



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

November 7, 2022

EA-22-101

Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: JOSEPH M FARLEY, UNITS 1 AND 2 SPECIAL INSPECTION REPORT
05000348 2022440 AND 05000364 2022440 AND PRELIMINARY GREATER
THAN GREEN FINDING AND APPARENT VIOLATION

Dear Cheryl A. Gayheart:

On September 15, 2022, the U.S. Nuclear Regulatory Commission (NRC) completed a reactive inspection at Joseph M. Farley, Units 1 and 2. On October 25, 2022, the inspection team discussed the results of this inspection with you and other members of your staff.

The inspection commenced on September 12, 2022, in accordance with NRC Management Directive 8.3, "NRC Incident Investigation Program," and Inspection Manual Chapter 0309, "Reactive Inspection Decision Basis for Reactors," based on the initial risk and deterministic criteria evaluation made by the NRC on September 8, 2022.

The Special Inspection reviewed the circumstances surrounding an event that occurred on September 6, 2022, and examined activities conducted under your license as they relate to safety, security, and compliance with the Commission's rules and regulations, and with the conditions of your license.

The enclosed report documents a finding with an associated apparent violation that the NRC has preliminarily determined to have greater than very low security significance. We assessed the significance of each finding using the Baseline Security Significance Determination Process (SDP) and readily available information. The deficiencies were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspection team arrived onsite. We are considering escalated enforcement for the apparent violation consistent with our Enforcement Policy, which can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Enclosure(s) transmitted herewith contain(s) SUNSI. When separated from enclosure(s), this transmittal document is decontrolled.

C. Gayheart

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In accordance with NRC Inspection Manual Chapter (IMC) 0609, we intend to complete our evaluation using the best available information and issue our final determination of security significance within 90 days of the date of this letter. The significance determination process (SDP) encourages an open dialogue between your staff and the NRC; however, neither the dialogue nor the written information you provide should affect the timeliness of our final determination.

Before we make a final decision on this matter, we are providing you with an opportunity to (1) attend a Regulatory Conference where you can present to the NRC your perspective on the facts and assumptions the NRC used to arrive at the finding and assess its significance, or (2) submit your position on the finding to the NRC in writing. If you request a Regulatory Conference, it should be held within 40 days of the receipt of this letter, and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. The focus of the Regulatory Conference is to discuss the significance of the finding and not necessarily the root cause(s) or corrective action(s) associated with the finding. If a Regulatory Conference is held, it will be closed for public observation due to the security sensitivity of the issue. If you decide to submit only a written response, such submittal should be sent to the NRC within 40 days of your receipt of this letter.

If you choose to send a response, please include your perspective of the significance of the finding along with the related facts and assumptions used to reach your determination. Additionally, your response should be clearly marked as a "Response to an Apparent Violation; EA-22-101" and should include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Additionally, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Center, Washington, DC 20555-0001 with a copy to Mrs. Jannette Worosilo, U.S. Nuclear Regulatory Commission, Region II, within 40 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a Regulatory Conference.

If you decline to request a Regulatory Conference or to submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either, you fail to meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of NRC Inspection Manual Chapter 0609.

Please contact Jannette Worosilo at 404-997-4485 and in writing within 10 days from the issue date of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision. The final resolution of this matter will be conveyed in separate correspondence.

Because the NRC has not made a final determination in this matter, no Notice of Violation is being issued for this inspection finding at this time. In addition, please be advised that the number and characterization of the apparent violation described in the enclosed inspection report may change as a result of further NRC review.

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C. Gayheart

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In addition, one finding of very low security significance (Green) is documented in this report. This finding involved a violation of NRC requirements. We are treating this violation as a non-cited violation (NCV) consistent with Section 2.3.2 of the Enforcement Policy.

If you contest the NCV or the significance of the NCV documented in this inspection report, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region II; the Director, Office of Enforcement; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Joseph M. Farley, Units 1 and 2.

The following cross cutting aspect was assigned to the findings using Inspection Manual Chapter 0310 "Aspects Within Cross Cutting Areas:" [P.3] - Resolution.

If you disagree with the cross-cutting aspect assignment in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your disagreement, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region II; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Joseph M. Farley, Units 1 and 2.

This letter will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding."

The enclosed report contains Security-Related Information, so the enclosed report will not be made publicly available in accordance with 10 CFR 2.390(d)(1). If you choose to provide a response that contains Security-Related Information, please mark your entire response "Security-Related Information—Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). The NRC is waiving the affidavit requirements for your response in accordance with 10 CFR 2.390(b)(1)(ii).

Sincerely,



Signed by Franke, Mark
on 11/07/22

Mark E. Franke, Director,
Division of Reactor Safety

Docket Nos. 05000348 and 05000364
License Nos. NPF-2 and NPF-8

Enclosure:
As stated

cc w/o encl: Distribution via LISTSERV®

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SUBJECT: JOSEPH M. FARLEY, UNITS 1 AND 2 – SPECIAL INSPECTION
SUPPLEMENTAL REPORT 05000348/2022440 AND 05000364/2022440 AND
PRELIMINARY GREATER THAN GREEN AND APPARENT VIOLATION dated
November 7, 2022

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ADAMS ACCESSION NUMBER:ML 22312A548 (Cover letter)

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