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DOCKETED
USNRC



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Alabama Power

the southern electric system

November 5, 1982

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

DOCKET NUMBER
PROPOSED RULE **PR-30, 40, 70**

(47 FR 47400)

Attention: Docketing and Services Branch

RE: Alabama Power Company Comments on Proposed Rule Regarding Licensee Responsibility for Nuclear Materials and Procedures For Termination of Specific Licenses

Dear Sir:

In response to the Federal Register Notice (47FR47400) dated October 26, 1982, Alabama Power Company submits the following comment on the proposed amendments specifying licensee responsibility for nuclear materials and procedures for termination of specific licenses.

Alabama Power Company does not take issue with the intent of the proposed amendment. However, the proposed wording of §30.36(d), §40.42(d) and §70.38(d) does not acknowledge that license renewal may not be necessary due to issuance of a production and utilization facility license under Part 50. The operator of a production and utilization facility must obtain licenses under Part 30 and Part 70 to allow preparation for operation and receipt of fuel prior to issuance of a facility operating license under Part 50. Once the facility operating license is issued, the Part 30 and Part 70 licenses are no longer required since the activities previously covered by those licenses are then covered by the operating license. Thus, the three paragraphs cited above should be revised to read:

[d][1] If the licensee does not submit an application for license renewal under § . . . or possess an operating license issued under 10CFR50 covering the activities previously authorized by the expiring license, the licensee shall on or before the expiration date specified in the license -

The proposed wording of §30.36(c), §40.42(c) and §70.38(c) also does not acknowledge the condition where a license's termination date is stated as "(date) or upon issuance of a facility operating license . . ." Since the licensee will obviously not renew the license if it expires due to the issuance of a facility operating license, the above referenced paragraphs should be changed to read:

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add: K.Y. Steyer
5650 NK

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PDR PR
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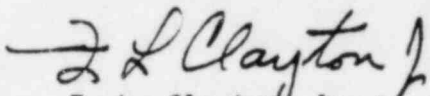
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Secretary of NRC Commission
November 5, 1982
Page Two

(c) Unless the license is superceded by an operating license issued under 10CFR50 covering the activities previously authorized by the license issued under Part 30 (or 40 or 70 as appropriate), no less than 30 days before the expiration date specified in a specific license, the licensee shall either -

The modifications suggested above will not detract from the intended purpose of the amendments and will benefit Part 50 licensees.

Yours very truly,


F. L. Clayton Jr.

FLCJr/KWM:nac

xc: Mr. R. A. Thomas
Mr. G. F. Trowbridge
Mr. J. P. O'Reilly
Mr. E. A. Reeves
Mr. W. H. Bradford
File