

12539

RELATED CORRESPONDENCE

BALCH & BINGHAM

ATTORNEYS AND COUNSELORS

POST OFFICE BOX 306

BIRMINGHAM, ALABAMA 35201

(205) 251-6100

WRITER'S OFFICE:

1710 SIXTH AVENUE NORTH  
BIRMINGHAM, ALABAMA 35203

FACSIMILE (205) 252-0420

DIRECT DIAL TELEPHONE

(205) 226-3422

January 16, 1992

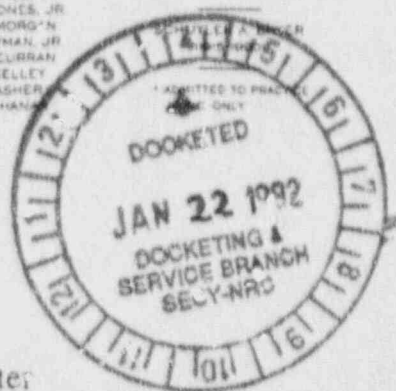
S. EASON BALE  
JOHN BINGHAM  
M. ROLAND NACHMYPERS JR  
FRANK L. LAWTHORNE  
HAROLD WILLIAMS  
MAURY D. SMITH  
WILLIAM J. WARD  
ROBERT H. COLLINS  
HAROLD A. BOWRON, JR  
CAREY J. CHITWOOD  
A. KEY FOSTEL, JR  
JOHN S. BOWMAN  
THOMAS W. THAGARD, JR  
CHARLES M. CROOK  
STERLING G. CULPEPPER, JR  
JOHN DAVID SNOODGRASS  
EDWARD S. ALLEN  
WARREN H. O'DELAYN  
ROBERT A. BUETTNER  
JAMES O. SPENCER, JR  
H. HAMPTON POLES  
C. WILLIAM SADDEN  
MICHAEL L. ELLARDS  
MARSHALL TIMBERLAKE  
WALTER M. BEALE, JR  
RODNEY O. MUNDY  
JAMES F. HUGHEY, JR  
S. EASON BALCH, JR  
JOHN P. SCOTT, JR

S. ALLEN BAKER, JR  
J. FOSTER CLARK  
STANLEY M. BROCK  
RANDOLPH H. LANIER  
DAVID R. BOYD  
JOHN NICHARD CARRIGAN  
WILLIAM E. SHANKS, JR  
T. DWIGHT SLOAN  
S. REVELLE GWYN  
JAMES H. MILLER, III  
WILLIAM H. WATTERFIELD  
STEVEN G. MCKINNEY  
STEVEN F. CASEY  
MALCOLM N. CARMICHAEL  
MARK J. RIEDY  
RICHARD L. PEARSON  
JAMES A. BRADFORD  
DAN H. MURPHY  
WILLIAM P. COBB, II  
ALAN T. ROGERS  
JAMES A. BYRAM, JR  
WILLIAM S. WRIGHT  
SUSAN B. BEVILL  
JOHN J. COLEMAN, III  
JOHN F. MANDT  
M. STANFORD BLANTON  
T. KURT MILLER  
J. THOMAS FRANCIS, JR  
TIMOTHY J. TRACY

ROMAINE S. SCOTT, III  
CLARK R. HAMMOND  
VIRGINIA S. BOLIK  
W. JOSEPH MCCORKLE, JR  
KARL R. MOOR  
WILL HILL TANKERSLEY, JR  
SUZANNE ASHE  
MARK A. CROSSWHITE  
ANDREW J. SINOR, JR  
LEONARD C. TILLMAN  
J. DORMAN WALKER, JR  
ALEX B. LEATH, III  
CAVENDER C. KIMBLE  
DANIEL M. WILSON  
JULIA S. MCINTYRE  
LOIS S. WOODWARD  
DAVID B. CHAMPLIN  
MICHAEL D. FREEMAN  
PATRICIA A. HAMILTON  
JAMES H. HANCOCK, JR  
R. JIN G. LAURIE  
JESSE S. VOOTLE, JR  
DONALD R. JONES, JR  
CHRISTIE L. MORGAN  
JOHN S. BOWMAN, JR  
GREGORY S. CURRAN  
KELLY KING KELLEY  
DANA L. THRASHER  
JOHN D. BUCHANAN

DINA B. COA  
VICTORIA J. FRANKLIN  
NANCY K. LADD  
PERRY G. SHUTTLESWORTH, JR  
FELTON W. SMITH  
GLENN G. WADDELL  
STEPHEN E. WHITEHEAD  
JOHN M. WOOD  
SUZANNE ALDRIDGE  
LESLIE H. ALLEN  
JAMES E. BRIDGES, III  
DEBRA H. CARTER  
GREGORY C. COOK  
MARCEL L. DEBRIDGE  
DAVID L. DENSON  
LYLE D. LARSON  
COLIN LUKE  
PHILLIP A. NICHOLS

DOCKETS  
EDWARD H. REBER, JR



VIA FEDERAL EXPRESS

John H. Frye, III  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. James H. Carpenter  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Peter A. Morris  
Administrative Judge  
10825 South Glen Road  
Potosi, Maryland 20854

IN THE MATTER OF  
Alabama Power Company  
(Joseph M. Farley Nuclear Plant, Units 1 and 2)  
Docket Nos. 50-388-CivF; 50-364-CivP  
ASLBP No. 91-626-02-CivP

Dear Administrative Judges:

Enclosed is the Direct Testimony of Alabama Power Company in this proceeding. Also enclosed are copies of Alabama Power Company's Exhibits to be introduced along with the testimony, and a copy of the testimony in ASCII form on 5.25 inch floppy disks.

Attached to this letter is a chart showing, in summary form, each major issue and the position of the parties. We plan to include this chart as part of our Opening Statement to be filed later this month. However, because it may be useful to you in reviewing the testimony and exhibits, we are providing a copy now.

920131C180 920116  
PDR ADOCK 05000348  
T PDR

503

BALCH & BINGHAM

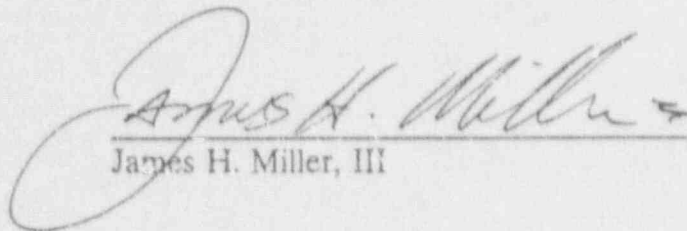
Messrs. Frye, Carpenter and Morris

January 16, 1992

Page 2

We note that in filing its direct testimony, the NRC Staff has also filed a "Notice of the NRC Staff's Intention Not to Pursue Certain Items from the Notice of Violation in the Above Captioned Proceeding." This Notice withdrew three discrete violations from those cited in the Notice of Violation dated August 15, 1988. In view of the NRC Staff's burden of proof in this proceeding (see generally, 10 CFR § 2.732; Radiation Technology, Inc., ALAB-567, 10 NRC 533, 536-37 (1979)), we respectfully request that at the appropriate time this Board make a finding in favor of Alabama Power Company on these issues.

Respectfully yours,

  
James H. Miller, III

  
David A. Repka

COUNSEL FOR ALABAMA POWER COMPANY

Enclosures

cc: Certificate of Service

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	Docket Nos. 50-348-CivP
ALABAMA POWER COMPANY	)	50-364-CivP
	)	
(Joseph M. Farley Nuclear	)	
Plant, Units 1 and 2)	)	ASLBP No. 91-626-02-CivP

CERTIFICATE OF SERVICE

I hereby certify that copies of the "DIRECT TESTIMONY OF ALABAMA POWER COMPANY" and Alabama Power Company's Exhibits (unless noted) in the above-captioned proceeding have been served on the following by Federal Express as indicated by an asterisk, or otherwise through deposit in First Class United States Mail, this 16th day of January, 1992:

John H. Frye, III\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. James H. Carpenter\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Peter A. Morris\*  
Administrative Judge  
10825 South Glen Road  
Potomac, Maryland 20854

Eugene J. Holler, Esq.\*  
Office of the General Counsel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Office of the Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attn: Docketing and Service Section

Atomic Safety and Licensing Board  
Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

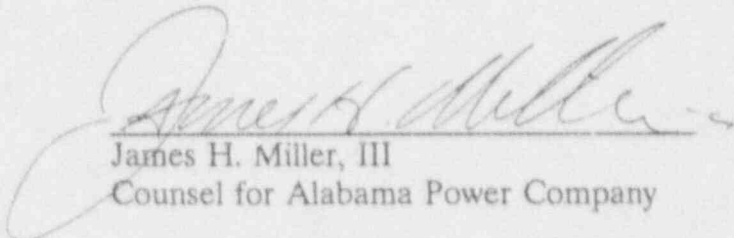
Adjudicatory File (2)  
Atomic Safety and Licensing Board Panel  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(Without Exhibits)

Office of Commission Appellate  
Adjudication  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. W. G. Hairston, III  
Southern Nuclear Operating Company,  
Inc.  
Post Office Box 1295  
Birmingham, Alabama 35201  
(Without Exhibits)

Regional Administrator  
U. S. Nuclear Regulatory Commission-  
Region II  
101 Marietta Street  
Suite 2900  
Atlanta, Georgia 30323  
(Without Exhibits)

James Lieberman, Director  
Office of Enforcement  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(Without Exhibits)

  
James H. Miller, III  
Counsel for Alabama Power Company

## EQ NOV MATRIX

ISSUE	NRC POSITION	APCO POSITION ON QUALIFICATION	SAFETY SIGNIFICANT	EVOLVING ISSUE
1. V-Splices	Not on Master List, not qualified.	Such splices are not required to be on the Master List. NRC SER in 1981 approved the Master List without splices being listed. NRC inspected interface integrity in 1980 without identifying violations or deviations. Okonite testing proved splice materials qualified. "V" configured splices qualifiable based on engineering judgment. This engineering judgment was confirmed by test of such splices by Wyle test.	No.  Since qualification provided by Wyle testing.	Yes.  No basis to question terminations in 1985.
2. 5-to-1 Tape Splices	Not on Master List, not qualified.	Such splices are not required to be on the Master List. NRC SERs in 1981 approved the Master List without splices being listed. NRC inspected interface integrity in 1980 without identifying violations or deviations. NRC SERs in 1983 stated Hydrogen Recombiners were qualified. Westinghouse testing which proved Hydrogen Recombiners were qualified was conducted using identically configured splices. Okonite testing proved splice materials used at FNP were qualified. Therefore splices used at FNP were qualified by similarity.	No.  Since qualified by similarity to tested splice.	Yes.  Previously approved; not an issue in 1985.
3. Terminal Blocks in Instrumentation Circuit	Documentation does not demonstrate terminal blocks would maintain acceptable instrument accuracy.	<p>NRC knew as early as 1978 that FNP used terminal blocks in instrumentation circuits. Franklin and NRC was again informed of this use in 1983 and found terminal blocks in instrument circuits to be qualified. The concerns documented in IN 84-47 were addressed during the 1/11/84 meeting with the NRC Staff and documented in the 2/29/84 letter from APCo to NRC. The NRC 12/13/84 SER provided assurance that the resolution to this issue was acceptable to NRC.</p> <p>Terminal blocks used in instrumentation circuits are qualified at FNP since the terminal blocks would maintain acceptable instrument accuracy during the portions of the design basis events where operator actions were necessary. Said another way, the instruments associated with the terminal blocks in question are not required during the portion of the design basis events when unacceptable instrument accuracy could be expected. Operator actions, based on these instruments, are not required during peak adverse containment conditions.</p>	No.  Analysis has shown that terminal blocks would not degrade to the point where plant operators would be misled.	Yes  Instrument accuracy issues evolved considerably post-deadline.



ISSUE	NRC POSITION	APCO POSITION ON QUALIFICATION	SAFETY SIGNIFICANT	EVOLVING ISSUE
4. Raychem/Chico Seals	File did not demonstrate qualification. File did consider possible chemical interaction.	The file adequately documented the qualification of the Raychem/Chico seals used in Namco limit switches. 10 CFR 50.49, DOR Guidelines, and NUREG-0588 allows qualification using partial testing and analysis. As such, APCo had Raychem testing which qualified the heat shrink breakout boot to FNP parameters (radiation, temperature, humidity, chemical spray), testing of Chico A cement, which qualified this material to FNP parameters (radiation only, since protected by Raychem boot and pipe nipple); and APCo/Bechtel testing of Raychem boot and Chico A cement when used in combination which proved that the combination would not fail when subjected to pressure (a problem identified by Raychem and duplicated at FNP without the Chico backing).	No. Raychem/Chico seals are qualified.	Yes. Seals were qualified. Documentation sufficient under 1985 or 1987 standards.
5. Limitorque T-Drains	Limitorque MOVs are not qualified without T-drains.	Limitorque tested MOVs both with an without motor T-drains. These tests, when taken together as allowed by 10 CFR 50.49, envelope FNP post-accident conditions and adequately demonstrate that T-drains are not required to ensure that Limitorque MOVs will perform their intended safety-related functions.	No. MOVs are qualified without such drains at Farley Nuclear Plant.	Yes. Issue evolved after deadline.
6. Limitorque Terminal Blocks	Installed components not identical to that tested. IN 83-72 should have prompted walkdown.	APCo had reasonable assurance that the MOVs in question were qualified. NRC indicated that IN 83-72 applied to MOVs modified by third-party vendors. APCo had certificates of conformance to appropriate test reports from Limitorque, appropriate receipt inspection, as well as NRC-accepted QC and QA programs. APCo therefore had every reason to believe that: (1) Limitorque MOVs supplied to FNP were the MOVs that were specified; (2) the MOVs specified, received, and installed were the same as the MOVs tested; and (3) the MOVs were appropriately installed. Based on this alone, at the time that IN 83-72 was issued, APCo had sufficient assurance that IN 83-72 did not apply to FNP. Moreover, it must be noted that in 1986 (after the deadline), NRC issued IN 86-03 concerning unqualified Limitorque internal wiring. This did prompt disassembly type walkdowns at FNP. Additionally, since the NRC Staff refrained from escalated enforcement on the subject because it was not clear that licensees should have known of the concern and since the internal wiring of concern to IN 86-03 terminates on the blocks of concern here, we believe this to be	No. There is reasonable assurance that MOVs would have performed intended function.	Yes. No basis to identify/address MOV internals prior to deadline.

ISSUE	NRC POSITION	APCO POSITION ON QUALIFICATION	SAFETY SIGNIFICANT	EVOLVING ISSUE
6. (Continued)		clear evidence that licensees (including APCo) cannot meet the "clearly should have known" standard established by the NRC in the Modified Policy which must be satisfied before a civil penalty can be imposed.		
7. Gems Level Transmitter	Not qualified without silicone oil or with V-splice.	See No. 1 for V-splice discussions. Low or missing silicone oil is not an EQ program deficiency. The EQ program established that the maintenance program would address EQ matters (e.g., periodic replacement, necessary gasket replacements, installation, in accordance with vendor instruction manuals, etc.). Furthermore, maintenance related to EQ components assumes that non-EQ maintenance activities (e.g., calibrations) are performed. As such, if maintenance activities are not performed, it in no way implicates the EQ program. Moreover, these transmitters are qualified to perform their safety-related function without silicon oil. This is based on the absence of safety-related function of these transmitters.	No.  Not primary means of switching from RWST to containment sump.	Yes.  Maintenance was not an EQ issue prior to EQ deadline.
8. Premium RB Grease	Unqualified or mixed grease (not identical to tested).	Grease serves only a mechanical component lubrication function. As such, it cannot perform any electrical function. Since 10 CFR 50.49 clearly only requires qualification of electrical components by test or similarity, the use of a different grease from that tested cannot be the subject of a fine under a policy applicable to this rule. The vendor specifically states that an equivalent grease is acceptable. Texaco Premium RB grease is equivalent to the vendor-recommended grease. Moreover, Premium RB grease was later shown to be fully qualified (even though such qualification is not required). Moreover, the mixing of grease, even though not an ideal practice, does not prevent the grease from performing its intended lubrication function.	No.  Grease used was equivalent to that tested and later shown to be fully qualified.	No.  Issue evolved after deadline.