

October 5, 1993

Mr. C. K. McCoy
Vice President - Nuclear
Vogtle Project
Georgia Power Company
P. O. Box 1295
Birmingham, Alabama 35201

Dear Mr. McCoy:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - VOGTLE ELECTRIC
GENERATING PLANT, UNIT 1 (TAC NO. M87782)

The Nuclear Regulatory Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing" to the Office of the Federal Register for publication.

The notice relates to your application dated September 30, 1993, to amend the Vogtle Electric Generating Plant, Unit 1, Technical Specification surveillance requirement 4.6.1.2d by adding a footnote that extends the surveillance interval for the next required Type C leakage test of the auxiliary component cooling water (ACCW) supply and return containment isolation valves HV-1974 (and associated check valve 1-1217-U4-113), HV-1975, HV-1978, and HV-1979 to be extended from 24 months to prior to entry into Mode 4 following the next scheduled refueling outage (or the next forced outage requiring entry into Mode 5), but no later than November 1, 1994. The proposed amendment is a one-time only extension of the surveillance interval for the subject valves.

Sincerely,

Original signed by
C. E. Carpenter, Jr., Acting Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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Mr. C. K. McCoy
Georgia Power Company

Vogtle Electric Generating Plant

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONVOGTLE ELECTRIC GENERATING PLANT, UNIT 1DOCKET NO. 50-424NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-68, issued to Georgia Power Company, acting for itself, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees), for operation of the Vogtle Electric Generating Plant, Unit 1 (the facility) located in Burke County, Georgia.

The proposed amendment would be a one-time only revision to Technical Specification (TS) 4.6.1.2d, adding a footnote that would extend the 10 CFR Part 50, Appendix J, Section III.D.3, Type C test interval, for the Unit 1 auxiliary component cooling water (ACCW) supply and return containment isolation valves, from 24 months to prior to entry to Mode 4 following the next outage requiring entry into Mode 5, but no later than November 1, 1994.

Georgia Power Company submits that the proposed amendment involves exigent circumstances in that the 24 month testing interval, as specified in 10 CFR Part 50, Appendix J, Section III.D.3, and TS 4.6.1.2d, for the Unit 1 ACCW supply and return containment isolation valves, will expire on October 28, 1993, thus requiring the facility to be shut down and placed into Mode 5 prior to October 28, 1993, in order to perform the Type C test on the subject valves.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change is a one-time only extension of the Type C leakage test interval for the Unit 1 ACCW supply and return containment isolation valves. As such, it has no effect on the probability of any accident previously evaluated. Furthermore, based on the past leakage test history of these valves, there is reasonable assurance that extending the test interval to no later than November 1, 1994, (or the next forced outage that requires entry into Mode 5) will not adversely affect the ability of these valves to perform their isolation function. Therefore, the proposed change will not involve a significant increase in the consequences of any accident previously evaluated.
2. The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not change the configuration or method of operation of any plant equipment, and no new failure modes have been defined for any plant system or component. Furthermore, no new limiting failure has been identified as a result of the proposed change.
3. The proposed change does not involve a significant reduction in a margin of safety. There continues to be reasonable assurance that the subject valves will remain capable of performing their isolation

function. In addition, the proposed change avoids a plant shutdown solely for the purpose of performing Type C testing of these valves.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may

be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 12, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding;

(2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to David B. Matthews, Project Director, Project Directorate II-3: petitioner's name and telephone number, date petition was mailed, plant name, and publication date

and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troutman, Sanders, 600 Peachtree Street, Nations Bank Plaza, Suite 5200, Atlanta, Georgia 30308-2216, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 30, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 5th day of October 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



C. E. Carpenter, Jr., Acting Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation