

June 20, 2005

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

SUBJECT: WITHDRAWAL OF 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 were 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 letter dated June 9, 2005, withdrawing the exemption request and informs you that the staff has terminated review of the request. For your information, I am enclosing a copy of the Federal Register Notice indicating your withdrawal of the request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 for the FNP, Unit 1 and Unit 2 facility. The notice has been forwarded to the Office of the Federal Register for publication.

Please reference Docket No. 72-42 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

Enclosure: Federal Register Notice

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

**SUBJECT:** WITHDRAWAL OF 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 letter dated June 9, 2005, withdrawing the exemption request and informs you that the staff has terminated review of the request. For your information, I am enclosing a copy of the Federal Register Notice indicating your withdrawal of the request for exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 for the FNP, Unit 1 and Unit 2 facility. The notice has been forwarded to the Office of the Federal Register for publication.

Please reference Docket No. 72-42 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

Enclosure: Federal Register Notice

Distribution: Docket SFPO r/f SBaggett NMSS r/f  
 KLandis, RII BDesai, RII (Closes TAC#L23849)

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<b>OFC</b>	SFPO		SFPO		SFPO			
<b>NAME</b>	CRegan		EZiegler		RLewis			
<b>DATE</b>	6 / 13 / 05		6 / 15 / 05		6 / 20 / 05			

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N = NO COPY

**U.S. NUCLEAR REGULATORY COMMISSION**

**DOCKET NO 72-42**

**SOUTHERN NUCLEAR OPERATING COMPANY, INCORPORATED**

**NOTICE OF WITHDRAWAL OF REQUEST FOR EXEMPTION**

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

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of withdrawal of the 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:**

**I. Discussion**

In a letter dated June 9, 2005, to the U.S. Nuclear Regulatory Commission (NRC or Commission) Southern Nuclear Operating Company, Inc. (applicant or SNC) withdrew a request dated May 20, 2005, 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. The staff has terminated its review of the request. The request was docketed under 10 CFR Part 72; the Independent Spent Fuel Storage Installation Docket No. is 72-42.

**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, and withdrawal dated June 9, 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 20<sup>th</sup> 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.

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Dated at Rockville, Maryland, this 20<sup>th</sup> 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.

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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>	6/ 13 /05		6/ 15 /05		6/ 17 05		6/ 20 /05	

**OFFICIAL RECORD COPY**

Joseph M. Farley Nuclear Plant, Units 1 & 2

cc:

Mr. Don E. Grissette  
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Southern Nuclear Operating Company  
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