



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

February 14, 2011

Mr. Mark J. Ajluni  
Nuclear Licensing Director  
Southern Nuclear Operating Company, Inc.  
40 Inverness Center Parkway  
P.O. Box 1295  
Bin - 038  
Birmingham, Alabama 35201

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2 (FARLEY),  
EVALUATION OF THE REQUEST FOR AN EXTENSION OF ENFORCEMENT  
DISCRETION IN ACCORDANCE WITH THE INTERIM ENFORCEMENT  
POLICY FOR FIRE PROTECTION ISSUES DURING TRANSITION TO THE  
NATIONAL FIRE PROTECTION STANDARD (NFPA) 805

Dear Mr. Ajluni:

On September 10, 2008, a revision to the U.S. Nuclear Regulatory Commission's (NRC's) Interim Enforcement Policy was published in the *Federal Register* (73 FR 52705) regarding enforcement discretion for certain fire protection issues, allowing licensees the option to request an extended enforcement discretion period for submittal of a license amendment request (LAR) if they are pursuing transition to Title 10 of the *Code of Federal Regulation* (10 CFR), Part 50, Section 50.48(c), "National Fire Protection Association Standard NFPA 805."

This revision states that an additional period of enforcement discretion may be granted on a case-by-case basis, if a licensee has made substantial progress in its transition effort. This additional period of enforcement discretion, if granted, would end 6 months after the date of the safety evaluation approving the second pilot plant LAR. These changes are in accordance with COMSECY-08-0022 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML081830602 and ML081830607), as approved by the Commission on August 19, 2008.

By letter dated November 5, 2010 (ADAMS Accession No. ML103120441), Southern Nuclear Operating Company (SNC, the licensee), requested that the period of fire protection enforcement discretion for Farley be extended until 6 months after the NRC's approval of the second pilot plant LAR to transition to the National Fire Protection Association's risk-informed, performance-based standard for light-water reactors (NFPA 805). Per the new interim fire protection enforcement policy outlined above, licensees may request an extension of their evaluation period beyond the 3 years of enforcement discretion previously provided (73 FR 52705).

To be granted this extension, a licensee must compile a list of all fire protection noncompliances and related compensatory measures, document that compensatory manual actions are feasible and reliable, submit a description of physical modifications to address existing risk-significant fire protection noncompliances, and submit a status report with milestones of the progress made in the following transition areas: classical fire protection, nuclear safety performance, non-power operations, and the NFPA 805 monitoring program.

M. Ajluni

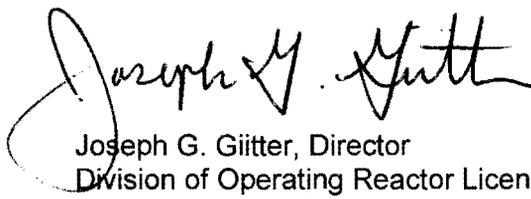
- 2 -

SNC's letter noted that substantial progress towards completion of the NFPA 805 transition has been made and requested that enforcement discretion be extended until 6 months past the approval of the second pilot plant LAR and continue during the period between submittal of the LAR and NRC approval of the Farley LAR. In addition, SNC's letter requested that any noncompliances identified while under enforcement discretion will continue under enforcement discretion between the end of the 6-month extension and submittal of the Farley NFPA 805 LAR. SNC's letter informed the NRC that the Farley LAR is scheduled to be submitted no later than March 31, 2012. Farley's 3 years of NFPA 805 enforcement discretion is currently scheduled to expire on February 14, 2011.

The NRC staff has reviewed the SNC enforcement discretion extension request for Farley. Based on the information provided by the licensee's November 5, 2010, letter, the NRC staff determined the licensee has demonstrated enough substantial progress towards transitioning to NFPA 805 to grant the extension of enforcement discretion for the period up to 6 months past the NRC approval of the second pilot plant LAR in accordance with the interim fire protection enforcement policy. With respect to any period of time between the end of the 6 months and the time SNC submits the Farley NFPA 805 LAR, the current policy does not make any provisions for enforcement discretion, therefore, the NRC staff cannot grant Farley additional enforcement discretion and Farley will be subjected to the normal Enforcement Policy.

If you have any questions regarding this matter, please contact Bob Martin, the project manager for Farley, at (301) 415-1493.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Giitter". The signature is fluid and cursive, with a large initial "J" and "G".

Joseph G. Giitter, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-348 and 50-364

cc: Distribution via Listserv

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Sincerely,

*/RA/*

Joseph G. Giitter, Director  
 Division of Operating Reactor Licensing  
 Office of Nuclear Reactor Regulation

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\* by memo dated

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