

August 30, 1994

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

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS - VOGTLE ELECTRIC
GENERATING PLANT, UNIT 1 (TAC NO. M90229 AND M90230)

Dear Mr. McCoy:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for an amendment dated August 16, 1994, which would eliminate article 2.C(6) and the associated attachment 1 which lists special diesel generator (DG) maintenance and surveillance requirements.

Sincerely,

Original signed by:

Louis Wheeler, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-424

Enclosure: Notice

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Vice President - Nuclear
Vogtle Project
Georgia Power Company
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Louis Wheeler, Project Manager
Project Directorate II-3
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Mr. C. K. McCoy
Georgia Power Company

Vogtle Electric Generating Plant

cc:

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U. S. Nuclear Regulatory Commission
P. O. Box 572
Waynesboro, Georgia 30830

UNITED STATES NUCLEAR REGULATORY COMMISSIONGEORGIA POWER COMPANY, ET. ALDOCKET 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 Nos. NPF-68 issued to Georgia Power Company, Oglethorpe Power Corporation Municipal Electric Authority of Georgia, City of Dalton, Georgia (the licensee) for operation of the Vogtle Electric Generating Plant, Unit 1, located in Burke County, Georgia.

The proposed amendment would eliminate article 2.C(6) and the associated attachment 1 of the license. Article 2.C(6) references attachment 1 which lists special diesel generator (DG) maintenance and surveillance requirements.

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.

The Commission has made a proposed determination 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:

The change to the license will delete license conditions related to DG component inspections that were imposed based on the recommendations in NUREG-1216. Therefore, the detailed steps of preventive maintenance surveillance programs will become subject to the same degree of NRC staff review and approval as for DGs provided by other manufacturers. However, future revisions of the maintenance surveillance program are subject to the provisions of 10 CFR 50.59. The owners group in conjunction with the DG manufacturer is developing a generic DG management program. The transition from the current program to the generic program will be accomplished under the provisions of 10 CFR 50.59.

The requirements imposed by attachment 1 to the license were in addition to the Technical Specifications surveillance and maintenance requirements for DGs in nuclear service. The requirements of attachment 1 were imposed due to the unresolved concerns about the reliability of TDI DGs that existed at the time of issuance of the VEGP Unit 1 license. Since that time the concerns have been resolved by substantial operational data and inspection results which have demonstrated that these DGs may be treated on a par with other DGs within the nuclear industry and subjected to the same standard regulations without the special requirements of NUREG-1216. The proposed change will result in continuing DG performance in accordance with NRC requirements for this function, and it is likely to result in improved availability. The current Technical Specification surveillance requirements will continue to assure that the DGs are proven at regular intervals to perform in accordance with NRC requirements. These license conditions have been technically justified on the basis of current reliability data and inspection results of operating TDI DGs throughout the last several years. The NRC staff has agreed with these conclusions as documented in the SER for the topical report.

The current DG maintenance and surveillance program for the VEGP DGs is in agreement with the applicable portions of the surveillance and maintenance programs described in the topical report and with the requirements of the Technical Specifications. Any subsequent changes to the surveillance and maintenance requirements currently contained in attachment 1 to the license following the removal of the attachment from the Operating License will be made in accordance with 10 CFR 50.59.

Based on the above considerations, GPC has concluded the following concerning 10 CFR 50.92.

1. The proposed change to the license does not involve a significant increase in the probability or consequences of an accident previously evaluated because the availability and

reliability of the DGs will remain within the limits previously assumed in the safety analyses.

2. The proposed change to the license does not create the possibility of a new or different kind of accident from any accident previously evaluated because it does not result in any physical changes to the plant or in its modes of operation and the DGs have been demonstrated to operate at a level of reliability that is consistent with that which was previously determined to be acceptable for this application.
3. The proposed deletion from the license does not involve a significant reduction in a margin of safety because the results of the operational data and inspection reports have demonstrated that the license conditions are not required to assure that the DGs will be maintained in a state of reliability consistent with that assumed for the safety analyses.

The NRC staff has reviewed the licensee's analysis in conjunction with its cover letter, 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 30 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 30-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 30-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 and

provide for opportunity for a hearing after 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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville 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 October 6, 1994, 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 Public Library, 412 Fourth St. 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 Herbert N. Berkow: 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 Arthur H. Dombey, Troutman Sanders, Nations Bank Plaza, 600 Peachtree Street, NE. Atlanta, Georgia 30308, 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 August 16, 1994, 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

the Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 30th day of August 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Louis Wheeler", with a horizontal line extending from the end of the signature.

Louis Wheeler, Project Manager
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation