

Southern Nuclear Operating Company  
Post Office Box 1295  
Birmingham, Alabama 35201  
Telephone (205) 868-5131



Southern Nuclear Operating Company  
*the southern electric system*

Dave Morey  
Vice President  
Farley Project

June 13, 1996

10 CFR 2.201

Docket Numbers: 50-348  
50-364

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Joseph M. Farley Nuclear Plant (FNP)  
Reply to a Notice of Violation (Notice)  
NRC Inspection Report Numbers 50-348/96-03 and 50-364/96-03


Ladies and Gentlemen:

As requested by your transmittal dated May 15, 1996, this letter responds to VIO 50-348, 364/96-03-05, "10 CFR 70.24(a) Criticality Monitor." The Southern Nuclear Operating Company (SNC) response to this violation is provided in the Attachment to this letter.

Confirmation

I affirm that the response is true and complete to the best of my knowledge, information, and belief.

Respectfully submitted,

  
Dave Morey

EFB/clt:nov70-24.doc

Attachment

cc: Mr. S. D. Ebnetter, Region II Administrator  
Mr. B. L. Siegel, NRR Senior Project Manager  
Mr. T. M. Ross, FNP Resident Inspector

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## RESPONSE TO VIO 50-348, 364/96-03-05

NRC Violation VIO 50-348, 364/96-03-05, "10 CFR 70.24(a) Criticality Monitor," states the following:

"During a NRC inspection conducted on March 17 through April 27, 1996 a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Part 70.24(a) of Title 10 of the Code of Federal Regulations, requires each licensee authorized to possess special nuclear material (SNM) of sufficient quantity, to maintain a radiation monitoring system in each area where SNM is handled or stored that will alarm if accidental criticality occurs. Furthermore, applicable emergency procedures must be maintained to ensure personnel are withdrawn to an area of safety when the alarm sounds.

Contrary to the above, the licensee never installed a radiation monitoring system in the Unit 1 or 2 new fuel storage areas capable of alarming should an accidental criticality occur. Furthermore, the licensee's initial exemptions from the requirements of 10 CFR 70.24(a) (contained as part of its original NRC Materials Licenses for possessing SNM) expired when the Unit 1 and 2 construction permits were converted to operating licenses in 1977 and 1981, respectively. At that time, the licensee failed to install a radiation monitoring system and implement appropriate emergency procedures, or renew its exemptions. Since then, the new fuel storage areas have been used to handle and store new fuel assemblies on a regular basis prior to each unit refueling outage.

This is a Severity Level IV violation (Supplement I)."

### Admission or Denial

The violation occurred as described in the Notice of Violation. However, it should be noted that the design of and safety analyses for the spent fuel pool and new fuel storage area, as well as the associated procedural control and technical specification requirements, ensure that conditions of accidental criticality are precluded. Additionally, Farley fuel storage requirements for new and spent fuel were reviewed and approved by the NRC in December 1991 with no safety concerns directed at the fuel storage and handling arrangement at Farley.

### Reason for Violation

The reason for this violation was personnel error. Specific exemptions from 10CFR70.24 were previously granted and were contained in the special nuclear material licenses for each unit. However, Licensing personnel failed to recognize the exemptions were omitted from the Part 50 operating licenses at the time those licenses were subsequently issued.

### Corrective Steps Taken and Results Achieved

SNC prepared an exemption request which was submitted to the NRC on May 31, 1996.

Corrective Steps That Will Be Taken to Avoid Further Violation

SNC will not place any fuel in the FNP Unit 1 or 2 new fuel storage areas until an exemption or compliance with 10CFR70.24 is achieved. Until exemption or compliance can be achieved, new fuel will be stored in shipping containers until unloaded for inspection, then transferred to spent fuel pool storage. Appropriate fuel handling procedures have been revised to ensure that new fuel is handled as described above.

Date of Full Compliance

June 11, 1996.