

May 18, 1999

Mr. D. N. Morey
Vice President - Farley Project
Southern Nuclear Operating
Company, Inc.
Post Office Box 1295
Birmingham, Alabama 35201-1295

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2, NOTICE OF
CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY
OPERATING LICENSES AND OPPORTUNITY FOR A HEARING
(TAC NOS. MA1364 AND MA1365)

Dear Mr. Morey:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing" for your information. This notice relates to your application for amendments dated March 12, 1998, as supplemented by letters dated April 24, August 20, October 20, and November 20, 1998, and two letters dated April 30, 1999. In your application, you propose to convert the current Technical Specifications for Joseph M. Farley Nuclear Plant, Units 1 and 2, to Improved Standard Technical Specifications consistent with the provisions of NUREG-1431, Revision 1, "Standard Technical Specifications - Westinghouse Plants," dated April 1995.

This notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Jacob I. Zimmerman, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

Enclosure: Federal Register Notice

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

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Sincerely,

A handwritten signature in cursive script that reads "Jacob I. Zimmerman".

Jacob I. Zimmerman, Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

Enclosure: Federal Register Notice

cc w/encl: See next page

Joseph M. Farley Nuclear Plant

cc:

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State Health Officer
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Houston County Commission
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Dothan, Alabama 36302

Resident Inspector
U.S. Nuclear Regulatory Commission
7388 N. State Highway 95
Columbia, Alabama 36319

UNITED STATES NUCLEAR REGULATORY COMMISSIONSOUTHERN NUCLEAR OPERATING COMPANYDOCKET NOS. 50-348 AND 50-364NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-2 and NPF-8 issued to the Southern Nuclear Operating Company (SNC or the licensee) for operation of the Joseph M. Farley Nuclear Plant, Unit 1 and 2, located in Houston County, Alabama.

The proposed amendments, requested by the licensee in a letter dated March 12, 1998, as supplemented by letters dated April 24, August 20, October 20, and November 20, 1998, and two letters dated April 30, 1999, would represent a full conversion from the current Technical Specifications (CTs) to a set of TSs based on NUREG-1431, Revision 1, "Standard Technical Specifications - Westinghouse Plants," dated April 1995. NUREG-1431 has been developed through working groups composed of both NRC staff members and industry representative and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TSs. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the Federal Register on July 22, 1993 (58 FR 39132), to the current Farley TS and developed a proposed set of improved TSs for Farley using NUREG-1431 as a basis. The criteria in the final policy statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule

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change which was published in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the CTSs into six general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, removed detailed changes, allowance to use a simulated or actual actuation signal, and less restrictive changes.

Administrative changes are editorial in nature, involve the movement of requirements within the CTS without affecting the technical content, simply reformat a requirement, or clarify the TS (such as deleting a footnote no longer applicable due to a technical change to a requirement). It also includes non-technical changes such as reformatting and rewording the remaining requirements in order to conform with the format and style of the standard technical specification (STS).

Relocated changes are those requirements and surveillances for structures, systems, components or variables that do not meet the screening criteria for inclusion in the TSs. Relocated changes are those current TS requirements which do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may thus be relocated to appropriate licensee-controlled documents. The licensee's application of the screening criteria is described in its March 12, 1998, submittal. The affected structures, systems components or variables are not initiators of analyzed events and are not assumed to mitigate accident or transients. These requirements and surveillances will be relocated from the TS to administratively controlled documents such as the Updated Final Safety Analysis Report (UFSAR), the TS Bases document, or plant procedures. Future changes made by the licensee to these documents will be pursuant to 10 CFR 50.59 or other appropriate control mechanisms.

More restrictive changes are those involving more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in

operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the assessment of process variables and operation of structures, systems, and components described in the safety analyses. For each requirement in the current Farley TSs that is more restrictive than the corresponding requirement in NUREG-1431 which SNC proposes to retain in the improved Technical Specifications (ITSs), SNC has provided an explanation of why it has concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facilities because of the specific design features of the plant.

Removed detail changes move details from the current TS to a licensee-controlled document. The details being removed from the current TS are not initiators of any analyzed event and are not assumed to mitigate accidents or transients. Therefore, the removed details do not involve a significant increase in the probability or consequences of an accident previously evaluated. Removal of details to a licensee-controlled document will not involve a significant change in design or operation of the plant, and no hardware is being added to the plant as part of the proposed changes to the current TS. The changes will not alter assumptions made in the safety analysis and licensing basis. Therefore, the changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not reduce the margin of safety since they have no impact on any safety analysis assumptions. In addition, the details to be moved from the current TS to a licensee-controlled document are the same as the existing TSs.

Allowance to use a simulated or actual actuation signal applies to those changes that provide the allowance to utilize a simulated or actual signal to verify the automatic actuation of specific components in the Surveillance test requirements of the TSs. This type of change is considered less restrictive as it provides an alternate method to satisfy surveillance requirements that verify automatic equipment/system actuation. This change allows

satisfactory automatic actuations (required equipment/system operations is verified) that occur due to an actual automatic actuation to fulfill the surveillance requirement. Operability is adequately demonstrated in either case as the affected equipment or system cannot discriminate between an actual or simulated (test) signal.

Less restrictive changes involve revision to existing requirements such that more restoration time is provided, fewer compensatory measures are needed, or fewer or less restrictive surveillance requirements are required. This would also include requirements which are deleted from the TS (not relocated to other documents) and other technical changes that do not fit a generic category. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the ITSS. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and thus provides a basis for these revised TSs or if relaxation of the requirements in the current TSs is warranted based on the justification provided by the licensee.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 24, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose

interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to

M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated March 12, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. and at the local public document room located at Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama.

Dated at Rockville, Maryland, this 18th day of May 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Jacob I. Zimmerman, Project Manager, Section 1
Project Directorate II-1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation