

June 2, 2005

Mr. L. M. Stinson  
Vice President  
Southern Nuclear Operating Company, Inc.  
40 Inverness Center Parkway  
Post Office Box 1295  
Birmingham, AL 35201

SUBJECT: RECEIPT OF APPLICATION AND NOTICE OF DOCKETING FOR REQUEST FOR EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 72.212(a)(2) AND 10 CFR 72.214 FOR THE JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 1 AND UNIT 2, FACILITY (TAC NO. L23849)

Dear Mr. Stinson:

By letter dated May 20, 2005, Southern Nuclear Operating Company, Inc. (SNC) submitted a request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 pursuant to 10 CFR 72.7 for the Joseph M. Farley Nuclear Plant (FNP), Unit 1 and Unit 2, facility. SNC, as the holder of an operating nuclear power reactor 10 CFR Part 50 license, is permitted to store spent nuclear fuel under the general license provision of 10 CFR 72.210. Specifically, with respect to your submittal, you are requesting exemption to permit loading in accordance with proposed Amendment 2 to Certificate of Compliance (CoC) 1014 granted to Holtec International (Holtec) for the HI-STORM 100 system.

This letter acknowledges receipt of your exemption request and informs you that the submittal appears to contain the necessary information to begin our technical review. We have established a schedule for the technical review of your exemption request. The schedule anticipates completion of review of this request by July 1, 2005. To meet the schedule, however, it is incumbent upon SNC to respond promptly and comprehensively to any request for additional information (RAI) from the staff. If no additional information is needed or if any additional information requested by the staff is provided promptly, based on a staff's evaluation, granting of the exemption may be issued by the scheduled completion date.

In general, no additional changes to the exemption request will be allowed except for those minor changes that result in responding to an RAI. Additional changes, supplements, or enhancements may be treated as a new request. A copy of "Guidelines for Interactions between Applicants and Spent Fuel Project Office Staff" is enclosed for your information (Enclosure 1).

L. M. Stinson

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For your information, I am also enclosing a copy of the Notice of Docketing of the request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 for FNP, Unit 1 and Unit 2, facility (Enclosure 2). The notice has been forwarded to the Office of the Federal Register for publication.

Please notify me, in writing at your earliest opportunity, of any circumstance that may result in your inability to meet the schedule. Reference Docket No. 72-42 and TAC No. L23849 in future correspondence related to this licensing action. If you have any questions regarding this matter, you may contact me at (301) 415-8500.

Sincerely,

**/RA/**

Christopher M. Regan, Senior Project Manager  
Licensing Section  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-42  
TAC No. L23849

Enclosures: 1) Interactions Between Applicants and Spent Fuel Project Office Staff  
2) Federal Register Notice of Docketing

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-2-

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**Guidelines for Interactions between Applicants and Spent Fuel Project Office Staff**

1. Pre-Application Interactions
  - (a) Applicants are encouraged to meet with SFPO staff at public meetings to discuss potential licensing actions. The purpose of these meetings is to provide applicants with an opportunity to discuss their proposals with NRC staff and solicit feedback regarding regulatory positions. No regulatory decisions or commitments will be made at these meetings.
2. Point of Contact
  - (a) The SFPO Project Manager (PM) is the primary point of contact between SFPO and the applicant. The PM is responsible for and is the focal point for all interactions with the applicant.
3. Telephone Interactions
  - (a) Phone conversations with applicants are encouraged, as they directly contribute to clear understanding and efficiency during the review.
  - (b) Phone conversations are not public meetings and therefore they only involve general information exchange (e.g., clear understanding of an RAI).
4. Submittals
  - (a) Applicants shall submit an high quality application that is very clear and well organized. This includes:
    - (1) Using the recommended format and content of the appropriate Regulatory Guides, Standard Review Plans, and Interim Staff Guidances. Deviations from regulatory positions should be clearly identified and include sufficient technical basis.
    - (2) Thoroughly explaining all issues in the Safety Analysis Report (SAR) and including enough information for a technical reviewer to perform a confirmatory analysis.
  - (b) Applicants should consider submitting a draft Certificate of Compliance (CoC) or license for a new application and a draft mark-up CoC or license for an amendment.

5. Administrative Review of the Application

- (a) The PM will perform an acknowledgment review generally within 30 days of receipt. The acknowledgment review is not a technical review; it is an administrative evaluation for completeness of the application and of general omission of information.
- (b) For applications, an acknowledgment letter and tentative schedule will be sent to the applicant once the schedule is developed.
- (c) Applications that do not pass the administrative review because of incompleteness will be returned to the applicant with an explanation. The applicant will initially be notified via phone regarding an incomplete application and the PM will give the applicant the opportunity to withdraw the application.
- (d) After the application has been accepted for technical review, no additional changes to the application will be allowed except for those that result in responding to a request for additional information. All additional changes, supplements, or enhancements will be treated as a new application.

6. Requests for Additional Information (RAIs)

- (a) Applicants will be given a set time period to respond to RAIs. This time period will be based on the complexity of the application and its priority.
- (b) An applicant who cannot meet this schedule, must submit a letter at least two weeks in advance of the RAI response due date and provide the new submittal date and the reasons for the requested change.
  - (1) The applicant should understand that not meeting the RAI response due date may cause a complete rescheduling of the application because of other previously scheduled casework and competing priorities.
- (c) Applicants are encouraged to meet with the NRC staff in a public meeting to discuss proposed RAI responses. The purpose of these meetings is to ensure that the proposed responses address the staff's issues and thus avoid the potential for a second round of RAIs. If the Applicant requests clarification of an unclear RAI, then SFPO may schedule a conference call with the appropriate Technical Reviewer to provide clarification.
- (d) Applicants are advised against sending a partial RAI response. The staff will not perform a technical review of the RAI until the complete response to the RAI is received.
- (e) SFPO will not initially schedule a second round of RAIs. If a second round of RAIs is needed, and the responses to the second RAI is not sufficient to make a licensing determination, then SFPO will identify its positions and concerns in a public meeting, and suspend further technical review.

**U.S. NUCLEAR REGULATORY COMMISSION**

**DOCKET NO 72-42**

**SOUTHERN NUCLEAR OPERATING COMPANY, INCORPORATED**

**NOTICE OF DOCKETING OF REQUEST FOR EXEMPTION**

**FOR THE JOSEPH M. FARLEY NUCLEAR PLANT, UNIT 1 AND UNIT 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Regan, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 415-1179; fax number: (301) 415-1179; e-mail: [cmr1@nrc.gov](mailto:cmr1@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**V. Introduction**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering a request dated May 20, 2005, from Southern Nuclear Operating Company, Inc. (applicant or SNC) for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 pursuant to 10 CFR 72.7, for the Joseph M. Farley Nuclear Plant (FNP), Unit 1 and Unit 2, facility located in Houston County, Alabama. If granted, the exemption will authorize the applicant to load spent nuclear fuel in accordance with proposed Amendment 2 to Certificate of Compliance (CoC) 1014 granted to Holtec International (Holtec) for the HI-STORM 100 system.

This request was docketed under 10 CFR Part 72; the Independent Spent Fuel Storage Installation Docket No. is 72-42.

An NRC administrative review, documented in a letter to SNC dated June 2, 2005, found that the application contains sufficient information for the NRC staff to begin its technical review. Prior to issuance of the requested exemption, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. These findings will be documented in a Safety Evaluation Report. The issuance of the exemption will not be approved until the NRC has reviewed the application and has concluded that granting of the request will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental assessment, in accordance with 10 CFR Part 51. This action will be the subject of a subsequent notice in the *Federal Register*.

## **II Further information**

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action, including the exemption request dated May 20, 2005, are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 2nd day of June 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

***/RA/***

Christopher M. Regan, Senior Project Manager,  
Spent Fuel Project Office,  
Office of Nuclear Material Safety and Safeguards.



Dated at Rockville, Maryland, this 2nd day of June 2005.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

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Office of Nuclear Material Safety and Safeguards.

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<b>OFC:</b>	<b>SFPO</b>		<b>SFPO</b>		<b>OGC</b>		<b>SFPO</b>	
<b>NAME:</b>	CMRegan		EZiegler		STreby		RLewis	
<b>DATE:</b>	5/24/05		5/24/05		6/1/05		6/2/05	

**OFFICIAL RECORD COPY**

Joseph M. Farley Nuclear Plant, Units 1 & 2

cc:

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