



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

March 25, 1992

Docket Nos. 50-348
and 50-364

Mr. W. G. Hairston, III
Senior Vice President
Southern Nuclear Operating
Company, Inc.
Post Office Box 1295
Birmingham, Alabama 35201-1295

Dear Mr. Hairston:

SUBJECT: RESPONSE TO APPEAL OF IMPOSITION OF A COMPLIANCE
BACKFIT REGARDING STAFF WORK SCHEDULES AT JOSEPH M.
FARLEY NUCLEAR PLANT, UNITS 1 AND 2 (FARLEY) (TAC NOS.
M79150 AND M79151)

By letter dated August 22, 1991, you responded to a Nuclear Regulatory Commission (NRC) staff letter dated May 24, 1991, which imposed a compliance exception backfit regarding staff work schedules. In your letter, you appealed the imposition of the backfit stating that the NRC staff's position represents a new or revised interpretation of the Technical Specifications and should be justified by a backfit analysis prepared in accordance with 10 CFR 50.109(c). On December 18, 1991, you presented your position to the Backfit Review Panel appointed to evaluate your appeal.

After careful consideration of your appeal, I have concluded that your interpretation of the Farley Technical Specifications is not consistent with a reasonable reading of their meaning. Nonetheless, since you have consistently followed your shift scheduling policy over many years and the NRC staff has permitted this activity through tacit approval over the years, a case can be made that the proposed backfit would be a new interpretation of what constitutes compliance and would require a backfit analysis. Rather than perpetuate what promises to be a debilitating exchange, I have determined that the plant specific Farley backfit should not be imposed at this time. Based on information obtained concerning the use of overtime at Farley, and in the industry in general, the NRC staff now recognizes the need to review the shift scheduling policy on a generic basis.

Since the issuance of Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours," the NRC has identified numerous instances in which licensees, including Farley, have used shift scheduling practices that were not consistent with the intent of the Commission's policy on overtime as contained in the Generic Letter. These findings have highlighted the need for the NRC to

9203300110 920325
PDR ADOCK 05000348
PDR

NRC FILE CENTER COPY

DF0110

reconsider the criteria for work scheduling in order to ensure that fatigue does not reduce the ability of plant personnel who perform safety-related duties to maintain the reactor in a safe condition. Furthermore, information presented in NUREG-1449, "Shutdown and Low Power Operation at Commercial Nuclear Power Plants in the United States," suggests that the risk associated with shutdown operations is greater than believed at the time Generic Letter 82-12 was issued. As a result, the NRC staff is reevaluating the current guidance for working hours when a unit is shutdown and intends to address concerns associated with fatigue and working hours in this mode on a generic basis as well.

Therefore, the compliance exception backfit imposed by the NRC staff's letter dated May 24, 1991, need not be implemented at this time pending completion of the NRC staff's generic review which is intended to further ensure that fatigue does not impact on plant safety. If our review indicates that the current policy assures adequate controls on staff work hours, we will reconsider our position regarding imposition of the backfit on Farley. No response to this letter is required.

Sincerely, Original signed by
Thomas E. Murley
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

cc: See next page

DISTRIBUTION

Docket File	E. Adensam	W. Russell
NRC & Local PDRs	S. Hoffman	J. Roe
PD21 Reading File	P. Anderson	B. Boger
T. Murley	OGC	J. Wermiel
J. Partlow (2)	ACRS (10)	F. Congel
S. Varga	L. Reyes RII	J. Richardson
G. Lainas		

*See previous concurrence

LA: PD21:DRPE PAnderson 3/24/92	PM: PD21:DRPE SHoffman:dt 3/24/92	D: DRPE: NRR JRoe 3/24/92	D: PD21 EAdensam 3/24/92
ADR: NRR* GLainas 3/17/92	D: DRPE: NRR* SVarga 3/17/92	ADR* JPartlow 3/20/92	ADT* WRussell 3/20/92
DD: NRR* FMiraglia 3/23/92	DIR: NRR TMurley 3/24/92		

Document Name: FAR79150.ltr

Mr. W. G. Hairston, III
Southern Nuclear Operating Company, Inc.

Joseph M. Farley Nuclear Plant

cc:

Mr. R. P. McDonald
President
Southern Nuclear
Operating Company, Inc.
P. O. Box 1295
Birmingham, Alabama 35201-1295

Claude Earl Fox, M.D.
State Health Officer
State Department of Public Health
State Office Building
Montgomery, Alabama 36130

Mr. J. D. Woodard
Vice-President-
Farley Project
Southern Nuclear Operating
Company, Inc.
P. O. Box 1295
Birmingham, Alabama 35201-1295

Chairman
Houston County Commission
P. O. Box 6406
Dothan, Alabama 36302

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, Suite 2900
Atlanta, Georgia 30323

Mr. L. B. Long
Vice President-Technical Services
Southern Nuclear Operating
Company, Inc.
P. O. Box 1295
Birmingham, Alabama 35201-1295

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

Mr. D. N. Morey
General Manager - Farley Nuclear Plant
Southern Nuclear Operating
Company, Inc.
P. O. Box 470
Ashford, Alabama 36312

Mr. B. L. Moore
Manager, Licensing
Southern Nuclear Operating
Company, Inc.
P. O. Box 1295
Birmingham, Alabama 35201-1295

Mr. J. W. McGowan
Manager, Safety Audit
and Engineering Review
Southern Nuclear Operating Company, Inc.
P. O. Box 1295
Birmingham, Alabama 35201-1295

James H. Miller, III, Esq.
Balch and Bingham
P. O. Box 306
1710 Sixth Avenue North
Birmingham, Alabama 35201