

520

VOLPE, BOSKEY AND LYONS

WORLD CENTER BUILDING
918 16TH STREET, N. W.
WASHINGTON, D. C. 20006

JOSEPH VOLPE, JR.
BENNETT BOSKEY
ELLIS LYONS
EDWARD A. GROOBERT
D. BIARD MACGUINEAS
EDWIN E. HUDDLESON, III
EVA F. SHERMAN
PATRICIA A. MAYER

DOCKETED
USNRC

(202) 737-6580

'84 JUL 25 P2:03

July 25, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Nunzio J. Palladino, Chairman
Commissioner Thomas M. Roberts
Commissioner James K. Asselstine
Commissioner Frederick M. Bernthal
Commission Lando W. Zech, Jr.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
PROD. & UTIL. ENG. 50-348/364 A

Re: Alabama Power Company (Joseph M. Farley
Nuclear Plant, Units 1 and 2), Operating
Licenses Nos. NPF-2 and NPF-8;
Enforcement Proceeding

Dear Sirs:

In view of the fact that Alabama Power Company has seen fit to file with the Commission a letter dated July 23, 1984, written on its behalf to Mr. Lowman of Alabama Electric Cooperative, we are filing herewith Mr. Lowman's response to that letter from the Company.

Sincerely yours,

D. Biard MacGuineas

D. Biard MacGuineas
Counsel to Alabama
Electric Cooperative, Inc.

cc: (with enclosure)
As per attached
Certificate of Service

8407260113 840725
PDR ADOCK 05000348
M PDR

DS02



July 25, 1984

DOCKETED
USNRC

'84 JUL 25 P2:03

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Mr. B. J. Crawford, Manager
Government & Wholesale Service
Alabama Power Company
P. O. Box 2641
Birmingham, AL 35291

Dear Bob:

This is in response to the letter to me dated July 23, 1984 signed by you.

There is a great deal in that letter concerning our meeting held on June 20 which does not correspond with the understanding Jim Varn and I had of what took place. What you say is so erroneous that it is hard to believe we could have been present at the same meeting.

I don't think it would be useful at this stage to go into great detail to state what appear to me to be the serious errors in your letter. But there is one point that I must respond to. You say in your letter that "before we even spoke at that meeting (June 20), you advised us of your intent to go to Washington the following week to visit NRC officials to file a petition for enforcement." I never said I was planning to go to Washington to meet with the NRC. Nor did I say anything that could ever have given you any such impression. I never had any plan to go to Washington for the purpose of seeing the NRC, and the simple fact is that I did not go to Washington at all. AEC's intention was that, if we concluded (as we did) that it was necessary for AEC to file a formal enforcement petition with the NRC, then we would do so in writing and serve it on APCo in the regular way and let it be judged by NRC on its merits.

This is one of the reasons why we were so astonished when we found out about the extensive ex parte lobbying effort which APCo had engaged in with the NRC Commissioners and Staff, all without notice to AEC. Since at our June 20 meeting you gave us no hint of what APCo was really planning to do, you ought to understand why we now feel that, to use the phrase in your letter, we were being "set up" by APCo at the meeting that you had scheduled with us for that date.

Sincerely yours,

A handwritten signature in cursive script that reads "Charles R. Lowman".
Charles R. Lowman
General Manager

CRL:elf

cc: Mr. James A. Varn, Jr.

CERTIFICATE OF SERVICE

It is hereby certified that service of the attached document has been made by mailing or delivering* copies to the following on the 25th day of July, 1984.

DOCKETED
USNRC


D. BIARD MACGUINEAS

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

- *Nunzio J. Palladino, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Frederick M. Bernthal, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *James K. Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Thomas M. Roberts, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Lando W. Zech, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Dr. Richard C. DeYoung, Director
Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Herzel H. E. Plaine, Esquire
General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
- *Guy H. Cunningham, III, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Joseph Rutberg, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Martin G. Malsch, Esquire
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Michael B. Blume, Esquire
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Harold F. Reis, Esquire
J. A. Bouknight, Jr., Esquire
Newman & Holtzinger, P.C.
1025 Connecticut Avenue, N.W.
Washington, D.C. 20036

Joseph M. Farley, President
Alabama Power Company
60ⁿ North 18th Street
P.O. Box 2641
Birmingham, Alabama 35291

Robert A. Buettner, Esquire
Balch, Bingham, Baker, Ward,
Smith, Bowman & Thagard
P.O. Box 306
Birmingham, Alabama 35201

Melanie Stewart Cutler, Esquire
Chief, Energy Section
Antitrust Division
U.S. Department of Justice
9th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

David W. Brown, Esquire
Assistant Chief, Energy Section
Antitrust Division
U.S. Department of Justice
9th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

John D. Whitler, Esquire
Energy Section, Antitrust Division
U.S. Department of Justice
P.O. Box 14141
Washington, D.C. 20044