

July 7, 1998

Mr. D. N. Morey
Vice President
Southern Nuclear Operating
Company, Inc.
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Birmingham, Alabama 35201-1295

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SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 50.71(e)(4), JOSEPH M. FARLEY
NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MA0673 AND MA0674)

Dear Mr. Morey:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submittal of revisions to the Updated Final Safety Analysis Report (UFSAR) for facility changes made under 10 CFR 50.59 for the Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2. This exemption is related to your application dated January 19, 1998, to schedule updates for the FNP, Units 1 and 2, unified UFSAR, once per fuel cycle (based upon the Unit 1 refueling outage schedule). With the current length of fuel cycles, UFSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

A copy of the Exemption and the supporting Safety Evaluation by the staff are enclosed. The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,
ORIGINAL SIGNED BY:

Jacob I. Zimmerman, Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/encls: See next page

ENCLOSURE COPY

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*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/PM	PDII-2/D	OGC*	DRPE/B(A)	OP(A)	NRR/D
NAME	JZimmerman:cn	LBerry	HBerkow	RBachmann	JZwolinski	BBoger	S.Collins
DATE	6/1/98	6/1/98	6/1/98	6/1/98	6/1/98	7/1/98	7/6/98

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 7, 1998

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

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Sincerely,

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

Jacob I. Zimmerman, Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

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2. Safety Evaluation

cc w/encls: See next page

Joseph M. Farley Nuclear Plant

cc:

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Columbia, Alabama 36319

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
SOUTHERN NUCLEAR OPERATING)	Docket Nos. 50-348 and 50-364
COMPANY, INC., ET AL.)	
)	
(Joseph M. Farley Nuclear Plant,)	
Units 1 and 2))	

EXEMPTION

I.

Southern Nuclear Operating Company, Inc., et al. (the licensee) is the holder of Facility Operating License Nos. NPF-2 and NPF-8, for the Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The FNP facility consists of two pressurized-water reactors located at the licensee's site in Houston County, Alabama.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided that the interval between successive updates [to the UFSAR] does not exceed 24 months." The FNP, Units 1 and 2, share a common UFSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for

either unit. By letter dated January 19, 1998, the licensee requested an exemption from the requirements of 10 CFR 50.71(e)(4).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that:

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...." As noted in the staff's supporting Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the FNP UFSAR will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for either unit; a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.71(e)(4). The licensee will be required to submit updates to the FNP UFSAR within 6 months after the Unit 1 refueling outage. With the current length of fuel cycles, UFSAR

updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (63 FR 35985 dated July 1, 1998).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Samuel J. Collins

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 7th day of July 1998

*See previous concurrence

OFFICE	PDII-2/PM	PDII-2/LA	PDII-2/D	DRPE/D (A)	OGC*
NAME	JZimmerman:cn	LBerry	H Berkow	JZwolinski	RBACHMANN
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OFFICE	NRR/ADRP (A)		D-NRR		
NAME	BBoger		SCollins		
DATE	6/30/98		7/0/98		


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FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 7th day of July 1998



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50.71(e)(4)

UPDATES TO THE FINAL SAFETY ANALYSIS REPORT

SOUTHERN NUCLEAR OPERATING COMPANY, INC., ET AL.

JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-348 AND 50-364

1.0 INTRODUCTION

By letter dated January 19, 1998, Southern Nuclear Operating Company, Inc., et al. (the licensee) submitted a request for an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Section 50.71(e)(4), "Maintenance of records, making reports." Section 50.71(e)(4) requires, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months." The two Joseph M. Farley Nuclear Plant (FNP) units share a common FSAR; therefore, this rule requires, literally, that the licensee update FNP's FSAR within 6 months after a refueling outage for either unit.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their FSARs at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months. The current rule, as revised on August 31, 1992 (57 FR 39358), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The burden reduction, however, can only be realized by single-unit facilities or multiple-unit facilities that maintain separate FSARs for each unit. For multiple-unit facilities with a common FSAR, the "each refueling outage" phrase increases rather than decreases the regulatory burden. To address this concern for multiple-unit facilities, the authors of the revised rule stated, in response to a comment on the draft revision, that "[w]ith respect to [the] concern about multiple facilities sharing a common [U]FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis."

The licensee's requested exemption would permit periodic FSAR updates within 6 months of FNP's Unit 1 refueling outage, but not to exceed 24 months from the last revision. Thus, the requirement that an update be submitted within 6 months of an outage of each unit is no longer retained. With the exemption, the FNP FSAR will be updated and maintained current within 24 months of the last revision.

3.0 CONCLUSION

The staff finds that the proposed alternative meets the intent of the existing regulations, requiring the FNP FSAR to be revised at least once per 24 months; therefore, the proposed exemption from 10 CFR 50.71(e)(4) for FNP, Units 1 and 2, is acceptable.

Principal Contributor: Robert K. Caldwell

Date: July 7, 1998