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DOCKET NO(S). 50-364

Mr. F. L. Clayton
Senior Vice President
Alabama Power Company
Post Office Box 2641
Birmingham, Alabama 35291

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT UNIT NO. 2
(Alabama Power Company)

The following documents concerning our review of the subject facility are transmitted for your information.

- Notice of Receipt of Application.
- Draft/Final Environmental Statement, dated _____.
- Notice of Availability of Draft/Final Environmental Statement, dated _____.
- Safety Evaluation Report, or Supplement No. _____, dated _____.
- Notice of Hearing on Application for Construction Permit.
- Notice of Consideration of Issuance of Facility Operating License.
- Application and Safety Analysis Report, Volume _____.
- Amendment No. _____ to Application/SAR dated _____.
- Construction Permit No. CPPR- _____, Amendment No. _____, dated _____.
- Facility Operating License No. _____, Amendment No. _____, dated _____.
- Order Extending Construction Completion Date, dated _____.
- Other (Specify) Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. Re: PIV's. Application dated 7/8/83.

Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:
As stated

CC: See next page

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OFFICE ▶	ORB 1 <i>CP</i>				
SURNAME ▶	CParrish/rs				
DATE ▶	7/22/83				

Mr. F. L. Clayton
Alabama Power Company

cc: Mr. W. O. Whitt
Executive Vice President
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Birmingham, Alabama 35202

George F. Trowbridge, Esquire
Shaw, Pittman, Potts and Trowbridge
1800 M Street, N.W.
Washington, D. C. 20036

Chairman
Houston County Commission
Dothan, Alabama 36301

Robert A. Buettner, Esquire
Balch, Bingham, Baker, Hawthorne,
Williams and Ward
Post Office Box 306
Birmingham, Alabama 35201

Resident Inspector
U. S. Nuclear Regulatory Commission
Post Office Box 24-Route 2
Columbia, Alabama 36319

State Department of Public Health
ATTN: State Health Officer
State Office Building
Montgomery, Alabama 36104

Regional Radiation Representatives
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

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Regional Administrator - Region II
U. S. Nuclear Regulatory Commission
101 Marietta Street, Suite 3100
Atlanta, Georgia 30303

UNITED STATES NUCLEAR REGULATORY COMMISSIONALABAMA POWER COMPANYDOCKET NO. 50-364NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-8, issued to Alabama Power Company (the licensee), for operation of the Joseph M. Farley Nuclear Plant Unit No. 2 located in Houston County, Alabama.

The amendment would modify Technical Specifications for the startup from Cycle 2 refueling in the area of pressure isolation valves (PIV's) leak rate test criteria. The existing criterion of 1.0 gpm would be modified on a one-time temporary basis to a less-restrictive criterion of 1.0 to 5.0 gpm. We found a similar criterion to be acceptable for the first refueling outage pending completion of a long term review of the licensee's proposal. The long term review is now being handled on a generic basis which has further delayed the final resolution of the PIV's leak rate criteria.

The revisions to the Technical Specifications would be in accordance with the licensee's application for amendment dated July 8, 1983.

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

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The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning application of standards considered likely not to involve significant hazards considerations by providing certain examples (48 FR 14870). An example pertinent to the proposed amendment is "(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met."

The licensee has determined that the change request is consistent with example (iv). We agree. The 1.0 gpm criterion was established during the Unit No. 2 licensing process. Later, a smaller group of PIV's on Unit No. 1 were given a leak rate criterion of 1.0 to 5.0 gpm which is less restrictive. The licensee has requested this less restrictive criterion now for Unit No. 2. We are reviewing the matter as it appears generic to all plants licensed about the time of Unit 2. On this basis, we cannot at this time agree that the

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Unit 1 criteria can be used for Unit No. 2 indefinitely. However, since the licensee has shown by actual testing of the 35 valves in question on Unit No. 2 that the 1 gpm maximum leak rate criteria was overly conservative, we would allow the proposed criteria for one additional time. We granted a similar one-time request by the licensee in License Amendment No. 20, dated November 24, 1982, for the startup from Cycle 1 refueling outage. We have reviewed the test data taken during the previous tests of the PIV's and agree that it is justified again but only on a one-time basis. Therefore, based on these considerations the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By August 26, 1983, 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 petition for leave to intervene. Request for a hearing and petitions 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. 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 a 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and

publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland, this 22nd day of July 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

Steven A. Varga, Chief

OFFICE	ORB 1 <i>CP</i>	ORB 1 <i>ER</i>	ORB 1 <i>SV</i>	Operating Reactors Branch No. 1		
SURNAME	CParrish/	EReeves/rs	SVarga	Division of Licensing		
DATE	7/16/83	7/16/83	7/18/83	7/19/83		