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July 10, 1981

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Alabama Power Company (Joseph M. Farley
Nuclear Plant, Units 1 and 2), Docket
Nos. 50-348A and 50-364A, ALAB-646

Dear Mr. Chilk:

On July 8, 1981, Alabama Power Company filed with the Commission a motion for a ten-day extension of time within which to file an application for stay of the effectiveness of ALAB-646. That motion, in explaining the company's intention to ultimately file a stay request with the Commission, rather than with the Atomic Safety and Licensing Appeal Board, stated, among other things, that the two Appeal Board members who issued the decision were no longer employed by the Commission. We have since been advised that our information is not entirely correct.

An August 14, 1980, Appeal Board Memorandum in this docket announced that Chairman Farrar had resigned his position

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as a permanent legal member of the Appeal Panel, but would remain available, on a part-time intermittent basis, to participate in completing and issuing the opinion. From that we inferred that he would no longer be available after the issuance of ALAB-646. We have since learned that this is not the case, although we have no knowledge of the extent of his term with the Appeal Board hereafter.

We understand that the remaining Appeal Board member, Mr. Salzman, will be resigning from the Appeal Board as of July 18, 1981. At the time the motion was filed, we had incorrectly believed that he had resigned as of July 1, 1981.

The principal reason for seeking the extension of time from the Commission, rather than from the Appeal Board, is that Alabama Power Company intends to file its application for a stay with the Commission. The statements in the motion concerning the constitution of the Appeal Board were included primarily in explanation of the company's intent with respect to the future stay request, and are not given as reasons in support of the instant motion for a ten-day extension.

We hope this letter serves to clarify the record.

Sincerely yours,



Bruce W. Churchill

BWC:cp

cc: Joseph Rutberg
John Whitler
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