

official

APR 09 1986

Alabama Power Company
ATTN: Mr. R. P. McDonald
Senior Vice President
P. O. Box 2641
Birmingham, AL 35291

Gentlemen:

SUBJECT: REPORT NOS. 50-348/85-37 AND 50-364/85-37

We previously acknowledged your response of February 3, 1986, to our Notice of Violation issued on December 10, 1985, concerning activities conducted at your Farley facility. We acknowledge your denial of the violation and have considered the information you provided in your response. As we discussed in a telephone conversation between Mr. R. P. McDonald of Alabama Power Company and Mr. R. Walker of the NRC on March 13, 1986, the violation remains in that your denial is based on an incorrect interpretation that the literal wording of the relevant regulation is "...there exists a physical capability of making a 15 minute notification..." The word "physical" is not contained in the relevant regulation (10 CFR 50, Appendix E, Section IV.D.3.) nor can it be inferred from the contextual information contained in the Statement of Considerations published in the original Notice of Proposed Rulemaking.

It is our understanding from the telephone conversation that you will delete from your plan that such notifications will be made within 15 minutes "... consistent with ... the need for offsite emergency actions..." As was discussed, our regulations require procedures, training and equipment for offsite notifications for emergencies within 15 minutes (or less) independent of a licensee's determination of the need for offsite action.

Also, during this telephone conversation, you stated that the change to your emergency plan showing notification of offsite authorities within 15 minutes "...consistent with operational priorities..." was not intended to imply that your emergency planning does not provide adequate staff to both take appropriate plant corrective action and make timely notifications to State and local authorities. You committed that there would be adequate staff to effect both the necessary operational response and the required notifications promptly.

If your understanding of the issues differs from that outlined above, you should contact this office immediately. We will examine the implementation of your corrective actions during future inspections.

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We appreciate your cooperation in this matter.

Sincerely,

ORIGINAL SIGNED BY:
J. NELSON GRACE

J. Nelson Grace
Regional Administrator

- cc: ✓ W. O. Whitt, Executive Vice President
- ✓ J. D. Woodard, General Manager - Nuclear Plant
- ✓ W. G. Hairston, III, General Manager - Nuclear Support
- ✓ J. W. McGowan, Manager - Safety Audit and Engineering Review
- ✓ J. K. Osterholtz, Supervisor - Safety Audit and Engineering Review

- bcc: ✓ NRC Resident Inspector
- ✓ E. Reeves, Project Manager, NRR Document Control Desk State of Alabama

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