



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

August 20, 2009

Mr. Mark J. Ajluni
Manager, Nuclear Licensing
Vogtle Electric Generating Plant
40 Inverness Center Parkway
Birmingham, Alabama 35201

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2, ENVIRONMENTAL
ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT
(TAC NOS. ME1449 AND ME1450)

Dear Mr. Ajluni:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for exemption dated June 9, 2009, as supplemented on July 31, 2009. The proposed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, for the Joseph M. Farley Nuclear Plant, Units 1 and 2, would extend the deadline from March 31, 2010, until December 15, 2010, for the implementation of certain measures in 10 CFR Part 73.

The assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Martin".

Robert E. Martin, Senior Project Manager
Plant Licensing Branch 2-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos 50-348 and 50-364

Enclosure:
Environmental Assessment

cc w/encl: Distribution via Listserv

NUCLEAR REGULATORY COMMISSION
SOUTHERN NUCLEAR OPERATING COMPANY, INC.
DOCKET NOS. 50-348 and 50-364
NRC-2009-0375
JOSEPH M. FARLEY NUCLEAR PLANT
ENVIRONMENTAL ASSESSMENT AND
FINDING OF NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License Nos. NPF-2 and NPF-8, issued to Southern Nuclear Operating Company, Inc. (SNC, the licensee), for operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2 (FNP), located in Houston County, Alabama. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

ENVIRONMENTAL ASSESSMENT

Identification of the Proposed Action:

The proposed action would exempt the FNP from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, FNP would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. Instead, SNC has proposed an alternate full compliance implementation date of December 15, 2010, approximately eight and a half months beyond the date required by 10 CFR Part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR Part 73, does not

involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the FNP site.

The proposed action is in accordance with the licensee's application dated June 9, 2009, as supplemented by letter dated July 31, 2009.

The Need for the Proposed Action:

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the FNP security system due to resource and logistical impacts of the spring 2010 Unit 2 and fall 2010 Unit 1 refueling outages and other factors.

Environmental Impacts of the Proposed Action:

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring. The proposed action would not result in an increased radiological hazard beyond those previously analyzed. There will be no change to radioactive effluents that effect radiation exposures to plant workers and members of the public. The proposed action does not involve a change to plant buildings or land areas on the FNP site. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to

socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption. Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

With its request to extend the implementation deadline, the licensee has proposed compensatory measures to be taken in lieu of full compliance with the new requirements specified in 10 CFR Part 73. The licensee currently maintains a security system acceptable to the NRC and the proposed compensatory measures will continue to provide acceptable physical protection of the FNP in lieu of the new requirements in 10 CFR Part 73. Therefore, the extension of the implementation date of the new requirements of 10 CFR Part 73 to December 15, 2010, would not have any significant environmental impacts.

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation.

Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed actions, the NRC staff considered denial of the proposed actions (i.e., the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed exemption and technical specification change and the "no action" alternative are similar.

Alternative Use of Resources:

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for the FNP, as supplemented through the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Joseph M. Farley Nuclear Plant, Units 1 and 2 - Final Report (NUREG - 1437, Supplement 18)."

Agencies and Persons Consulted:

In accordance with its stated policy, on August 13, 2009, the NRC staff consulted with the Alabama State official, Mr. Kirk Whatley of the Alabama Department of Public Health, regarding the environmental impact of the proposed action. The State official had no comments.

FINDING OF NO SIGNIFICANT IMPACT

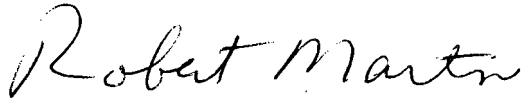
On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated June 9 and July 31, 2009. The June 9, 2009, letter and certain parts of the July 31, 2009, submittal contain proprietary and safeguards information and, accordingly, are not available to the public. Other parts of these documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Website: <http://www.nrc.gov/reading-rm/adams.html>.

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 send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 20th day of August 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "Robert Martin". The signature is written in a cursive style with a large initial "R" and a trailing flourish.

Robert E. Martin, Sr. Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Mr. Mark J. Ajluni
Manager, Nuclear Licensing
Vogtle Electric Generating Plant
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Sincerely,

/RA/

Robert E. Martin, Senior Project Manager
Plant Licensing Branch 2-1
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