

Mailing Address  
Alabama Power Company  
600 North 18th Street  
Post Office Box 2641  
Birmingham, Alabama 35291  
Telephone 205 783-6081

F. L. Clayton, Jr.  
Senior Vice President  
Flintridge Building

DOCKETED  
USNRC

'82 OCT -4 A10:51



Alabama Power  
the southern electric system

October 16 1982  
DOCKETING & SERVICE  
BRANCH

Docket Nos. 50-348  
50-364

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
1717 H. Street, N.W.  
Washington, D. C. 20555

DOCKET NUMBER  
PROPOSED RULE PR-50  
(47 FR 35996) 7

Alabama Power Company Comments on Proposed Rule  
Regarding Applicability of License Conditions and  
Technical Specifications in an Emergency

Dear Mr. Chilk:

In response to the Federal Register Notice (47 FR 35996) dated August 18, 1982, Alabama Power Company would like to provide comments on the proposed rule regarding applicability of license conditions and technical specifications during an emergency. This rule is being proposed because NRC regulations currently do not permit deviations from license conditions or technical specifications under any circumstances.

General Comments

Alabama Power Company endorses the proposed rule, specifically the new paragraphs in 50.54(y), 50.54(z) and 50.72(c). These new paragraphs would allow Alabama Power Company to take reasonable action during an emergency to provide for safe operation of the Joseph M. Farley Nuclear Plant including departure from a license condition or technical specification.

Identification of Acceptable Situations and Enforcement Action

The Federal Register Notice indicated that the Commission particularly solicited comments on the fact that: (1) specific NRC guidance is not given for identifying those situations in which license deviations are allowable; and (2) specific NRC standards have not been given regarding enforcement action against licensees who deviate from their license in these situations.

DS10  
add

Charles Hammell  
428 Phil

8210130270 821004  
PDR PR  
50 47FR35996 PDR

Acknowledged by card 10/7/82 emp

Mr. Samuel J. Chik  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission

October 1, 1982  
Page 2

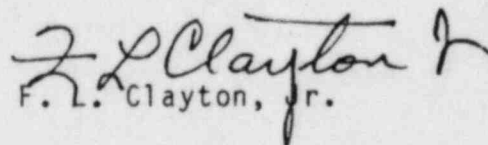
Alabama Power Company believes that it would be inappropriate to try to identify specific situations in which license deviations are allowed, since the situations requiring deviations will be unanticipated and unexpected. Therefore, the proposed rule is sufficient since it provides for the unexpected.

The issue of enforcement action against licensees who deviate from their license should be clearly established such that licensees acting in good faith and with reasonable cause would not be subject to any enforcement action. Since the purpose of the proposed rule is to remove a barrier to effective protective action by a licensee during an emergency, enforcement action should not conflict with that objective.

#### Conclusion

Alabama Power Company endorses and supports the proposed rule change to allow reasonable action that departs from a license condition or technical specification during an emergency. This rule change will provide for a clearer understanding that the licensee has full responsibility for safe operation of nuclear facilities.

Yours very truly,

  
F. L. Clayton, Jr.

FLCJr/GGY:jc-D29  
cc: Mr. R. A. Thomas  
Mr. G. F. Trowbridge  
Mr. J. P. O'Reilly  
Mr. E. A. Reeves  
Mr. W. H. Bradford

ILLINOIS POWER COMPANY



U-0557  
L10-82(09-29)6  
500 SOUTH 27TH STREET, DECATUR, ILLINOIS 62525  
September 29, 1982

PR-50 (8)  
(47 FR 35996)

'82 OCT -4 AM 11:39

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Attn: Docketing and Service Branch

RE: Federal Register notice 8/18/82 (FR Vol. 47, No. 160, pages 35996-8), proposed rule 10CFR50.54 and 50.72.

Dear Sir:

This letter offers Illinois Power Company comments in response to the referenced rule change concerning the applicability of license conditions and technical specifications in an emergency.

We believe the proposed rule would, if adopted, make a significant contribution to the health and safety of the public. As is pointed out in the supplementary information, during the course of an emergency it is possible for conditions to arise which were not considered when the technical specifications or procedures were written. In these instances, it is in the best interest of safety to provide the operator with the flexibility to take those actions which his training and experience indicate are necessary.

The proposed rule poses three questions. The first question asks if guidance should be provided to the licensee to identify those situations in which deviations are allowable. We believe such guidance would undermine the purpose of the proposed rule change. The intent of the rule change is to allow the licensee to expedite emergency actions during situations that were unforeseen when the technical specifications and license conditions were developed. If an attempt is made to develop guidelines for when this condition might occur, it appears that the guidelines may not encompass all unforeseen circumstances and the guidelines themselves may restrict the licensee to the detriment of safety.

The second question addresses the need for standards to be used by the NRC in determining enforcement actions. This is a difficult question because in hindsight we can usually find fault with any sequence of emergency activities. We suggest that the NRC base its decision to take enforcement actions against the licensee on a determination of whether or not the licensee acted in good faith in determining that the nature of the emergency was such that deviation was necessary.

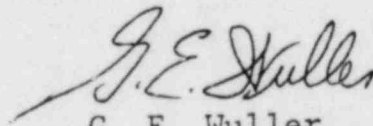
DS10 add Charles Spammell  
428 Phil

10/7/82 emp

U-0557  
L10-82(09-29)6  
September 29, 1982  
Page #2

Commissioner Gilinsky asks if the decision to operate outside the technical specifications should be made by an SRO only. Each facility by procedure has set up a chain of command in the control room. We believe it is in the best interest of safety if the decision is made by the senior capable person in that chain. In this way, if the accident were to incapacitate one or more of the control room supervisors there would be clear direction as to who had authority. And that authority would be vested in the individual present with the greatest amount of experience, training, and familiarity with conditions.

Sincerely,



G. E. Wuller  
Supervisor-Licensing  
Nuclear Station Engineering

GEW/ja

bcc: L. J. Koch, B-25  
T. F. Plunkett, T-31  
J. G. Cook, T-31  
L. S. Brodsky, T-31  
J. D. Geier  
E. W. Kant  
J. S. Spencer

DOCKETED  
USNRC

Rt.# 1  
Stoddard, WI 54658

'82 OCT -4 P1:16

September 26, 1982

*emp*  
OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

(9)

-50

(47 FR 35996)

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

ATTN: Docketing and Service Branch

SUBJECT: Proposed change to 10 CFR 50, "APPLICABILITY OF LICENSEE CONDITIONS  
and TECHNICAL SPECIFICATIONS IN AN EMERGENCY"

Dear Sir:

I support the proposed change wholeheartedly. It will definitely increase the degree of reactor safety.

Sincerely,

*John D. Parkyn*  
John D. Parkyn

JDP:eme

*DS10  
add Charles Trammell  
428 Phil*

*10/7/82 emp*