the states of Alabama or Georgia to institute compensatory measures upon discovery that an address requiring a TAR had not received one; SNC not offering TARs on an annual basis to addresses where TARs were initially refused; and SNC not recognizing the need to inform FEMA of significant changes to the Alert Distribution and Maintenance procedures.
- SNC's review of applicable NRC generic communications did not identify the underlying conditions at FNP.

Corrective Actions Taken

In 2008 SNC entered the discovery of addresses within the 10-mile EPZ not covered by TARs into the Corrective Actions Program, conducted an Apparent Cause Determination, and identified several immediate and long-term corrective actions. SNC also conducted a survey of the EPZ to identify any database discrepancies. The additional addresses that were not previously identified in the database were either supplied TARs or the addresses were provided to the states of Alabama and Georgia for inclusion as a compensatory measure.

In the May 18, 2009 inspection report, the NRC discussed that additional addresses had been identified that were not in the TAR database. SNC has continued to evaluate the methods used to identify addressees within the 10-mile EPZ. Additional walkdowns of the EPZ have been performed along with cross

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references to other state emergency notification lists such as E911 and to county evacuation maps. During this review, several hundred additional addresses were identified which required evaluation. The states of Alabama and Georgia were notified to institute compensatory measures for these addresses. SNC evaluated each address and offered the TAR, as necessary. Any addressee who refused a TAR, or could not be positively contacted, was identified and reported to the respective state and noted in the TAR database. The extensive review and walkdown of the 10-mile EPZ has resulted in an improved database listing of required addresses.

Corrective Actions to Prevent Recurrence

- To maintain an accurate listing of addresses requiring TARs, SNC will update procedures to establish clear guidance and oversight for the FNP ANS program for TARs. These procedures shall address identification of addresses in the 10-mile EPZ, methods of walk downs, validation of data, database entry and maintenance, and database storage requirements.
- SNC will update procedures to establish clear guidance to annually offer TARs to addresses within the 10-mile EPZ where TARs were initially refused and to notify the states of Alabama and Georgia of addresses that do not have TARs.
- To assure future compliance with NRC and FEMA requirements, SNC will review FEMA, NEI, NRC, and SNC information to develop a summary document reflecting FNP requirements, commitments, and industry expectations of ANS programs. SNC will update and submit a revised FEMA Design Report and document a method to update and revise the FEMA Design Report.
- SNC will benchmark other utilities identified as having strong programs for distribution and maintenance of TARs. SNC will also evaluate for implementation the best practices identified during benchmarking efforts.
- SNC will perform feasibility and cost studies to expand the siren system within the 10-mile EPZ for FNP.

The above listed corrective actions will be completed by December 17, 2009.

Conclusion

SNC does not dispute the preliminary findings stated in Inspection Report 2009502. SNC takes seriously its obligation to notify members of the public within the 10-mile EPZ in the event of a radiological emergency as required by NRC requirements. SNC's corrective actions to improve the procedures, guidance, and oversight of the FNP's Emergency Preparedness program provide reasonable assurance that the public within the 10-mile EPZ would be notified and provided with prompt instruction in the event of a radiological emergency.

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Enclosure 2

List of NRC Commitments

Enclosure 2

List of NRC Commitments

The following table identifies the regulatory commitments in this document. Any other statements in this submittal represent intended or planned actions. They are provided for information purposes and are not considered to be regulatory commitments.

REGULATORY COMMITMENTS	DUE DATE
To maintain an accurate listing of addresses requiring TARs, SNC will update procedures to establish clear guidance and oversight for the FNP ANS program for TARs. These procedures shall address identification of addresses in the 10-mile EPZ, methods of walk downs, validation of data, database entry and maintenance, and database storage requirements.	December 17, 2009
SNC will update procedures to establish clear guidance to annually offer TARs to addresses within the 10-mile EPZ where TARs were initially refused and to notify the states of Alabama and Georgia of addresses that do not have TARs.	December 17, 2009
To assure future compliance with NRC and FEMA requirements, SNC will review FEMA, NEI, NRC, and SNC information to develop a summary document reflecting FNP requirements, commitments, and industry expectations of ANS programs. SNC will update and submit a revised FEMA Design Report and document a method to update and revise the FEMA Design Report.	December 17, 2009
SNC will perform feasibility and cost studies to expand the siren system within the 10-mile EPZ for FNP.	December 17, 2009