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Alabama Power  
the southern electric system

February 3, 1986

Docket No. 50-348  
Docket No. 50-364

Mr. D.M. Verrelli  
U.S. Nuclear Regulatory Commission  
Region II  
101 Marietta Street, N.W.  
Suite 3100  
Atlanta, GA 30323

SUBJECT: J.M. Farley Nuclear Plant NRC  
Inspection of September 24 - 26,  
November 8 and November 22, 1985

RE: Report Numbers 50-348/85-37-01  
50-364/85-37-01

Dear Mr. Verrelli:

This letter refers to the violation cited in the subject inspection reports which state:

"During an NRC inspection conducted September 24-26, November 8 and November 22, 1985, a violation of NRC requirements was identified. The violation involved the licensee's capability to notify State and local governmental agencies within 15 minutes after declaring an emergency. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the violation is listed below:

10 CFR 50.54(q) requires that a licensee follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and 10 CFR 50, Appendix E. 10 CFR 50.47(b)(5) requires that a licensee's emergency plans include provisions for the licensee's notification of State and local response organizations in the event of an emergency. 10 CFR 50, Appendix E, Section IV.D.3 specifies that the licensee shall have the capability to notify State and local governmental agencies within 15 minutes after declaring an emergency.

Technical Specification 6.8.1.e requires that the licensee establish, implement and maintain written procedures for Emergency Plan implementation.

10 CFR 50.47(b)(15) requires that radiological emergency response training be provided to those who may be called on to assist in an emergency.

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Contrary to the above, the implementation of the emergency preparedness program did not provide for the capability of notifying responsible State and local governmental agencies within 15 minutes after declaring an emergency in that:

- (1) Section VI.A of the Emergency Plan specifies that in the event of an emergency, the Emergency Director is responsible for notifying the Bureau of Radiological Health of the State of Alabama Department of Public Health and the Georgia Emergency Management Agency. The Emergency Plan does not specify notifications are to be made within 15 minutes.
- (2) Notification procedure FNP-O-EIP-26, Offsite Notification, dated September 10, 1985, did not specify that responsible State and local governmental agencies be notified within 15 minutes after declaring an Unusual Event, Alert, or Site Area Emergency.
- (3) Training records, interviews with training program personnel and selected emergency organization personnel revealed that the training program did not address notifications to responsible State and local governmental agencies within 15 minutes after declaring an emergency. The one hour notification criteria of 10 CFR 50.72 had been adopted for all emergency classes except General Emergency.

This is a Severity Level IV violation (Supplement VIII)."

#### Admission or Denial

As discussed in the meeting between Alabama Power and the NRC Region II staff on January 16, 1986, Alabama Power Company denies the violation. This denial is based on the literal wording of the relevant regulations contained in 10 CFR 50, the interpretation conveyed by the 1980 NRC Emergency Preparedness Appraisal Document and by I&E Inspection Procedure 82201, plan approval correspondence history, and the emergency preparedness inspection history at Farley Nuclear Plant in the area of notification procedures and training. Excerpts from these documents and a summary of the inspection history, as presented at our meeting, are provided in Attachment 1. Alabama Power Company meets the literal wording of the relevant regulations: i.e., there exists a physical capability of making a 15 minute notification, if necessary; notification procedures are established; and plant personnel are trained on the use of the notification system and the notification procedures.

The above notwithstanding, in light of the information provided by the NRC staff at the January 16 meeting regarding the NRC's interpretation of the relevant regulations and the basis for that interpretation, Alabama Power Company will take the action described below to make

the Farley Nuclear Plant Emergency Plan, Emergency Implementing Procedures and staff emergency training consistent with the NRC's interpretation.

Reason for Violation

Not Applicable.

Note: The deviation between Alabama Power Company practices and the NRC's interpretation of 10 CFR 50.47(b) and 10 CFR 50, Appendix E, Section IV.D.3, was due to a literal interpretation of the regulations by Alabama Power Company. Alabama Power Company's interpretation was supported by the previously referenced documents and inspection history. However, the NRC's interpretation takes into account contextual information contained in the Statement of Considerations published in the original Notice of Proposed Rulemaking.

Corrective Action Taken and Results Achieved

Not Applicable.

Corrective Steps to Avoid Further Violations

In light of the information provided by the NRC staff at the January 16, 1986 meeting with Alabama Power personnel, the following actions will be taken by March 1, 1986 to prevent future violation of the NRC's interpretation of the relevant regulations:

- (1) The Farley Nuclear Plant Emergency Plan will be revised to reflect the following notification action for Notification of Unusual Event\*, Alert and Site Area Emergency.

Inform state authorities of the (emergency class) status. This notification will normally be initiated within 15 minutes of the declaration of the (emergency class) consistent with operational priorities existing during the (emergency class) and the need for off-site emergency actions.

\*Note: Discussions with state personnel subsequent to the January 16 APCo/NRC meeting indicate a preliminary concurrence on their part with Alabama Power Company's desire to make NOUE notifications within one hour. For NOUE the above text may be revised following formal written concurrence from the involved state agencies to reflect a one hour limit.

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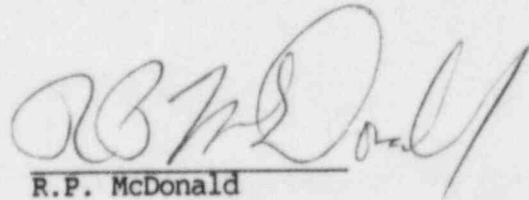
- (2) Relevant Emergency Implementing Procedures will be revised as necessary to implement the above notification provisions.
- (3) Appropriate personnel will be trained on the revised procedures.

Date of Full Compliance

Not Applicable.

Affirmation

I affirm that this response is true and complete to the best of my knowledge, information, and belief. The information contained in this letter is not considered to be of a proprietary nature.

  
R.P. McDonald

RPM/KWM:emb

EMERGENCY PLANNING REGULATIONS

PUBLISHED AS FINAL RULE ON AUGUST 19, 1980

10CFR50, PARA. 50.54 (q)

A LICENSEE AUTHORIZED TO POSSESS AND/OR OPERATE A NUCLEAR POWER REACTOR SHALL FOLLOW AND MAINTAIN IN EFFECT EMERGENCY PLANS WHICH MEET THE STANDARDS OF PARA. 50.47 (B) OF THIS PART AND THE REQUIREMENTS IN APPENDIX E TO THIS PART. ...

10CFR50, PARA. 50.47 (B) (5)

PROCEDURES HAVE BEEN ESTABLISHED FOR NOTIFICATION, BY THE LICENSEE, OF STATE AND LOCAL RESPONSE ORGANIZATIONS AND FOR NOTIFICATION OF EMERGENCY PERSONNEL BY ALL ORGANIZATIONS; ...

10CFR50, PARA. 50.47 (B) (15)

RADIOLOGICAL EMERGENCY RESPONSE TRAINING IS PROVIDED TO THOSE WHO MAY BE CALLED ON TO ASSIST IN AN EMERGENCY.

10CFR50, APP. E, PARA. IV.D.3

A LICENSEE SHALL HAVE THE CAPABILITY TO NOTIFY RESPONSIBLE STATE AND LOCAL GOVERNMENTAL AGENCIES WITHIN 15 MINUTES AFTER DECLARING AN EMERGENCY. ...



OCTOBER 1980, FNP EMERGENCY PLAN WAS REVISED TO MEET THE NEW REGULATIONS AS PART OF THE FNP UNIT 2 LICENSING PROCESS.

MARCH 1981, NRR ISSUED NUREG-0117 SUPPLEMENT 5. APPENDIX B STATES:

BASED ON OUR REVIEW OF THE PLAN AS SUBMITTED AND THE COMMITMENTS MADE BY FNP FOR FURTHER REVISIONS, BY LETTERS DATED OCTOBER 28 AND DECEMBER 16, 1980 AND FEBRUARY 13, 1981, CLAYTON TO SCHWENCER, IN REGARDS TO MINIMUM STAFFING, PROMPT NOTIFICATION OF THE PUBLIC, METEOROLOGICAL PROGRAM, AND MINOR CHANGES OF THE FNP, WE HAVE CONCLUDED THAT THE PLAN AND THE COMMITMENTS MEET THE CURRENT REQUIREMENTS OF 10CFR50 APPENDIX E AND THE PLANNING STANDARDS AS APPLICABLE TO THE LICENSEE OF THE "CRITERIA FOR PREPARATION AND EVALUATION AND (SIC) RADIOLOGICAL RESPONSE PLANS AND PREPAREDNESS IN SUPPORT OF NUCLEAR POWER PLANTS," NUREG-0654 REVISION 1.

NOTE: NONE OF THE LETTERS REFERENCED ABOVE DEALT WITH TRAINING, HARDWARE OR PROCEDURES FOR NOTIFICATION OF STATE AND LOCAL AGENCIES.

JUNE 23, 1980, NRC REGION II TRANSMITTED AN APPRAISAL DOCUMENT TO BE USED BY NRC EMERGENCY PREPAREDNESS APPRAISAL TEAMS.

EXCERPTS FROM DOCUMENT:

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THE PROCEDURAL CONTROL SHOULD START WITH THE IDENTIFICATION OF STANDARD CONDITIONS AND FOLLOW THESE CONDITIONS THROUGH THE IDENTIFICATION AS AN EMERGENCY CONDITION, CLASSIFICATION, CONTROL AND REMISSION OF THE CONDITION. IN ADDITION, IF THE CONDITIONS REQUIRE OFFSITE ASSISTANCE OR CREATE A POTENTIAL OR REAL HAZARD TO THE PUBLIC, THE PROCEDURES MUST INSURE THE PROMPT NOTIFICATION OF OFFSITE AUTHORITIES. THE NOTIFICATION MUST VERIFY RECEIPT OF THE COMMUNICATION FROM THE FIRST NOTIFICATION TO THE TERMINATION OF THE EMERGENCY.

PAGE A-5.2

- A. KEY INSTRUMENT RESPONSES SHOULD BE LISTED IN THE "ACTION LEVEL SECTION" OF THE APPROPRIATE EMERGENCY PLAN IMPLEMENTING INSTRUCTION APPLICABLE TO THE PARTICULAR CLASS OF EMERGENCY; AND
- B. THE INSTRUMENT RESPONSES SHOULD ALSO BE TIED TO THE EOPs WHICH EITHER DIRECTS THE SHIFT SUPERVISOR TO DECLARE A PARTICULAR CLASS OF EMERGENCY OR REFERS HIM TO THE APPROPRIATE EMERGENCY PLAN IMPLEMENTING INSTRUCTION. BOTH THE IMPLEMENTING INSTRUCTIONS AND PROCEDURES MUST BE PRIORITIZED TO ENSURE THAT OFFSITE AUTHORITIES WILL BE NOTIFIED WITHIN 15 MINUTES FOLLOWING A SERIOUS INITIATING EVENT.

PAGE A-7.7

- A. HAS THE CAPABILITY BEEN DEMONSTRATED TO NOTIFY RESPONSIBLE STATE AND LOCAL GOVERNMENTAL AGENCIES OF THE APPROPRIATE PROTECTIVE ACTIONS WITHIN 15 MINUTES OF DISCOVERY OF THE INITIATING EVENT?

<sup>0</sup>APCO CONCLUSION: 15 MINUTE NOTIFICATION CAPABILITY WAS INTENDED FOR USE IN RECOMMENDING PROTECTIVE ACTIONS FOLLOWING SERIOUS INITIATING EVENTS CREATING A POTENTIAL OR REAL HAZARD TO THE PUBLIC.

SEPTEMBER 21 THROUGH OCTOBER 2, 1981, NRC E.P. APPRAISAL AT FNP.  
(REPORT NOS. 50-348/8L-20 AND 50-364/81-23)

SEVEN (7) INSPECTORS.

546 INSPECTOR HOURS.

NRC CONCLUSIONS:

- NO VIOLATIONS, DEVIATIONS OR EMERGENCY PREPAREDNESS DEFICIENCIES.
- SEVEN (7) IMPROVEMENT ITEMS -- NONE DEALING WITH NOTIFICATION (PROCEDURES, TRAINING, EQUIPMENT OR PERSONNEL PERFORMANCE)
- REPORT PARAGRAPH 5.4.1 NOTIFICATIONS:  
"NOTIFICATION PROCEDURES WERE REVIEWED AGAINST THE REQUIREMENTS OF 10CFR50.47(B)(5), 10CFR50, APPENDIX E, PARAGRAPH IV.D. AND SPECIFIC CRITERIA IN NUREG 0654, SECTION II.D."  
"BASED ON THE ABOVE FINDINGS, THIS PORTION OF THE LICENSEE'S PROGRAM APPEARS ADEQUATE."
- REPORT PARAGRAPH 3.0 EMERGENCY PLAN TRAINING/RETRAINING  
"THE EMERGENCY TRAINING PROGRAM WAS REVIEWED WITH RESPECT TO THE REQUIREMENTS OF 10CFR50.47(B)(15) AND (16), 10CFR50, APPENDIX E, PARAGRAPH IV.F., AND CRITERIA IN NUREG-0654, SECTION II.0." ...  
"NOTIFICATION PROCEDURES ARE DISCUSSED FOR ALL CATEGORIES" ...  
"BASED ON THE ABOVE FINDINGS, THIS PORTION OF THE LICENSEE'S PROGRAM APPEARS ADEQUATE."



DECEMBER 1982, I&E INSPECTION PROCEDURE 82201, EMERGENCY DETECTION AND CLASSIFICATION WAS ISSUED:

82201-02 INSPECTION REQUIREMENTS

- 022 A. VERIFY THAT THE INITIAL OFFSITE NOTIFICATION PROCEDURES INCLUDE CRITERIA, BASED ON EALS, FOR INITIATION OF OFFSITE NOTIFICATIONS AND FOR PROTECTIVE ACTION RECOMMENDATIONS.

82201-03 INSPECTION GUIDANCE

- 032 REVIEW THE EMERGENCY PLAN IMPLEMENTING INSTRUCTIONS OR PROCEDURES TO ENSURE THAT THEY CLEARLY REQUIRE THE LICENSEE TO PROMPTLY (WITHIN 15 MINUTES) INITIATE OFFSITE NOTIFICATIONS AFTER DECLARING AN EMERGENCY, IF NECESSARY (SEE 10 CFR 50, APPENDIX E, PART IV.D.3), AND TO MAKE PROTECTIVE ACTION RECOMMENDATIONS AS APPROPRIATE TO THE CLASSIFICATION AND PLANT CONDITIONS (SEE NUREG-0654, SECTION II.J.7).

## NRC INSPECTION AND REVIEW ACTIVITIES AFTER DECEMBER 1982

- DECEMBER 1982, EMERGENCY PLAN REVISION 7 ISSUED.

I&E REGION II REVIEWED THE PLAN AGAINST NUREG-0654/FEMA-REP-1, REV. 1 AND 10CFR50, APPENDIX E AND CONTACTED APCo BY PHONE ON MAY 12, 1983. NO COMMENTS WERE MADE REGARDING THE NEED TO REVISE NOTIFICATION PROVISIONS OF THE PLAN. ALL COMMENTS WERE RESOLVED AND NRC ISSUED A LETTER DATED SEPTEMBER 20, 1983, WHICH STATED:

WE HAVE COMPLETED OUR REVIEW OF REVISION 7 TO THE J.M. FARLEY NUCLEAR PLANT RADIOLOGICAL EMERGENCY PLAN. OUR REVIEW INDICATED THAT YOUR EMERGENCY PLAN CONTINUES TO MEET THE PLANNING STANDARDS OF 10CFR 50.47(b) AND THE REQUIREMENTS OF APPENDIX E TO 10CFR50.

- NOVEMBER 1983 INSPECTION (REPORT NOS. 50-348/83-28 AND 50-364/83-26).

EMERGENCY DETECTION AND CLASSIFICATION REVIEWED AND NO PROBLEMS REPORTED.

- JANUARY 1984 INSPECTION (REPORT NOS. 50-348/84-01 AND 50-364/84-01).

NOTIFICATION PROCEDURES REVIEWED. CONCERN EXPRESSED REGARDING DIRECT NOTIFICATION OF GEORGIA IN GENERAL EMERGENCY (IFI 348, 364/84-01-02). NO PROBLEMS REPORTED REGARDING NOUE, ALERT OR SITE AREA NOTIFICATION PLANS OR PROCEDURES.

NRC INSPECTION AND REVIEW ACTIVITIES AFTER DECEMBER 1982 (CONT.)

- FEBRUARY 1984 EMERGENCY EXERCISE INSPECTION (REPORT NOS. 50-348/84-04 AND 50-364/84-04).

"AN INSPECTOR OBSERVED THAT NOTIFICATION METHODS AND PROCEDURES HAD BEEN ESTABLISHED AND WERE USED..."

"...NO COMMUNICATIONS RELATED PROBLEMS WERE IDENTIFIED DURING THIS EXERCISE."

- SEPTEMBER 1984 INSPECTION (REPORT NOS. 50-348/84-26 AND 50-364/84-26).

UNRESOLVED ITEM (348, 364/84-26-01) OPENED REGARDING NOT HAVING PROCEDURES REQUIRING NOTIFICATION WITHIN 15 MINUTES AND NOT TRAINING STAFF TO MAKE SUCH NOTIFICATIONS EXCEPT FOR GENERAL EMERGENCY.

- NOVEMBER 1984 EMERGENCY EXERCISE INSPECTION (REPORT NOS. 50-348/84-30 AND 50-364/84-30).

UNRESOLVED ITEM WAS REITERATED AND "SINCE THIS MATTER HAS NOT YET BEEN RESOLVED BY THE NRC STAFF, THE SUBJECT ITEM WILL BE DISCUSSED DURING A SUBSEQUENT INSPECTION."

NRC INSPECTION AND REVIEW ACTIVITIES AFTER DECEMBER 1982 (CONT.)

- MARCH 1985 INSPECTION (REPORT NOS. 50-348/85-13 AND 50-364/85-13).

"NOTIFICATION AND COMMUNICATION (82203)

"THE INSPECTOR DETERMINED BY REVIEW OF APPLICABLE PROCEDURES AND BY DISCUSSION WITH LICENSEE REPRESENTATIVES THAT ADEQUATE PROCEDURAL MEANS EXISTED FOR ALERTING, NOTIFYING, AND ACTIVATING EMERGENCY RESPONSE PERSONNEL. THE PROCEDURES SPECIFIED WHEN TO NOTIFY AND ACTIVATE ... OFFSITE AGENCIES. ... NO PROBLEMS WERE NOTED.

"... PROVISIONS EXISTED FOR PROMPT COMMUNICATIONS AMONG EMERGENCY RESPONSE ORGANIZATIONS, TO EMERGENCY RESPONSE PERSONNEL, AND TO THE PUBLIC.

"KNOWLEDGE AND PERFORMANCE OF DUTIES (82206)

(TRAINING) ... WAS INSPECTED... (P)ERSONNEL ... WERE PROVIDED WITH APPROPRIATE TRAINING. ...

(N)O PROBLEMS WERE OBSERVED IN THE AREAS OF ... NOTIFICATIONS.

NO MENTION IS MADE IN THE REPORT OF THE PREVIOUS UNRESOLVED ITEM.

- APRIL 2, 1985, THE NRC INFORMED ALABAMA POWER BY LETTER THAT IT HAD REVIEWED REVISION 9 OF THE FNP RADIOLOGICAL EMERGENCY PLAN AND THAT THEIR REVIEW INDICATED THAT THE PLAN "CONTINUED TO MEET THE PLANNING STANDARDS OF 10CFR50.47(B) AND THE REQUIREMENTS OF APPENDIX E TO 10CFR50."

## NRC INSPECTION AND REVIEW ACTIVITIES AFTER DECEMBER 1982 (CONT.)

- SEPTEMBER 1985 EMERGENCY EXERCISE INSPECTION (REPORT NOS. 50-348/85-37 AND 50-364/85-37)

THE INSPECTORS AGAIN RAISED THE ISSUE OF 15 MINUTE NOTIFICATION. ON DECEMBER 10, 1985, REPORT NO. 50-348/85-37 AND 50-364/85-37 WAS ISSUED IDENTIFYING A VIOLATION WITH THE FOLLOWING ELEMENTS:

- (1) THE FNP EMERGENCY PLAN DOES NOT IMPOSE A 15 MINUTE NOTIFICATION REQUIREMENT EXCEPT FOR GENERAL EMERGENCY.
- (2) EIP-26 DOES NOT SPECIFY 15 MINUTE NOTIFICATION OF STATE AND LOCAL AGENCIES FOR NOUE, ALERT AND SITE AREA EMERGENCY.
- (3) TRAINING DOES NOT COVER 15 MINUTE NOTIFICATION EXCEPT FOR GENERAL EMERGENCY.



## SUMMARY AND CONCLUSIONS:

- 1) 10CFR50, App. E, PARA. IV.D.3 WORDING IS SPECIFIC. IT DOES NOT STATE "A LICENSEE SHALL NOTIFY RESPONSIBLE STATE AND LOCAL GOVERNMENTAL AGENCIES WITHIN 15 MINUTES AFTER DECLARING AN EMERGENCY..." THE INTERPRETATION CONTAINED IN THE DECEMBER 16, 1985 NOTICE OF VIOLATION IS NOT CONSISTENT WITH THE REGULATION'S WORDING.
- 2) THE 1980 NRC APPRAISAL PROGRAM DOCUMENT AND THE 1982 INSPECTION PROCEDURE CONTAIN QUALIFYING PHRASES WHEN DISCUSSING 15 MINUTE NOTIFICATION, INDICATING THAT THE CAPABILITY TO NOTIFY WITHIN 15 MINUTES IS TO BE USED IF NECESSARY TO NOTIFY AGENCIES OF THE APPROPRIATE PROTECTIVE ACTIONS FOLLOWING SERIOUS (NOT ALL) INITIATING EVENTS OR WHEN EVENTS CREATE A POTENTIAL OR REAL HAZARD TO THE PUBLIC. OF THE FOUR EMERGENCY CLASSES, ONLY GENERAL EMERGENCY WOULD AUTOMATICALLY MEET THESE QUALIFYING PHRASES. NOUE CLEARLY WOULD NEVER MEET THESE CRITERIA.
- 3) THE REGULATIONS HAVE BEEN IN EFFECT SINCE AUGUST 1980 AND APCo's EMERGENCY PLAN AND PROCEDURES HAVE NEVER CONTAINED A REQUIREMENT FOR 15 MINUTE NOTIFICATION FOLLOWING DECLARATION OF NOUE, ALERT OR SITE AREA EMERGENCY. REVIEW, APPROVAL AND INSPECTION AND ENFORCEMENT HISTORY REFLECT THAT THIS WAS CLEARLY ACCEPTABLE PRIOR TO SEPTEMBER 1984, AND INTERMITTENTLY ACCEPTABLE BETWEEN SEPTEMBER 1984 AND NOW. THE CONTENTION THAT THE CONDITION CONSTITUTES A VIOLATION IS CLEARLY BASED ON A NEW INTERPRETATION OF EXISTING REGULATIONS.