



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

July 10, 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: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING (NRC
INSPECTION REPORT NO. 05000348/2009503 AND 05000364/2009503,
JOSEPH M. FARLEY NUCLEAR PLANT)

Dear Mr. Johnson:

The purpose of this letter is to provide you the final results of our significance determination of the preliminary White finding discussed in NRC Inspection Report No. 05000348/2009502 and 05000364/2009502, dated May 18, 2009. The finding was assessed using the Significance Determination Process (SDP) and was preliminarily characterized as White, a finding of low to moderate safety significance that may require additional NRC inspections. This preliminary White finding involved the degradation of the administrative and physical means established for alerting the public and providing prompt instruction to the public via Tone Alert Radios (TARs), in the event of a radiological emergency at Southern Nuclear Operating Company's (SNC) Joseph M. Farley Nuclear Plant (FNP).

In lieu of a Regulatory Conference, SNC provided a written response dated June 15, 2009, which acknowledged and did not dispute the NRC's preliminary significance determination of the finding and violation. SNC's written response also provided details of its root cause evaluation and corrective actions to improve procedures, guidance, and oversight of FNP's emergency preparedness program.

After considering the information provided in SNC's written response, the NRC has concluded that the finding is appropriately characterized as White. In summary, SNC identified in January 2008, that approximately 109 TARs had not been provided to residences within the 10 mile emergency planning zone (EPZ) of FNP. During SNC's investigation into the issue, additional addresses were identified that were not included in the TAR database and provided TARs. This administrative degradation resulted in SNC's failure to ensure that all residences within the 10 mile EPZ were provided the means for receiving alert notification and instructions in the event of a radiological emergency at FNP. Using the applicable Emergency Preparedness SDP, the NRC concluded that a significance characterization of White was appropriate, because of FNP's degraded capacity to notify 100 percent of the population in the plume exposure pathway EPZ through the primary alert and notification system, and because compensatory measures (e.g. backup route alerting) would take longer than 45 minutes.

You have 30 calendar days from the date of this letter to appeal the staff's significance determination for this finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also concluded that the finding represents a violation of 10 CFR 50.47(b)(5) for failure to maintain the means of providing early notification and clear instruction to all of the population within the plume exposure pathway EPZ. The circumstances surrounding the violation are described in detail in Inspection Report Nos. 05000348/2009502 and 05000364/2009502. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in SNC's letter of June 15, 2009. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

For administrative tracking purposes, the apparent violation (AV) discussed in NRC Inspection Report Nos. 05000348/2009502 and 05000364/2009502, dated May 18, 2009 (AV 05000348,364/2009502-01) is closed. The following violation (VIO) is opened: VIO 05000348,364/2009503-01, Failure to Establish Effective Means of Providing Early Notification.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC's Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

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

Enclosure: Notice of Violation

cc w/ encl: (See page 3)

cc w/ encl:

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Senior Resident Inspector
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ADAMS: Yes ACCESSION NUMBER: _____ SUNSI REVIEW COMPLETE

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SIGNATURE	/RA/	/RA/	/RA/	/RA/	/By e-mail/	/By e-mail/	
NAME	BBONSER	CEVANS	KKENNEDY	VMCCREE			
DATE	6/29/09	6/29/09	6/29/09	7/9/09	7/9/09	7/9/09	
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES

OFFICIAL RECORD COPY DOCUMENT NAME:

NOTICE OF VIOLATION

Southern Nuclear Operating Company, Inc.
Joseph M. Farley Nuclear Plant
Units 1 and 2

Docket Nos. 50-348, 50-364
License Nos. NPF-2, NPF-8
EA-09-103

During an inspection completed by the NRC on May 18, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is set forth below:

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

10 CFR 50.47(b)(5) requires, in part, that the licensee establish a means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone (EPZ).

The Farley emergency plan identifies both tone alert radios (TARs) and sirens as the means by which it provides alert and notification to the populace within the plume exposure pathway.

Contrary to the above, the licensee failed to maintain an effective means of providing early notification and clear instruction to the populace within the plume exposure pathway EPZ. Specifically, in January 2008, the licensee identified that approximately 109 TARs had not been provided to residences that were outside the limits of the sirens but within the 10 mile EPZ of Farley Nuclear Plant. The licensee's subsequent review identified additional residences within the 10 mile EPZ which were required to have TARs in accordance with the Farley emergency plan, but were not provided TARs.

This violation is associated with a White Significance Determination Finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket in SNC's letter of June 15, 2009. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-09-103" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

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If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 10th day of July 2009

Enclosure