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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

John H Frye, III, Chairman
Dr. James H. Carpenter
Dr. Peter A. Morris

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In the Matter of
Alabama Power Company
(Joseph M. Farley Nuclear Plant,
Units 1 and 2)

Docket No. 50-348-CivP
50-364-CivP
ASLBP No. 91-626-02-CivP
January 3, 1991

MEMORANDUM AND ORDER
(Ordering Hearing and Scheduling Prehearing Conference)

On August 21, 1990, Staff issued an Order Imposing Civil Monetary Penalty on Alabama Power Company (APCo).¹ The Order alleges that APCo violated 10 CFR § 50.49, which relates to the environmental qualification of electrical equipment, in several respects and imposes a fine of \$450,000. In its response to the Order of November 15, APCo requested a hearing pursuant to 10 CFR § 2.205(d). On December 7, the Acting Chief Administrative Judge appointed this Board to conduct the hearing.²

¹See 55 Fed. Reg. 35203 et seq. (August 28, 1990).

²See 55 Fed. Reg. 51515 (December 14, 1990).

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Pursuant to 10 CFR § 2.205(e), a hearing will be held on Staff's Order. The issues to be decided in the hearing are whether APCo was in violation of the Commission's requirements as set forth in a Notice of Violation and Proposed Imposition of Civil Penalty of August 15, 1988, and whether the Order should be sustained.

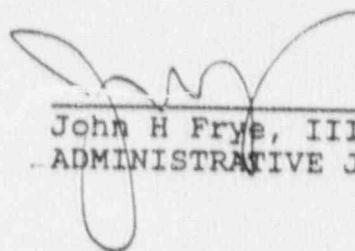
Pursuant to 10 CFR § 2.752, a prehearing conference will be held on Thursday, February 7, 1991, commencing at 9:30 AM and continuing if necessary from 9:30 until noon on Friday, February 8 in Courtroom L-06 of the Circuit Court, 801 North 21st Street, Birmingham, Alabama. The purpose of the prehearing conference is to:

1. Identify any legal issues which may be decided on briefs in advance of the hearing and establish a schedule for briefing and argument of them;
2. Explore the possibility of simplifying and clarifying the issues;
3. Discuss the proper allocation of the burden of proof and burden of going forward with evidence in the context of Staff's specific allegations;
4. Discuss the time frame within which the violations recited in the Order are alleged to have occurred;
5. Set a schedule for discovery; and
6. Set a tentative time and place for the hearing.

By January 16, 1991, Staff and APCo jointly are to identify the purpose and function of the specific items of equipment implicated by Staff's allegations. In the event Staff and APCo cannot agree on a joint submission, they should file and serve their individual submissions on this date. The Board would appreciate receiving pictures and/or diagrams where these are feasible.

It is so ORDERED.

For the Atomic Safety and
Licensing Board



John H. Frye, III, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
January 3, 1991

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

ALABAMA POWER COMPANY

Docket No. (s) 50-348/364-CIVP

(Joseph M. Farley Nuclear Plant,
Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMO, & ORDER RE SCHEDULING have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Atomic Safety and Licensing Appeal
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U.S. Nuclear Regulatory Commission
Washington, DC 20555

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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing Board
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Docket No. (s) 50-348/364-CIVP
LB MEMO. & ORDER RE SCHEDULING

Regional Administrator
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, Suite 2900
Atlanta, GA 30323

Dated at Rockville, Md. this
4 day of January 1991

Ernie L. Julian

Office of the Secretary of the Commission