

50-424



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

March 17, 1997

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

Dear Mr. McCoy:

**SUBJECT: ISSUANCE OF AMENDMENTS - VOGTLE ELECTRIC GENERATING PLANT,
UNITS 1 AND 2 (TAC NOS. M84531 AND M84532)**

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 97 to Facility Operating License No. NPF-68 and Amendment No. 75 to Facility Operating License NPF-81 for the Vogtle Electric Generating Plant (VEGP), Units 1 and 2. The amendments consist of changes to the Facility Operating Licenses, Technical Specifications, the Environmental Protection Plans, and Antitrust Conditions in response to your application dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996.

The amendments modify the Facility Operating Licenses, Technical Specifications, Environmental Protection Plans, and Antitrust Conditions to add Southern Nuclear Operating Company, Inc. (Southern Nuclear), as operator of the facility, with exclusive responsibility and control over its physical construction, operation, and maintenance.

The staff review of your application to transfer the VEGP operating licenses to Southern Nuclear included consideration of numerous issues raised in a petition received by the NRC under the provisions of 10 CFR 2.206. In addition, a substantial record was developed during a proceeding conducted by the Atomic Safety and Licensing Board that was initiated by a request for a hearing filed with the NRC. The NRC Office of Investigations investigated certain issues that were the subject of allegations received by the NRC, and the staff performed inspections. As a result of its review of the records of these activities and the application, the staff finds sufficient basis to grant the proposed license transfers.

The transfer of any right under the operating licenses is subject to NRC approval in accordance with 10 CFR 50.80(a). This approval is given in the enclosed Order Approving Transfer of Licenses, which must be implemented within 60 days of its date of issuance, otherwise it shall become null and void. However, upon written application and for good cause shown, this date may be extended. The Order is being forwarded to the Office of the Federal Register for publication.

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Mr. C. K. McCoy

- 2 -

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

Original signed by:

Louis L. Wheeler, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

- 1. Amendment No. 97 to NPF-68
- 2. Amendment No. 75 to NPF-81
- 3. Safety Evaluation
- 4. Order

cc w/enclosures:
See next page

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DOCUMENT NAME: **A:\AMDT.VOG** *see previous concurrences

OFFICE	PDII-2/PM	PDII-2/LA	OGC	PGEB	HQMB
NAME	L. WHEELER	L. BERRY	M. YOUNG*	DMATTHEWS*	SBLACK*
DATE	3/18/97	3/19/97	1/24/97	12/19/96	12/10/96
COPY	YES	YES	YES	YES	YES
OFFICE	PEPB	PSGB	EELB	HHFB	
NAME	CMILLER*	JCUNNINGHAM*	JCALVO*	CTHOMAS*	
DATE	12/11/96	12/10/96	12/11/96	12/10/96	
COPY	YES	YES NO	NO	YES	
OFFICE	D:PDII-2	DRPE	ADPR	NRR:D(A)	
NAME	HBERKOW*	SVARGA*	RZIMMERMAN*	FMIRAGLIA*	
DATE	1/28/97	1/29/97	2/3/97	2/6/97	
COPY	YES	YES	YES	YES NO	

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Mr. C. K. McCoy

- 2 -

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,



Louis L. Wheeler, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 97 to NPF-68
2. Amendment No. 75 to NPF-81
3. Safety Evaluation
4. Order

cc w/enclosures:
See next page

Georgia Power Company

cc:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-424

VOGTLE ELECTRIC GENERATING PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 97
License No. NPF-68

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Vogtle Electric Generating Plant, Unit 1 (the facility), Facility Operating License No. NPF-68 filed by the Georgia Power Company, acting for itself, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees), dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. NPF-68 is hereby amended by changing the license, Technical Specifications, Environmental Protection Plan, and Antitrust Conditions as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Frank J. Miraglia, Jr., Acting Director
Office of Nuclear Reactor Regulation

Attachments:

1. Facility Operating License
No. NPF-68
2. Technical Specification
changes
3. Environmental Protection Plan
4. Antitrust Conditions

Date of Issuance: March 17, 1997

ATTACHMENT TO LICENSE AMENDMENT NO. 97

FACILITY OPERATING LICENSE NO. NPF-68

DOCKET NO. 50-424

1. Replace the Facility Operating License NPF-68 in its entirety with the revised Facility Operating License NPF-68.
2. Replace the following pages of the Appendix "A" Technical Specifications and Appendix "B" (Environmental Protection Plan) with the enclosed pages. The revised pages are identified by Amendment number and contain vertical lines indicating the areas of change.

	<u>Remove Pages</u>	<u>Insert Pages</u>
Appendix A	1-6	1-6
Appendix B	Cover	Cover
	1-1	1-1
	4-2	4-2
	4-3	4-3

3. Replace the Antitrust Conditions of Facility Operating License NPF-68 (Appendix C) in its entirety with the revised Antitrust Conditions.

**FACILITY OPERATING LICENSE
NO. NPF-68**

VOGTLE UNIT 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-424

VOGTLE ELECTRIC GENERATING PLANT, UNIT 1

FACILITY OPERATING LICENSE

License No. NPF-68

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by the Georgia Power Company acting for itself, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I; and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Vogtle Electric Generating Plant, Unit 1 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-108 and the application, as amended, the provisions of the of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D below);
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commissions's regulations set forth in 10 CFR Chapter I (except as exempted from compliance in Section 2.D. below);

- E. Southern Nuclear Operating Company, Inc.* (herein called Southern Nuclear), is technically qualified and, together, Southern Nuclear and the Owners are financially qualified to engage in the activities authorized by this license in accordance with the Commission's regulations set forth in 10 CFR Chapter 1;
 - F. The Owners have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-68, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70.
2. Based on the foregoing findings and the Partial Initial Decision and the Concluding Partial Initial Decision issued by the Atomic Safety and Licensing Board on August 27 and December 23, 1986, respectively, regarding this facility and satisfaction of conditions therein imposed, and pursuant to approval by the Nuclear Regulatory Commission at a meeting held on March 12, 1987, Facility Operating License No. NPF-61, issued on January 16, 1987, is superseded by Facility Operating License No. NPF-68, hereby issued to Southern Nuclear, Georgia Power Company (GPC), Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees) to read as follows:

* Southern Nuclear succeeds Georgia Power Company as the operator of Vogtle Electric Generating Plant, Unit 1. Southern Nuclear is authorized by the Owners to exercise exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

- A. This license applies to the Vogtle Electric Generating Plant, Unit 1, a pressurized water reactor and associated equipment (the facility) owned by GPC, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, and operated by Southern Nuclear. The facility is located in Burke County, Georgia, on the west bank of the Savannah River approximately 25 miles south of Augusta, Georgia, and is described in the Final Safety Analysis Report, as supplemented and amended, and in the Environmental Report, as supplemented and amended;
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
- (1) Southern Nuclear, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, manage, use, maintain, and operate the facility at the designated location in Burke County, Georgia, in accordance with the procedures and limitations set forth in this license;
 - (2) Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, pursuant to the Act and 10 CFR Part 50, to possess, but not operate the facility at the designated location in Burke County, Georgia, in accordance with the procedures and limitations set forth in this license;
 - (3) Southern Nuclear, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (5) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
 - (6) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility authorized herein.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below.

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at reactor core power levels not in excess of 3565 megawatts thermal (100 percent power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 97, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

The Surveillance Requirements (SRs) contained in the Appendix A Technical Specifications and identified below are not required to be performed immediately upon implementation of Amendment No. 96.

SRs 3.8.1.9 and 3.8.4.7 shall be successfully demonstrated prior to the first entry into MODE 4 following the seventh refueling.

(3) Initial Startup Test Program (Section 14, SER)*

Any changes to the Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(4) Emergency Planning (Section 13.3, SER and SSERs 2, 3, 4, and 5)

In the event that the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR Section 50.54(s)(2) will apply.

* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

(5) Steam Generator Tube Rupture (Section 15.6.3, SER and SSER 3)

By March 1, 1988, GPC shall submit for NRC review a revised plant-specific steam generator tube rupture analysis based on the Westinghouse Owner's Group generic resolution, which includes radiological consequence analyses, analysis of steamline static load in the event of overfill, and justification that systems and components credited in the analysis to mitigate accident consequences are safety related.

(6) DELETED

(7) NUREG-0737 Items

- a. Compliance with NUREG-0737, Item II.F.2 (Section 4.4.8, SER and SSERs 1 and 4)

In accordance with NUREG-0737, Item II.F.2, GPC shall submit the proposed reactor vessel level instrumentation system (RVLIS) report by June 1, 1987.

- b. Supplemental Report on Safety Parameter Display System (Section 18.2, SSER 6)

GPC shall submit by March 1, 1988, a supplemental report on the safety parameter display system as discussed in Section 18.2 of SSER 6.

- c. Supplemental Summary Report on Detailed Control Room Design Review (Section 18, SSER 5)

GPC shall submit by March 1, 1988, a Supplemental Summary Report on the detailed control room design review discussing:

1. the final results of the remaining control room surveys (ambient noise; illumination; heating, ventilation, and air conditioning; plant safety monitoring system computer survey; automatic turbine supervisory instrumentation computer survey; and communications) and the resolution of any human engineering discrepancies (HEDs) resulting from these surveys
2. a complete assessment of cumulative and interactive effects of the HEDs
3. the completed review of annunciator nuisance alarms and modifications to minimize nuisance alarms and the number of annunciator windows lit during normal operations

4. documentation showing tradeoff analyses and other information used in resolving HEDs
5. the methodology by which control room changes were to be factored into the operators' training program
6. procedures that incorporate human factors review into the design process for future control room modifications

(8) Zinc Coating of Diesel Fuel Oil Storage Tanks (Section 9.5.4.2, SSER 4)

Prior to restart following the first refueling, GPC shall (1) replace the zinc coating in the diesel generator fuel oil storage tanks with a coating which does not contain zinc or (2) by March 1, 1988 provide an acceptable justification to the staff that the present fuel oil storage tank zinc-based coating will not affect the operability and reliability of the diesel generators over the life of the plant as specified in IE Circular 77-15.

If option (1) is chosen, GPC shall provide the NRC with a modification status report 30 days before the expiration of the license condition.

(9) Alternate Radwaste Facility (Section 11.4, SSERs 3 and 4)

Prior to restart following the first refueling, the ventilation exhaust of the alternate radwaste facility shall be modified to exhaust through HEPA filters already installed in the auxiliary building HVAC system.

GPC shall provide the NRC with a modification status report 30 days before the expiration of the license condition.

- D. The facility requires exemptions from certain requirements of 10 CFR Part 50 and 10 CFR Part 70. These include (a) an exemption from the requirements of 10 CFR 70.24 for two criticality monitors around the fuel storage area, (b) an exemption from the requirements of Paragraph III.D.2(b)(ii) of Appendix J of 10 CFR 50, the testing of containment air locks at times when containment integrity is not required, and (c) a scheduler exemption from 10 CFR 50.34(b)(2)(i) as it pertains to GDC 2, 61, and 62 of Appendix A to 10 CFR 50 for the spent fuel pool racks for the time period before the racks contain irradiated fuel. The special circumstances regarding exemptions b and c are identified in Sections 6.2.6 and 9.1.2 of SSER 5, respectively.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1967, issued August 21, 1986, and relieved GPC from the requirement of having a criticality alarm system. GPC and Southern Nuclear are hereby exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions in items b and c above are granted pursuant to 10 CFR 50.12. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans are entitled: "Vogtle Electric Generating Plant Unit 1 and Unit 2 Physical Security and Contingency Plan" (which contains Safeguards Information protected under 10 CFR 73.21) with revisions submitted through September 12, 1996, and "Vogtle Electric Generating Plant Guard Training and Qualification Plan," with revisions submitted through March 13, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, and submittals dated July 2, August 4 and 13, October 10 and 24, November 5, and December 19, 1986, and January 2, 1987, as approved in the SER (NUREG-1137) through Supplement 5 subject to the following provision:

Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

H. Reporting to the Commission

Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

- I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- J. This license is effective as of the date of issuance and shall expire at midnight on January 16, 2027.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Attachment 1 - DELETED
2. Appendix A - Technical Specifications
3. Appendix B - Environmental Protection Plan
4. Appendix C - Antitrust Conditions

Date of Issuance: March 16, 1987

APPENDIX A
TECHNICAL SPECIFICATIONS

DEFINITIONS

SOLIDIFICATION

1.33 Deleted.

SOURCE CHECK

1.34 A SOURCE CHECK shall be the qualitative assessment of channel response when the channel sensor is exposed to a source of increased radioactivity.

STAGGERED TEST BASIS

1.35 A STAGGERED TEST BASIS shall consist of:

- a. A test schedule for n systems, subsystems, trains, or other designated components obtained by dividing the specified test interval into n equal subintervals, and
- b. The testing of one system, subsystem, train, or other designated component at the beginning of each subinterval.

THERMAL POWER

1.36 THERMAL POWER shall be the total reactor core heat transfer rate to the reactor coolant.

TRIP ACTUATING DEVICE OPERATIONAL TEST

1.37 A TRIP ACTUATING DEVICE OPERATIONAL TEST shall consist of operating the Trip Actuating Device and verifying OPERABILITY of alarm, interlock and/or trip functions. The TRIP ACTUATING DEVICE OPERATIONAL TEST shall include adjustment, as necessary, of the Trip Actuating Device such that it actuates at the required Setpoint within the required accuracy.

UNIDENTIFIED LEAKAGE

1.38 UNIDENTIFIED LEAKAGE shall be all leakage which is not IDENTIFIED LEAKAGE or CONTROLLED LEAKAGE.

UNRESTRICTED AREA

1.39 An UNRESTRICTED AREA shall be any area at or beyond the SITE BOUNDARY access to which is not controlled by the licensee* for purposes of protection of individuals from exposure to radiation and radioactive materials, or any area within the SITE BOUNDARY used for residential quarters or for industrial, commercial, institutional, and/or recreational purposes.

* The term "Licensee" when used in the Vogtle technical specifications shall refer to Southern Nuclear Operating Company, Inc.

APPENDIX B
ENVIRONMENTAL PROTECTION
PLAN

March 31, 1989

APPENDIX B

TO

**FACILITY OPERATING LICENSE NO. NPF-68
AND FACILITY OPERATING LICENSE NO. NPF-81**

**VOGTLE ELECTRIC GENERATING PLANT
UNITS 1 AND 2**

**SOUTHERN NUCLEAR
DOCKET NOS. 50-424 AND 50-425**

**ENVIRONMENTAL PROTECTION PLAN
(NONRADIOLOGICAL)**

Amendment No. 97
Amendment No. 75

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement - Operating License Stage (FES-OL) and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's* NJPDES permit. |

* The term licensee, when used in the Vogtle Environmental Protection Plan, refers to Southern Nuclear Operating Company, Inc. (Southern Nuclear). |

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.

4.2.3 Maintenance of Transmission Line Corridors

The use of herbicides within the Vogtle Electric Generating Plant transmission line corridors (VEGP-Thalman, VEGP-Scherer, Georgia side of VEGP-South Carolina Electric and Gas, and VEGP-Goshen) shall conform to the approved use of selected herbicides as registered by the Environmental Protection Agency and approved by the State of Georgia authorities and applied as directed on the herbicide label.

Records shall be maintained in accordance with EPA or State of Georgia requirements by the Georgia Power Company's Transmission Operating and Maintenance Department concerning herbicide use. Such records shall be made readily available to the NRC upon request. There shall be no routine reporting requirement associated with the condition.

4.2.3.1 Ebenezer Creek

Any routine maintenance involving trimming of the trees within the National Natural Landmark area necessary to maintain conductor clearance shall be done by hand (Section 5.2.2, FES-OL).

4.2.3.2 Francis Plantation

Routine maintenance involving trimming of the trees within the National Register of Historic Places property necessary to maintain conductor clearance shall be done by hand (Memorandum of Agreement between Advisory Council on Historic Preservation (ACHP), U.S. Nuclear Regulatory Commission (NRC), State Historic Preservation Officer (SHPO) for Georgia Power Company).

4.2.3.3 Cultural Properties Along Transmission Line Corridors

Routine maintenance activities in these area will be in accordance with the Final Cultural Resource Management Plan.

4.2.4 Noise Monitoring

Complaints received by Georgia Power Company or Southern Nuclear regarding noise along the high voltage transmission lines (VEGP-Goshen, VEGP-Scherer, VEGP-Thalman, and Georgia side of VEGP-SCEG) and a report of the actions taken in response to any complaints shall be submitted to the NRC in the annual report (FES-OL Section 5.12.2).

APPENDIX C
ANTITRUST CONDITIONS

Appendix C

Antitrust Conditions

The following antitrust conditions are hereby incorporated in Facility Operating License NPF-68:

(1) As used herein:

(a) "Entity" means any financially responsible person, private or public corporation, municipality, county, cooperative, association, joint stock association or business trust, owning, operating or proposing to own or operate equipment or facilities within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) for the generation, transmission or distribution of electricity, provided that, except for municipalities, counties, or rural electric cooperatives, "entity" is restricted to those which are or will be public utilities under the laws of the State of Georgia or under the laws of the United States, and are or will be providing retail electric service under a contract or rate schedule on file with and subject to the regulation of the Public Service Commission of the State of Georgia or any regulatory agency of the United States, and provided further, that as to municipalities, counties or rural electric cooperatives, "entity" is restricted to those which provide electricity to the public at retail within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) or to responsible and legally qualified organizations of such municipalities, counties and/or cooperatives in the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) to the extent they may bind their members.

(b) "Power Company" means Georgia Power Company, any successor, assignee of this license, or assignee of all or substantially all of Georgia Power Company's assets, and any affiliate or subsidiary of Georgia Power Company to the extent it engages in the ownership of any bulk power supply generation or transmission resource in the State of Georgia (but specifically not including (1) flood rights and other land rights acquired in the State of Georgia incidental to hydro-electric generation facilities located in another state and (2) facilities located west of the thread of the stream on that part of the Chattahoochee River serving as the boundary between the States of Georgia and Alabama).

(2) Power Company recognizes that it is often in the public interest for those engaging in bulk power supply and purchases to interconnect, coordinate for reliability and economy, and engage in bulk power supply transactions in order to increase interconnected system reliability and reduce the costs of electric power. Such arrangements must provide for Power Company's costs (including a reasonable return) in connection therewith and allow other participating entities full access to the benefits available from interconnected bulk power supply operations and must provide net benefits to Power Company. In entering into such arrangements neither Power Company nor any other participant should be

required to violate the principles of sound engineering practice or forego a reasonably contemporaneous alternative arrangement with another, developed in good faith in arms length negotiations (but not including arrangements between Power Company and its affiliates or subsidiaries which impair such arrangements made in good faith between Power Company and a non-affiliate or non-subsidiary) which affords it greater benefits. Any such arrangement must provide for adequate notice and joint planning procedures consistent with sound engineering practice, and must relieve Power Company from obligations undertaken by it in the event such procedures are not followed by any participating entity.

Power Company recognizes that each entity may acquire some or all of its bulk power supply from sources other than applicant.

In the implementation of the obligations stated in the succeeding paragraphs, Power Company and entities shall act in accordance with the foregoing principles, and these principles are conditions to each of Power Company's obligations herein undertaken.

- (3) Power Company shall interconnect with any entity which provides, or which has undertaken firm contractual obligations to provide, some or all of its bulk power supply from sources other than Power Company on terms to be included in an interconnection agreement which shall provide for appropriate allocation of the costs of interconnection facilities; provided, however, that if an entity undertakes to negotiate such a firm contractual obligation, the Power Company shall, in good faith, negotiate with such entity concerning any proposed interconnection. Such interconnection agreement shall provide, without undue preference or discrimination, for the following, among other things, insofar as consistent with the operating necessities of Power Company's and any participating entity's systems:

- (a) maintenance and coordination of reserves, including, where appropriate, the purchase and sale thereof,
- (b) emergency support,
- (c) maintenance support,
- (d) economy energy exchanges,
- (e) purchase and sale of firm and non-firm capacity and energy,
- (f) economic dispatch of power resources within the State of Georgia,

provided, however, that in no event shall such arrangements impose a higher percentage of reserve requirements on the participating entity than that maintained by Power Company for similar resources.

- (4) Power Company shall sell full requirements power to any entity. Power Company shall sell partial requirements power to any entity. Such sales

shall be made pursuant to rates on file with the Federal Power Commission, or any successor regulatory agency, and subject to reasonable terms and conditions.

- (5) (a) Power Company shall transmit ("transmission service") bulk power over its system to any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Power Company for the use of its system, to the extent that such arrangements can be accommodated from a functional engineering standpoint and to the extent that Power Company has surplus line capacity or reasonably available funds to finance new construction for this purpose. To the extent the entity or entities are able, they shall reciprocally provide transmission service to Power Company. Transmission service will be provided under this subparagraph for the delivery of power to an entity for its or its member's consumption and retail distribution or for casual resale to another entity for (1) its consumption or (2) its retail distribution. Nothing contained herein shall require the Power Company to transmit bulk power so as to have the effect of making the Tennessee Valley Authority ("TVA") or its distributors, directly or indirectly, a source of power supply outside the area determined by the TVA Board of Directors by resolution of May 16, 1966 to be the area for which the TVA or its distributors were the primary source of power supply on July 1, 1957, the date specified in the Revenue Bond Act of 1959, 16 USC 831 n-4.
 - (b) Power Company shall transmit over its system from any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Power Company for the use of its system, bulk power which results from any such entity having excess capacity available from self-owned generating resources in the State of Georgia, to the extent such excess necessarily results from economic unit sizing or from failure to forecast load accurately or from such generating resources becoming operational earlier than the planned in-service date, to the extent that such arrangements can be accommodated from a functional engineering standpoint, and to the extent Power Company has surplus line capacity available.
- (6) Upon request, Power Company shall provide service to any entity purchasing partial requirements service, full requirements service or transmission service from Power Company at a delivery voltage appropriate for loads served by such entity, commensurate with Power Company's available transmission facilities. Sales of such service shall be made pursuant to rates on file with the Federal Power Commission or any successor regulatory agency, and subject to reasonable terms and conditions.
 - (7) Upon reasonable notice Power Company shall grant any entity the opportunity to purchase an appropriate share in the ownership of, or, at the option of the entity, to purchase an appropriate share of unit power

from, each of the following nuclear generating units at Power Company's costs, to the extent the same are constructed and operated: Hatch 2, Vogtle 1, Vogtle 2, and any other nuclear generating unit constructed by Power Company in the State of Georgia which, in the application filed with the USAEC or its successor agency, is scheduled for commercial operation prior to January 1, 1989.

An entity's request for a share must have regard for the economic size of such nuclear unit(s), for the entity's load size, growth and characteristics, and for demands upon Power Company's system from other entities and Power Company's retail customers, all in accordance with sound engineering practice. Executory agreements to accomplish the foregoing shall contain provisions reasonably specified by Power Company requiring the entity to consummate and pay for such purchase by an early date or dates certain. For purposes of this provision, "unit power" shall mean capacity and associated energy from a specified generating unit.

- (8) Southern Nuclear shall not market or broker power or energy from Vogtle Electric Generating Plant, Unit 1. Georgia Power Company shall continue to be responsible for compliance with the obligations imposed on it by the antitrust conditions contained in this Appendix C of the license. Georgia Power Company is responsible and accountable for the actions of Southern Nuclear, to the extent that Southern Nuclear's actions may, in any way, contravene the antitrust conditions of this Appendix C.
- (9) To effect the foregoing conditions, the following steps shall be taken:
 - (a) Power Company shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate transmission tariff available to any entity;
 - (b) Power Company shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate partial requirements tariff available to any entity; Power Company shall have its liability limited to the partial requirements service actually contracted for and the entity shall be made responsible for the security of the bulk power supply resources acquired by the entity from sources other than the Power Company;
 - (c) Power Company shall amend the general terms and conditions of its current Federal Power Commission tariff and thereafter maintain in force as needed provisions to enable any entity to receive bulk power at transmission voltage at appropriate rates;
 - (d) Power Company shall not have the unilateral right to defeat the intended access by each entity to alternative sources of bulk power supply provided by the conditions to this license; but Power Company shall retain the right to seek regulatory approval of changes in its tariffs to the end that it be adequately compensated for services it provides, specifically including, but not limited to, the provisions of Section 205 of the Federal Power Act;

- (e) Power Company shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the conditions of this license;
- (f) Power Company affirms that no consents are or will become necessary from Power Company's parent, affiliates or subsidiaries to enable Power Company to carry out its obligations hereunder or to enable the entities to enjoy their rights hereunder;
- (g) All provisions of these conditions shall be subject to and implemented in accordance with the laws of the United States and of the State of Georgia, as applicable, and with rules, regulations and orders of agencies of both, as applicable.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-425

VOGTLE ELECTRIC GENERATING PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 75
License No. NPF-81

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Vogtle Electric Generating Plant, Unit 2 (the facility), Facility Operating License No. NPF-81 filed by the Georgia Power Company, acting for itself, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees), dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. NPF-81 is hereby amended by changing the license, Technical Specifications, Environmental Protection Plan, and Antitrust Conditions as indicated in the attachment to this license amendment.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Frank J. Miraglia, Jr., Acting Director
Office of Nuclear Reactor Regulation

Attachments:

1. Facility Operating License
No. NPF-81
2. Technical Specification
changes
3. Environmental Protection Plan
4. Antitrust Conditions

Date of Issuance: March 17, 1997

ATTACHMENT TO LICENSE AMENDMENT NO. 75

FACILITY OPERATING LICENSE NO. NPF-81

DOCKET NO. 50-425

1. Replace the Facility Operating License NPF-81 in its entirety with the revised Facility Operating License NPF-81.
2. Replace the following pages of the Appendix "A" Technical Specifications and Appendix "B" (Environmental Protection Plan) with the enclosed pages. The revised pages are identified by Amendment number and contain vertical lines indicating the areas of change.

	<u>Remove Pages</u>	<u>Insert Pages</u>
Appendix A	1-6	1-6
Appendix B	Cover	Cover
	1-1	1-1
	4-2	4-2
	4-3	4-3

3. Replace the Antitrust Conditions of Facility Operating License NPF-81 (Appendix C) in its entirety with the revised Antitrust Conditions.

**FACILITY OPERATING LICENSE
NO. NPF-81**

VOGTLE UNIT 2



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-425

VOGTLE ELECTRIC GENERATING PLANT, UNIT 2

FACILITY OPERATING LICENSE

License No. NPF-81

1. The Nuclear Regulatory Commission (the Commission or the NRC) has found that:
 - A. The application for license filed by the Georgia Power Company (GPC) acting for itself, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I; and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Vogtle Electric Generating Plant, Unit 2 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-109 and the application, as amended, the provisions of the of the Act and the regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission (except as exempted from compliance in Section 2.D below);
 - D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commissions's regulations set forth in 10 CFR Chapter I (except as exempted from compliance in Section 2.D. below);

- E. Southern Nuclear Operating Company, Inc.* (herein called Southern Nuclear) is technically qualified and, together, Southern Nuclear and the Owners are financially qualified to engage in the activities authorized by this license in accordance with the Commission's regulations set forth in 10 CFR Chapter 1;
 - F. The Owners have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-81, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied;
 - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70.
2. Based on the foregoing findings and the Partial Initial Decision and the Concluding Partial Initial Decision issued by the Atomic Safety and Licensing Board on August 27 and December 23, 1986, respectively, regarding this facility and satisfaction of conditions therein imposed, and pursuant to approval by the Nuclear Regulatory Commission at a meeting held on March 30, 1989, Facility Operating License No. NPF-79, issued on February 9, 1989 is superseded by Facility Operating License No. NPF-81, hereby issued to the Southern Nuclear, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia to read as follows:

* Southern Nuclear succeeds Georgia Power Company as the operator of Vogtle Electric Generating Plant, Unit 2. Southern Nuclear is authorized by the Owners to exercise exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

- A. This license applies to the Vogtle Electric Generating Plant, Unit 2, a pressurized water reactor and associated equipment (the facility) owned by GPC, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, and operated by Southern Nuclear. The facility is located in Burke County, Georgia, on the west bank of the Savannah River approximately 25 miles south of Augusta, Georgia, and is described in the Final Safety Analysis Report, as supplemented and amended, and in the Environmental Report, as supplemented and amended;
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
- (1) Southern Nuclear, pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, manage, use, maintain, and operate the facility at the designated location in Burke County, Georgia, in accordance with the procedures and limitations set forth in this license;
 - (2) Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, pursuant to the Act and 10 CFR Part 50, to possess but not operate the facility at the designated location in Burke County, Georgia, in accordance with the procedures and limitations set forth in this license;
 - (3) Southern Nuclear, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (5) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
 - (6) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of Vogtle Electric Generating Plant, Units 1 and 2.

- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below.

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at reactor core power levels not in excess of 3565 megawatts thermal (100 percent power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 75, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

The Surveillance Requirements (SRs) contained in the Appendix A Technical Specifications and listed below are not required to be performed immediately upon implementation of Amendment No. 74. The SRs listed below shall be successfully demonstrated prior to the time and condition specified below for each:

- a) SRs 3.8.1.8, 3.8.1.11 and 3.8.1.13 shall be successfully demonstrated prior to the first entry into MODE 4 following the fifth refueling outage.
- b) SR 3.8.1.9 shall be successfully demonstrated prior to the first entry into MODE 4 following the sixth refueling outage.
- c) SR 3.8.1.20 shall be successfully demonstrated at the first regularly scheduled performance after implementation of this license amendment.

- D. The facility requires exemptions from certain requirements of 10 CFR Part 50 and 10 CFR Part 70. These include (a) an exemption from the requirements of 10 CFR 70.24 for two criticality monitors around the fuel storage area, (b) an exemption from the requirements of Paragraph III.D.2(b)(ii) of Appendix J of 10 CFR 50, the testing of containment air locks at times when containment integrity is not required, and (c) an exemption from the schedule requirements of 10 CFR 50.33(k)(1) related to availability of funds for decommissioning the facility. The special circumstances regarding exemptions b and c are identified in Sections 6.2.6 and 22.5 of SSER 8, respectively.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1981, issued July 13, 1988, and relieved GPC from the requirement of having a criticality alarm system. GPC and Southern Nuclear are hereby exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions in items b and c above are granted pursuant to 10 CFR 50.12. With these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans are entitled: "Vogtle Electric Generating Plant Unit 1 and Unit 2 Physical Security and Contingency Plan" (which contains Safeguards Information protected under 10 CFR 73.21) with revisions submitted through September 12, 1996, and "Vogtle Electric Generating Plant Guard Training and Qualification Plan," with revisions submitted through March 13, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, as approved in the SER (NUREG-1137) through Supplement 9 subject to the following provision:

Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

H. Reporting to the Commission

Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

J. This license is effective as of the date of issuance and shall expire at midnight on February 9, 2029.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Appendix A - Technical Specifications
2. Appendix B - Environmental Protection Plan
3. Appendix C - Antitrust Conditions

Date of Issuance: March 31, 1989

APPENDIX A
TECHNICAL SPECIFICATIONS

DEFINITIONS

SOLIDIFICATION

1.33 Deleted.

SOURCE CHECK

1.34 A SOURCE CHECK shall be the qualitative assessment of channel response when the channel sensor is exposed to a source of increased radioactivity.

STAGGERED TEST BASIS

1.35 A STAGGERED TEST BASIS shall consist of:

- a. A test schedule for n systems, subsystems, trains, or other designated components obtained by dividing the specified test interval into n equal subintervals, and
- b. The testing of one system, subsystem, train, or other designated component at the beginning of each subinterval.

THERMAL POWER

1.36 THERMAL POWER shall be the total reactor core heat transfer rate to the reactor coolant.

TRIP ACTUATING DEVICE OPERATIONAL TEST

1.37 A TRIP ACTUATING DEVICE OPERATIONAL TEST shall consist of operating the Trip Actuating Device and verifying OPERABILITY of alarm, interlock and/or trip functions. The TRIP ACTUATING DEVICE OPERATIONAL TEST shall include adjustment, as necessary, of the Trip Actuating Device such that it actuates at the required Setpoint within the required accuracy.

UNIDENTIFIED LEAKAGE

1.38 UNIDENTIFIED LEAKAGE shall be all leakage which is not IDENTIFIED LEAKAGE or CONTROLLED LEAKAGE.

UNRESTRICTED AREA

1.39 An UNRESTRICTED AREA shall be any area at or beyond the SITE BOUNDARY access to which is not controlled by the licensee* for purposes of protection of individuals from exposure to radiation and radioactive materials, or any area within the SITE BOUNDARY used for residential quarters or for industrial, commercial, institutional, and/or recreational purposes.

* The term "Licensee" when used in the Vogtle technical specifications shall refer to Southern Nuclear Operating Company, Inc.

APPENDIX B

**ENVIRONMENTAL PROTECTION
PLAN**

APPENDIX B

TO

**FACILITY OPERATING LICENSE NO. NPF-68
AND FACILITY OPERATING LICENSE NO. NPF-81**

**VOGTLE ELECTRIC GENERATING PLANT
UNITS 1 AND 2**

SOUTHERN NUCLEAR

DOCKET NOS. 50-424 AND 50-425

**ENVIRONMENTAL PROTECTION PLAN
(NONRADIOLOGICAL)**

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement - Operating License Stage (FES-OL) and other NRC environmental impact assessments.
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's* NJPDES permit.

* The term licensee, when used in the Vogtle Environmental Protection Plan, refers to Southern Nuclear Operating Company, Inc. (Southern Nuclear).

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.

4.2.3 Maintenance of Transmission Line Corridors

The use of herbicides within the Vogtle Electric Generating Plant transmission line corridors (VEGP-Thalman, VEGP-Scherer, Georgia side of VEGP-South Carolina Electric and Gas, and VEGP-Goshen) shall conform to the approved use of selected herbicides as registered by the Environmental Protection Agency and approved by the State of Georgia authorities and applied as directed on the herbicide label.

Records shall be maintained in accordance with EPA or State of Georgia requirements by the Georgia Power Company's Transmission Operating and Maintenance Department concerning herbicide use. Such records shall be made readily available to the NRC upon request. There shall be no routine reporting requirement associated with the condition.

4.2.3.1 Ebenezer Creek

Any routine maintenance involving trimming of the trees within the National Natural Landmark area necessary to maintain conductor clearance shall be done by hand (Section 5.2.2, FES-OL).

4.2.3.2 Francis Plantation

Routine maintenance involving trimming of the trees within the National Register of Historic Places property necessary to maintain conductor clearance shall be done by hand (Memorandum of Agreement between Advisory Council on Historic Preservation (ACHP), U.S. Nuclear Regulatory Commission (NRC), State Historic Preservation Officer (SHPO) for Georgia Power Company).

4.2.3.3 Cultural Properties Along Transmission Line Corridors

Routine maintenance activities in these area will be in accordance with the Final Cultural Resource Management Plan.

4.2.4 Noise Monitoring

Complaints received by Georgia Power Company or Southern Nuclear regarding noise along the high voltage transmission lines (VEGP-Goshen, VEGP-Scherer, VEGP-Thalman, and Georgia side of VEGP-SCEG) and a report of the actions taken in response to any complaints shall be submitted to the NRC in the annual report (FES-OL Section 5.12.2).

APPENDIX C

ANTITRUST CONDITIONS

Appendix C

Antitrust Conditions

The following antitrust conditions are hereby incorporated in Facility Operating License NPF-81:

(1) As used herein:

(a) "Entity" means any financially responsible person, private or public corporation, municipality, county, cooperative, association, joint stock association or business trust, owning, operating or proposing to own or operate equipment or facilities within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) for the generation, transmission or distribution of electricity, provided that, except for municipalities, counties, or rural electric cooperatives, "entity" is restricted to those which are or will be public utilities under the laws of the State of Georgia or under the laws of the United States, and are or will be providing retail electric service under a contract or rate schedule on file with and subject to the regulation of the Public Service Commission of the State of Georgia or any regulatory agency of the United States, and provided further, that as to municipalities, counties or rural electric cooperatives, "entity" is restricted to those which provide electricity to the public at retail within the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) or to responsible and legally qualified organizations of such municipalities, counties and/or cooperatives in the State of Georgia (other than Chatham, Effingham, Fannin, Towns and Union Counties) to the extent they may bind their members.

(b) "Power Company" means Georgia Power Company, any successor, assignee of this license, or assignee of all or substantially all of Georgia Power Company's assets, and any affiliate or subsidiary of Georgia Power Company to the extent it engages in the ownership of any bulk power supply generation or transmission resource in the State of Georgia (but specifically not including (1) flood rights and other land rights acquired in the State of Georgia incidental to hydro-electric generation facilities located in another state and (2) facilities located west of the thread of the stream on that part of the Chattahoochee River serving as the boundary between the States of Georgia and Alabama).

(2) Power Company recognizes that it is often in the public interest for those engaging in bulk power supply and purchases to interconnect, coordinate for reliability and economy, and engage in bulk power supply transactions in order to increase interconnected system reliability and reduce the costs of electric power. Such arrangements must provide for Power Company costs (including a reasonable return) in connection therewith and allow other participating entities full access to the benefits available from interconnected bulk power supply operations and must provide net benefits to Power Company. In entering into such arrangements neither Power Company nor any other participant should be

required to violate the principles of sound engineering practice or forego a reasonably contemporaneous alternative arrangement with another, developed in good faith in arms length negotiations (but not including arrangements between Power Company and its affiliates or subsidiaries which impair entities' rights hereunder more than they would be impaired were such arrangements made in good faith between Power Company and a non-affiliate or non-subsidiary) which affords it greater benefits. Any such arrangement must provide for adequate notice and joint planning procedures consistent with sound engineering practice, and must relieve Power Company from obligations undertaken by it in the event such procedures are not followed by any participating entity.

Power Company recognizes that each entity may acquire some or all of its bulk power supply from sources other than applicant.

In the implementation of the obligations stated in the succeeding paragraphs, Power Company and entities shall act in accordance with the foregoing principles, and these principles are conditions to each of Power Company's obligations herein undertaken.

- (3) Power Company shall interconnect with any entity which provides, or which has undertaken firm contractual obligations to provide, some or all of its bulk power supply from sources other than Power Company on terms to be included in an interconnection agreement which shall provide for appropriate allocation of the costs of interconnection facilities; provided, however, that if an entity undertakes to negotiate such a firm contractual obligation, the Power Company shall, in good faith, negotiate with such entity concerning any proposed interconnection. Such interconnection agreement shall provide, without undue preference or discrimination, for the following, among other things, insofar as consistent with the operating necessities of Power Company's and any participating entity's systems:

- (a) maintenance and coordination of reserves, including, where appropriate, the purchase and sale thereof,
- (b) emergency support,
- (c) maintenance support,
- (d) economy energy exchanges,
- (e) purchase and sale of firm and non-firm capacity and energy,
- (f) economic dispatch of power resources within the State of Georgia,

provided, however, that in no event shall such arrangements impose a higher percentage of reserve requirements on the participating entity than that maintained by Power Company for similar resources.

- (4) Power Company shall sell full requirements power to any entity. Power Company shall sell partial requirements power to any entity. Such sales shall be made pursuant to rates on file with the Federal Power Commission, or any successor regulatory agency, and subject to reasonable terms and conditions.
- (5) (a) Power Company shall transmit ("transmission service") bulk power over its system to any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Power Company for the use of its system, to the extent that such arrangements can be accommodated from a functional engineering standpoint and to the extent that Power Company has surplus line capacity or reasonably available funds to finance new construction for this purpose. To the extent the entity or entities are able, they shall reciprocally provide transmission service to Power Company. Transmission service will be provided under this subparagraph for the delivery of power to an entity for its or its member's consumption and retail distribution or for casual resale to another entity for (1) its consumption or (2) its retail distribution. Nothing contained herein shall require the Power Company to transmit bulk power so as to have the effect of making the Tennessee Valley Authority ("TVA") or its distributors, directly or indirectly, a source of power supply outside the area determined by the TVA Board of Directors by resolution of May 16, 1966 to be the area for which the TVA or its distributors were the primary source of power supply on July 1, 1957, the date specified in the Revenue Bond Act of 1959, 16 USC 831 n-4.
- (b) Power Company shall transmit over its system from any entity or entities with which it is interconnected, pursuant to rate schedules on file with the Federal Power Commission which will fully compensate Power Company for the use of its system, bulk power which results from any such entity having excess capacity available from self-owned generating resources in the State of Georgia, to the extent such excess necessarily results from economic unit sizing or from failure to forecast load accurately or from such generating resources becoming operational earlier than the planned in-service date, to the extent that such arrangements can be accommodated from a functional engineering standpoint, and to the extent Power Company has surplus line capacity available.
- (6) Upon request, Power Company shall provide service to any entity purchasing partial requirements service, full requirements service or transmission service from Power Company at a delivery voltage appropriate for loads served by such entity, commensurate with Power Company's available transmission facilities. Sales of such service shall be made pursuant to rates on file with the Federal Power Commission or any successor regulatory agency, and subject to reasonable terms and conditions.

- (7) Upon reasonable notice Power Company shall grant any entity the opportunity to purchase an appropriate share in the ownership of, or, at the option of the entity, to purchase an appropriate share of unit power from, each of the following nuclear generating units at Power Company's costs, to the extent the same are constructed and operated: Hatch 2, Vogtle 1, Vogtle 2, and any other nuclear generating unit constructed by Power Company in the State of Georgia which, in the application filed with the USAEC or its successor agency, is scheduled for commercial operation prior to January 1, 1989.

An entity's request for a share must have regard for the economic size of such nuclear unit(s), for the entity's load size, growth and characteristics, and for demands upon Power Company's system from other entities and Power Company's retail customers, all in accordance with sound engineering practice. Executory agreements to accomplish the foregoing shall contain provisions reasonably specified by Power Company requiring the entity to consummate and pay for such purchase by an early date or dates certain. For purposes of this provision, "unit power" shall mean capacity and associated energy from a specified generating unit.

- (8) Southern Nuclear shall not market or broker power or energy from Vogtle Electric Generating Plant, Unit 2. Georgia Power Company shall continue to be responsible for compliance with the obligations imposed on it by the antitrust conditions contained in this Appendix C of the license. Georgia Power Company is responsible and accountable for the actions of Southern Nuclear, to the extent that Southern Nuclear's actions may, in any way, contravene the antitrust conditions of this Appendix C.
- (9) To effect the foregoing conditions, the following steps shall be taken:
- (a) Power Company shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate transmission tariff available to any entity;
 - (b) Power Company shall file with the appropriate regulatory authorities and thereafter maintain in force as needed an appropriate partial requirements tariff available to any entity; Power Company shall have its liability limited to the partial requirements service actually contracted for and the entity shall be made responsible for the security of the bulk power supply resources acquired by the entity from sources other than the Power Company;
 - (c) Power Company shall amend the general terms and conditions of its current Federal Power Commission tariff and thereafter maintain in force as needed provisions to enable any entity to receive bulk power at transmission voltage at appropriate rates;
 - (d) Power Company shall not have the unilateral right to defeat the intended access by each entity to alternative sources of bulk power supply provided by the conditions to this license; but Power Company shall retain the right to seek regulatory approval of changes in its

tariffs to the end that it be adequately compensated for services it provides, specifically including, but not limited to, the provisions of Section 205 of the Federal Power Act;

- (e) Power Company shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the conditions of this license;
- (f) Power Company affirms that no consents are or will become necessary from Power Company's parent, affiliates or subsidiaries to enable Power Company to carry out its obligations hereunder or to enable the entities to enjoy their rights hereunder;
- (g) All provisions of these conditions shall be subject to and implemented in accordance with the laws of the United States and of the State of Georgia, as applicable, and with rules, regulations and orders of agencies of both, as applicable.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 97 TO FACILITY OPERATING LICENSE NPF-68
AND AMENDMENT NO. 75 TO FACILITY OPERATING LICENSE NPF-81

GEORGIA POWER COMPANY, ET AL.

VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2

DOCKET NOS. 50-424 AND 50-425

1.0 INTRODUCTION

By letter dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, Georgia Power Company (GPC) proposed amendments for the Vogtle facility that would revise Facility Operating License Nos. NPF-68 and NPF-81, currently held by GPC, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners). The amendments would allow Southern Nuclear Operating Company, Inc. (hereafter called Southern Nuclear), to become the exclusive licensed operator, to possess, manage, use, operate, and maintain the facility. GPC is the current operator of the facility.

By letter dated October 7, 1992, GPC revised the initial application to include changes to the Antitrust Conditions specified in Appendix C of the operating licenses for Vogtle. On October 15, 1992, GPC further revised the Application to include changes to paragraph 2.E. of the Vogtle operating licenses regarding the physical security, guard training and qualification, and safeguards contingency plans. By a second letter dated October 7, 1992, GPC supplemented the information in the application by providing draft copies of "Nuclear Operating Agreement between Georgia Power Company and Southern Nuclear Operating Company." GPC further supplemented the application on October 23, 1992, to update the list of directors and officers for Southern Nuclear, and on November 13, 1992, to discuss the agreements and obligations of the Owners. The revised and supplemental information in these submittals and the other submittals referenced above does not change the staff's proposed determination of no significant hazards consideration that was published in the Federal Register (57 FR 47135) on October 14, 1992.

2.0 DISCUSSION

GPC and Southern Nuclear are wholly owned subsidiaries of The Southern Company. The Southern Company incorporated Southern Nuclear in December 1990, after receiving the prerequisite order from the Securities and Exchange Commission. The Southern Company's purpose for incorporating Southern Nuclear was to consolidate The Southern Company personnel engaged in nuclear

operations into a single integrated organization. Southern Nuclear is currently under contract with GPC to provide nuclear support services, technical services, and administrative services associated with GPC's operation of the Vogtle facility. Under the proposed amendments, the present onsite organization responsible for the physical operation of Vogtle would be transferred intact to Southern Nuclear. The employees of GPC will become employees of Southern Nuclear. Gains in operating efficiency are anticipated from the consolidation of onsite and offsite personnel engaged in nuclear operations in the Southern Nuclear organization.

The Southern Company is also the parent company of Alabama Power Company, which owns, and formerly operated, the Farley Nuclear Plant. On November 22, 1991, the staff issued license amendments authorizing Southern Nuclear to become the operator of the Farley Nuclear Plant. The amendments for the Farley facility were implemented within 90 days thereafter. GPC also owns and currently operates the Hatch Nuclear Plant, Units 1 and 2. On September 18, 1992, GPC proposed license amendments to authorize Southern Nuclear to become the operator of the Hatch facility. The staff's review of the proposed amendments for Hatch has proceeded in parallel with the proposed amendments for the Vogtle facility.

The proposed action would involve no change in ownership. The current Owners would remain on the licenses as licensed owners and would continue to own the assets of the facility in the same percentages as now.

3.0 EVALUATION

The staff's review of GPC's proposed amendments for Vogtle included the following areas: management and technical qualifications, financial and antitrust considerations, foreign ownership and control, plant security and restricted data, offsite power availability, emergency planning, quality assurance and training, environmental protection, and management character. The effect of the proposed amendments on each of these areas is evaluated below.

3.1 Management and Technical Qualifications

The staff has evaluated GPC's request for Southern Nuclear to become the operator of the Vogtle facility using criteria in the Standard Review Plan (SRP) Section 13.1.1, "Management and Technical Support Organizations," and Sections 13.1.2 and 13.1.3, "Operating Organization."

GPC will continue to be the owner of Vogtle, but Southern Nuclear becomes the exclusive licensed operator and is authorized to possess, manage, use, operate, and maintain the Vogtle facility. GPC identified and described the organizational groups responsible for the management and operation of the Vogtle facility with Southern Nuclear as operator. The application included an organizational chart illustrating the organizational relationships between the Vogtle facility, the Hatch facility, the corporate technical and administrative services organizations, and the offsite technical support organizations. GPC also stated that Southern Nuclear will have three internal organizations: Nuclear Operations, Technical Services, and Administrative

Services. GPC provided a brief description of each of these organizations, as well as the technical qualifications of Southern Nuclear. GPC stated that Southern Nuclear currently provides nuclear support services to GPC, including the Vogtle facility. GPC also stated that upon the effective date of the requested amendments GPC will continue to be the Owner of the Vogtle facility, but Southern Nuclear will become the exclusive licensed operator and will be authorized to possess, manage, use, operate, and maintain the facility.

GPC described the organization for the management of, and means for providing economic support to, the plant staff during operation of the facility. The NRC staff reviewed these measures using SRP Section 13.1.1, "Management and Technical Support Organization." The operations and technical support organization will be under the same organization when Southern Nuclear becomes the operator. On the basis of its review, the staff concludes that as the operator of Vogtle, Southern Nuclear, will have an acceptable organization and adequate resources to provide technical support for the operation of the facility under both normal and off-normal conditions.

The application states that the onsite nuclear operation organization will be transferred intact from GPC to Southern Nuclear. Southern Nuclear will then employ, or contract as necessary, all of the technically qualified personnel necessary to become responsible for possession, management, operation, use and maintenance of Vogtle. Therefore, the technical qualifications of both the onsite and offsite organizations will be equivalent to those that currently exist. GPC also anticipates no change in the Vogtle onsite nuclear operation organization except for the change of employer from GPC to Southern Nuclear. Some titles will be changed where appropriate to reflect the exclusive operating status of Southern Nuclear. Based on its review of the licensee's submittal, the staff concludes that the proposed onsite organization meets the criteria described in SRP Sections 13.1.2 and 13.1.3, "Operating Organization," with regard to independence in reporting responsibility and authority, lines of authority to the plant manager, and assignment of onsite operating crews in accordance with 10 CFR 50.54(m), and is, therefore, acceptable.

GPC's proposal included the following changes to the licenses:

In paragraph 1.A. of the licenses, the current licensee (GPC, Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia, and the City of Dalton, Georgia) are redesignated as the Owners of the Vogtle facility. In paragraph 1.E., Southern Nuclear Operating Company, Inc. (also called Southern Nuclear) is identified as the operator.

In paragraph 2, Southern Nuclear is added as an organization to which the licenses are issued. Southern Nuclear replaces GPC as the licensee authorized to:

Possess, manage, use, maintain and operate the facility (2.B.(1));

Receive, possess and use special nuclear material as reactor fuel in accordance with certain limitations (2.B.(3));

Receive, possess and use byproduct, source and special nuclear material as sealed neutron sources for certain applications (2.B.(4));

Receive, possess and use any byproduct, source or special nuclear material for sample analysis or instrument calibration (2.B.(5)); and

Possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility (2.B.(6)).

Also in paragraph 2, GPC is added to the organizations licensed to possess, but not operate, the Vogtle facility (2.B.(2)).

In paragraph 3, Southern Nuclear replaces GPC as the organization responsible for maintaining the core power levels below the specified maximum power level (2.C.(1)), and operating the facility in accordance with the TS and Environmental Protection Plan (2.C.(2)).

On the basis of this evaluation, the staff concludes that the proposed changes to the operating licenses for the Vogtle facility meet the relevant criteria in SRP Section 13.1.1, "Management and Technical Support Organizations," and Sections 13.1.2 and 13.1.3, "Operating Organization" in that they appropriately designate the responsibilities under the license consistent with the proposed transfers. Therefore, these changes are acceptable.

3.2 Financial Considerations

Cost recovery for the operation and eventual decommissioning of Vogtle will not be affected by the license amendments. GPC and the other Owners of the Vogtle facility -- the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia, and the City of Dalton, Georgia -- will continue to have entitlement to all electrical output from Vogtle and will remain as licensed owners. GPC is regulated by the Georgia Public Service Commission and the Federal Energy Regulatory Commission. The other Owners set their own electric rates. Rate regulation and rate-setting authority will continue as before the license amendments. Southern Nuclear will be neither an owner of Vogtle nor entitled to any electric output from Vogtle.

GPC and Southern Nuclear have established responsibility for plant costs. Southern Nuclear will be reimbursed for costs of direct operation of Vogtle by GPC. In turn, GPC will be reimbursed by the other Owners for their proportionate shares of these costs pursuant to existing agreements. Other expenses of Southern Nuclear that are not direct charges to Vogtle will be allocated to GPC and others for whom the expenses are incurred.

With Southern Nuclear as the licensed operator, GPC and the other Owners will provide all funds necessary for expenses accrued by Southern Nuclear for the safe operation, construction, maintenance, repair, decontamination and decommissioning of the Vogtle facility. Because the Owners and the sources of

funds will remain unchanged, cost recovery of operating, maintenance and decommissioning costs will not change.

The staff finds that there will be no safety consequences from the proposed arrangements for funding of operating, maintenance, and decommissioning costs of Vogtle. Thus, the staff concludes that the financial arrangements of the proposed action will not adversely affect the protection of public health and safety.

3.3 Antitrust Considerations

In its application, GPC stated that:

Southern Nuclear's operation of VEGP [Vogtle Electric Generating Plant] will not alter the existing plant ownership or entitlement to power output. Because of this fact, the proposed amendments will have no effect on any commercial activity that may be related to nuclear plant ownership or control. These license amendments have no significance to any activity that may give rise to antitrust concern. Further, the proposed license amendments to designate Southern Nuclear as the entity authorized to operate VEGP Units 1 and 2 will not alter any of the existing antitrust license conditions applicable to Georgia Power Company....

GPC also stated that it had reached agreement with Southern Nuclear that a new paragraph should be added to the Antitrust Conditions in Appendix C of the Facility Operating License for each unit, and that the term "licensee" used throughout Appendix C of these licenses should be replaced with "Power Company." By letter dated October 7, 1992, GPC proposed minor changes to the wording of the proposed new paragraph based on telephone discussions with the staff. The new paragraph, as revised, would read:

- (8) Southern Nuclear shall not market or broker power or energy from Vogtle Electric Generating Plant, Unit 1 [or Unit 2 as appropriate to the specific license]. Georgia Power Company shall continue to be responsible for compliance with the obligations imposed on it by the antitrust conditions contained in this Appendix C of the license. Georgia Power Company is responsible and accountable for the actions of Southern Nuclear, to the extent that Southern Nuclear's actions may, in any way, contravene the antitrust conditions of this Appendix C.

The staff concludes that the new antitrust license condition restricts Southern Nuclear's competitive options in the bulk power services market and assures that competition will not be adversely affected by Southern Nuclear's operation of the Vogtle facility. Therefore, the staff finds the proposed changes to Appendix C of the licenses acceptable.

With respect to the replacement of the term "licensee" with the term "Power Company" throughout Appendix C, "licensee" as used in the current licenses applied to GPC. The term "Power Company" clarifies the responsibilities of

Southern Nuclear versus the responsibilities of GPC and the other Owners of the Vogtle facility. In those places where the term "licensee" remains in the licenses (including the Technical Specifications and the Environmental Protection Plans), the term refers to Southern Nuclear. Because this change clarifies the licenses, the staff finds the proposed use of "Power Company" in place of "licensee" in the new Appendix C of the licenses acceptable.

3.4 Foreign Ownership and Control

Information before the staff indicates that neither Southern Nuclear Operating Company, Inc. nor Georgia Power Company will be owned, controlled, or dominated by any alien, foreign corporation, or foreign government.

3.5 Plant Security and Restricted Data

The proposed license amendments would not alter compliance with the physical security requirements of 10 CFR Part 73 as set forth in the Vogtle Security Plan, Contingency Plan, and Guard Training and Qualification Plan. Upon becoming the licensed operator, Southern Nuclear would become responsible for implementing all aspects of the present security program for the Vogtle facility. Control over existing agreements for support from off-site organizations and agencies would be assigned or delegated by GPC to Southern Nuclear. The change to the licenses would merely revise paragraph 2.E. to reflect this transfer of responsibility from GPC to Southern Nuclear. Also, in accordance with GPC's letter of December 12, 1996, paragraph 2.E. of the licenses would be revised to reflect the latest revision dates of the Physical Security Plan, the Guard Training and Qualification Plan, and the Contingency Plan. Since licensees are required to meet the latest approved revisions of their security plans, this proposed change is for ease of reference and does not affect the staff's previous determination of no significant hazards considerations (57 FR 47135 dated October 14, 1992).

On the basis of its review of GPC's letters of September 18 and October 15, 1992, the staff finds that the site security programs have been adequately addressed. These changes will have no adverse effect on the physical security commitments for the facility with respect to protection against the threat of radiological sabotage in accordance with 10 CFR 73. The technical security commitments within the Physical Security Plan, Guard Training and Qualification Plan, and Contingency Plan for the Vogtle facility remain fundamentally unchanged from the current license conditions. Since the proposed changes are administrative in nature and do not decrease the effectiveness of these plans in accordance with 10 CFR 50.54(p), the staff finds that these changes continue to satisfy the regulatory requirements and are, therefore, acceptable.

3.6 Offsite Power

The proposed amendments involve no change in the ownership or design of the offsite power system for the Vogtle facility, or in its operation, maintenance or testing. GPC will continue to fulfill its current responsibilities with respect to compliance with General Design Criterion (GDC) 17, "Electric Power Systems." Agreements between GPC and Southern Nuclear have been executed that

specify arrangements for controlling the operation, maintenance, repair, and other activities regarding the transmission lines and the switchyard so that adequate independent sources of offsite power will continue to be provided. The agreements provide for the continuation of current arrangements related to the switchyard and the associated transmission system.

The staff concludes that the proposed license amendments will have no adverse effect upon meeting the requirements of GDC 17 and are, therefore, acceptable with respect to requirements for offsite power.

3.7 Emergency Planning

Upon approval of the proposed license amendments, Southern Nuclear will become responsible and have the authority for all functions necessary to fulfill the emergency planning requirements specified in paragraph (b) of 10 CFR 50.47, "Emergency Plans," and Part 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities." Service plans between GPC and Southern Nuclear have been executed which provide for offsite emergency planning support, including communications with the public, after the license transfers occur. The staff concludes that this approach for meeting the emergency planning requirements is acceptable.

3.8 Quality Assurance and Training

Upon approval of the proposed amendments, Southern Nuclear will become responsible for the Vogtle quality assurance program and the existing personnel training programs. The function and structure of the quality assurance program will not be affected by the proposed amendments; and it will continue to meet the requirements of 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." Changes in the quality assurance program to reflect the transition will be processed in accordance with 10 CFR 50.54(a), and have been determined by the licensee to not reduce the quality assurance program commitments. Substantive changes will not be made to the licensee's operator requalification program for it to continue to meet the requirements of the appropriate regulations, and to continue to meet the requirements for maintaining the Institute of Nuclear Power Operation's accreditation for licensed and non-licensed training.

The staff concludes that approval of the proposed amendments will not adversely affect the Vogtle quality assurance and training programs.

3.9 Environmental Protection Plan

The proposed amendments provide for changes in organizational responsibility for some aspects of the Environmental Protection Plan, Appendix B of the Vogtle facility's operating licenses. Specifically, the Appendix B provision for maintaining transmission line records of herbicide use is changed to reflect that GPC will maintain the records. The current licenses state that the licensee will maintain the records. However, Southern Nuclear will become the licensee when the license transfers become effective. The license change is necessary because GPC will retain ownership of the transmission lines and continue to maintain the herbicide records. Appendix B is also changed to add

the new operating organization, Southern Nuclear, as an organization which could receive high voltage transmission line noise complaints that would be reported to the NRC in annual reports. These changes are administrative in nature, and do not amend the obligations and responsibility for compliance with the elements of the approved Environmental Protection Plan. Therefore, the staff concludes that the proposed changes are acceptable.

3.10 Management Character

On September 11, 1990, Michael D. Kohn, Esquire, on behalf of two former GPC employees, Messrs. Marvin B. Hobby and Allen L. Mosbaugh, filed a "Request For Proceedings and Imposition of Civil Penalties for Improperly Transferring Control of Georgia Power Company's Licenses to the SONOPCO Project and For the Unsafe and Improper Operation of Georgia Power Company Licensed Facilities" (Petition). Supplements to the initial filing were filed on September 21 and October 1, 1990. The Petitioners made a number of allegations about the management of the GPC nuclear facilities (Hatch and Vogtle). Specifically, they alleged that:

GPC illegally transferred its operating licenses to Southern Nuclear;

GPC knowingly included misrepresentations in its response to concerns of a Commissioner about the chain of command for the Vogtle facility;

GPC made intentional false statements to the NRC about the reliability of a diesel generator (DG) whose failure had resulted in a Site Area Emergency (SAE) at Vogtle;

A GPC executive submitted perjured testimony during a DOL proceeding under Section 210 of the Energy Reorganization Act;

GPC repeatedly abused Technical Specification (TS) 3.0.3 at Vogtle;

GPC repeatedly and willfully violated Technical Specifications (TSs) at the Vogtle facility;

GPC repeatedly concealed safeguards problems from the NRC;

GPC operated radioactive waste systems and facilities at Vogtle in gross violation of NRC requirements;

GPC routinely used nonconservative and questionable management practices at its nuclear facilities; and,

GPC retaliated against managers who made their regulatory concerns known to GPC or Southern Nuclear management.

Mr. Mosbaugh had previously informed NRC's Office of Investigations (OI) of some of these allegations. The Petitioners requested the NRC to institute proceedings and take swift and immediate action based on these allegations. On October 23, 1990, Dr. Thomas E. Murley, who was then the Director, NRR, acknowledged receiving the Petition and concluded that no immediate action was

necessary regarding these matters. He made this determination based on completed and continuing NRC inspections and investigations of the licensee and particularly of the operation of the Vogtle facility.

On July 8, 1991, the Petitioners submitted "Amendments to Petitioners Marvin Hobby's and Allen Mosbaugh's September 11, 1990, Petition; and Response to Georgia Power Company's April 1, 1991, Submission by its Executive Vice President, Mr. R. P. McDonald" (Supplement). In the Supplement the Petitioners alleged that:

GPC's Executive Vice President made material false statements in GPC's April 1, 1991, submittal to the NRC regarding the participants in an April 19, 1990, telephone conference call; and,

This same Executive Vice President made false statements to the NRC at a transcribed meeting on January 11, 1991, which discussed the formation and operation of Southern Nuclear.

The Petitioners requested that the NRC take immediate steps to determine if GPC's current management has the requisite character and competence to operate a nuclear facility. On August 26, 1991, Dr. Murley acknowledged receiving the Supplement and informed the Petitioners that no immediate action was required and that the specific issues raised in the Supplement would be addressed in a Director's Decision (DD).

On October 22, 1992, in response to a Federal Register notice of the proposed issuance of these license amendments (57 FR 47135, October 14, 1992), Messrs. Mosbaugh and Hobby filed a petition for leave to intervene and request for hearing. Mr. Hobby was denied intervenor status for lack of standing. In LBP-93-5, 37 NRC 96 (February 18, 1993), Mr. Mosbaugh was admitted as an intervenor along with a single contention:

The license to operate the Vogtle Electric Generating Plant, Units 1 and 2, should not be transferred to Southern Nuclear Operating Company, Inc., because it lacks the requisite character, competence and integrity, as well as the necessary candor, truthfulness and willingness to abide by regulatory requirements.

The bases for the admitted contention alleged that (1) the license transfers had already taken place because Southern Nuclear had assumed control of the operation of the Vogtle facility without prior approval from the NRC, and (2) officials of the SONOPCO Project (the predecessor organization to Southern Nuclear) conspired to submit false information to the NRC concerning safety-related information regarding DG testing following the March 1990 SAE.

On April 23, 1993, the Director, NRR, issued DD-93-8, NRC 314, in which he resolved several matters. In summary, the Director determined that:

No unauthorized transfer of the Vogtle licenses had occurred;

There is no information beyond the Petitioners' opinions to support the position that GPC's omission from a description of their chain of command at a Commission meeting on March 30, 1989, was intentional;

GPC does not routinely threaten the safe operation of the Vogtle facility by allowing entry into TS 3.0.3;

Although TS violations had occurred, Petitioners' claim that they were willful was not substantiated;

Failures to make timely reports to the NRC of safeguards problems were due to GPC's cumbersome system for evaluating security findings, rather than being due to any willful attempt to impede the reporting process;

The relevant facts do not support a conclusion that GPC wilfully violated NRC requirements or wilfully operated the radioactive waste system in a manner to endanger public health and safety; and,

The GPC nuclear facilities were being operated in accordance with NRC regulations and do not endanger public health and safety.

Decisions on the Petitioners' issues of intentional false statements to the NRC regarding DG reliability, perjured testimony by a GPC executive in a Department of Labor (DOL) proceeding, and discrimination against managers who raised regulatory concerns were deferred pending the completion of OI investigations and the issuance of a DOL decision.

In CLI-93-15, 38 NRC 1 (July 14, 1993), the Commission vacated and remanded DD-93-8, and directed that the staff consider the outcome of the Vogtle license amendment proceeding before acting on the Petition due to the overlap in issues.

Several extensive reviews of the above concerns have been conducted by the NRC. The NRC performed special inspections, OI performed investigations, an Atomic Safety and Licensing Board (ASLB) held hearings on the contention challenging Southern Nuclear's character, and the DOL held hearings concerning alleged discrimination against Messrs. Hobby and Mosbaugh by licensee management.

Litigation concerning the contention in the license amendment proceeding was extensive and included over 35 prehearing depositions, over 12,500 pages of hearing transcripts, and nearly 600 documentary exhibits. After the hearings were completed and prior to issuance of an ASLB decision on the contention, Mr. Mosbaugh and licensee arrived at a settlement agreement that resulted in, among other things, Mr. Mosbaugh withdrawing his contention and filing a joint motion (with the licensee) requesting that the Board terminate the proceeding without issuance of a Board order setting forth its findings and conclusions. The Board granted the request and dismissed the contention (LBP-96-16, 44 NRC 59 (August 19, 1996)).

The dismissal of the contention did not address the potential safety implications of the 2.206 Petition as supplemented by the hearing record. The

staff has considered the testimony of staff witnesses, including staff engineers, supervisors, and senior managers, the technical issues raised, and the staff's observations and assessments of licensee performance to resolve the issues raised by the Petition. The following is a summary of the conclusions in the Director's Decision.

A. Illegal License Transfers, and Misrepresentations of Management Control

1. Illegal License Transfers

The Petition alleged that GPC improperly transferred control of its nuclear licenses to Southern Nuclear in that Mr. Joseph M. Farley (who was an officer of GPC's parent company, Southern Company, and its subsidiary, Southern Company Services) acted as Chief Executive Officer (CEO) of SONOPCO and was responsible for operating the GPC nuclear facilities and made or influenced budget and hiring decisions, beginning with the first of three phases in the planned transition to Southern Nuclear. The Petitioners state that the nuclear officers in SONOPCO Project reported to Mr. Farley, rather than to Mr. Dahlberg, GPC's CEO, and that Mr. Farley controlled the Vogtle facility based upon his involvement in (1) controlling daily operations, (2) establishing and implementing nuclear policy decisions, (3) employing, supervising, and dismissing nuclear personnel, and (4) controlling costs. Intervenor also asserts that numerous documents and statements provided to the NRC regarding the organizational structure and responsibilities for managerial control of the Vogtle facility were inaccurate or incomplete because they do not show Mr. McDonald reporting to Mr. Farley or Mr. Farley functioning as the *de facto* Chief Executive Officer of the SONOPCO Project.

The staff's review concluded that Intervenor's assertion that Mr. Farley functioned as the *de facto* Chief Executive Officer of the SONOPCO Project is not supported by the record. Mr. McDonald did not report to Mr. Farley regarding GPC licensed activities. The items cited do not demonstrate that Mr. Farley exercised control over licensed activities at GPC's nuclear facilities during his involvement in the SONOPCO Project. Rather, the record shows that GPC controlled the daily operations of the Vogtle facility in accordance with a chain of command extending from the Vogtle General Manager, through the Vice President of the Vogtle facility, through the Senior Vice President - Nuclear Operations, through the Executive Vice President - Nuclear Operations, to the President and CEO of GPC. A Nuclear Operations Overview Committee of the GPC Board of Directors conducted periodic reviews of the regulatory and operational performance of GPC's nuclear plants.

The hearing record shows that nuclear policy decisions for the Vogtle facility were established and implemented by GPC, and there was no evidence that Mr. Farley established the outage philosophy or any other operational policies for the Vogtle facility. Mr. Farley's limited involvement in a 1989 rate case matter before the Georgia

Public Service Commission (i.e., his review of draft testimony regarding alternative performance standards) did not indicate any control of GPC's nuclear operations or licensed activities. Intervenor also provided no information that The Southern Company Management Council acted as the SONOPCO Project board of directors until the Project was incorporated.

Regarding the assertions that Mr. Farley controlled the Vogtle facility through personnel decisions, the record does not show that Mr. Farley controlled GPC nuclear facilities by employing, supervising, and dismissing nuclear personnel, or that GPC provided inaccurate information to the NRC regarding Mr. Farley's involvement with personnel matters.

The hearing record does not support a conclusion that GPC misrepresented its budgets affecting the operation of GPC licensed facilities. There is no basis to conclude that the particular process GPC used to develop its budget showed that Mr. Farley, The Southern Company, or SONOPCO Project controlled the operation of the Vogtle facility. Rather, the record shows that GPC was responsible for the costs of the Vogtle facility. After review by GPC's Management Council, the operating and capital budgets were approved by GPC's President and CEO, and the capital budget was also approved by the GPC Board of Directors. The record does not support that Messrs. Farley and Edward L. Addison, the President and CEO of The Southern Company, approved GPC's nuclear budgets. As an Executive Vice President of The Southern Company, Mr. Farley was involved in reviewing the nuclear budgets as part of the normal process for preparing annual budgets in the Southern system. Given The Southern Company's holding company status, Mr. Addison's involvement in reviewing and providing guidelines and requirements for adequate earnings and reasonable capital needs was appropriate.

The record shows that GPC provided some inaccurate or incomplete information to the NRC when describing its organization and plans to form Southern Nuclear, and when responding to the Petition. This information involved (1) the omission of Mr. Hairston when Mr. McDonald described the Vogtle chain of command during a March 30, 1989, meeting, (2) a 1989 FSAR organizational chart showing the position of Mr. Dahlberg as "Chairman and CEO" rather than "President and CEO", and (3) GPC's April 1991 written response to the Petition indicating that the GPC Management Council included all Senior Vice Presidents (which was inaccurate because Mr. Hairston was not a member), and indicating Mr. Farley's title in 1988 to be Executive Vice President - Nuclear of The Southern Company (a position he did not assume until March 1, 1989). This inaccurate or incomplete information was of minor safety significance in terms of NRC understanding of the proposed transfers, did not mislead the NRC, and was not sufficient to warrant NRC enforcement action nor conclusions that (1) GPC concealed an unauthorized role of Mr. Farley or a *de facto*, unauthorized organization for control of GPC nuclear

facilities, or (2) GPC lacks the requisite character and integrity to be a licensee.

The staff has reviewed the Vogtle Final Safety Analysis Report (FSAR), the Vogtle licenses, records of an NRC Special Inspection conducted to review the SONOPCO management organization, and testimony of key officials taken under oath in the license amendment proceeding, in addition to the evidence proffered by the Intervenor in the license amendment proceeding. This information established that the responsibility for decisions affecting the operation of the GPC plants rested with GPC's Senior Vice President - Nuclear Operations, who at the time was Mr. Hairston. The Petitioners' concerns do not warrant the conclusion that SONOPCO was in control of Vogtle. Rather, the staff finds that during the period of time in question, the chain of command was from the Vice President - Vogtle Project to Mr. Hairston. Mr. Hairston reported to Mr. McDonald, who reported to Mr. Dahlberg, President of GPC. Each of these individuals was an elected officer of GPC, and the reporting chain at that time progressed up to the President of GPC.

Therefore, the staff concludes that GPC did not transfer control of the operating licenses for the Vogtle facility without the prior consent of the NRC and that GPC did not mislead the NRC in any material respect regarding control of the operation of the Vogtle facility.

2. Chain of Command Misrepresentations at a Commission Meeting

The Petitioners stated that during a Commission meeting to vote on the full power operating license for Vogtle Unit 2 on March 30, 1989, GPC misled the Commission about the chain of command from the Vogtle Plant Manager to the CEO during their response to a question from one of the Commissioners.

Shortly after reading the transcript of the meeting, Mr. Hairston, on May 1, 1989, sent the NRC a letter that corrected the meeting transcript, and noted that GPC had inadvertently omitted him in the management chain in their reply to the Commissioner. The letter further stated that the organization was as described on figures 13.1.1-1 and 13.1.1-2 of the FSAR. The NRC previously had been apprised of the GPC organization, including Mr. Hairston's position, by an FSAR amendment dated November 23, 1988, and NRC staff members present at the Commission meeting were aware of the correct information. The staff has no basis to conclude that GPC's omission of the Senior VP position in their oral remarks was intentional. The staff concluded, after consultation with the Commission, that GPC's omission was not significant because the information would not likely have caused the Commission to reach a different decision regarding the Unit 2 license application. In addition, the staff had previously been provided and was aware of the correct information. Thus, enforcement action was not appropriate.

3. Misrepresentations Concerning the SONOPCO Project

The Petition asserted that GPC (Mr. McDonald) falsely stated during a transcribed meeting with the staff on January 11, 1991, that Mr. Farley had no responsibilities for administrative matters related to the SONOPCO Project. Mr. Farley claims he had been involved in SONOPCO administrative matters since the SONOPCO Project was formed in November 1988.

Based on the meeting transcript and his testimony during the ASLB hearing, Mr. McDonald's January 11, 1991, statement was not inaccurate in terms of the functions depicted on the charts discussed during the meeting. Mr. McDonald testified during the hearing that his statement was that prior to the incorporation of Southern Nuclear, Mr. Farley had been performing as a Vice President of The Southern Company, had been providing certain services to him under a contract with SCS, and had no responsibility for certain other administrative support that was depicted on organization charts discussed during the meeting. Administrative support was being performed by the Southern Company Services Vice President for Administrative Services (Mr. McCrary) for Mr. McDonald pursuant to the April 24, 1989, agreement. While Mr. McCrary provided administrative services to support Mr. Farley's role in guiding the formation of Southern Nuclear and Mr. Farley's general industry activities, Mr. McCrary did not report to Mr. Farley with respect to the administrative support function for Vogtle.

B. Reporting of DG Reliability

The Petitioners alleged that GPC made intentional false statements to the NRC about the reliability of a DG whose failure had resulted in an SAE at Vogtle. OI conducted an investigation and issued a report on December 17, 1993. Based on its evaluation of the evidence gathered by OI, and other information, the NRC staff determined that, contrary to the requirements of 10 CFR 50.9, the licensee had failed on four occasions to provide information concerning DG start counts (and the reasons for errors in those counts) to the NRC that was complete and accurate in all material respects. An examination of how the performance failures of licensee staff, supervisors and managers contributed to these errors resulted in the violations being judged by the NRC to collectively represent a very significant regulatory concern. Enforcement action was taken by the issuance of a Modified Notice of Violation and Imposition of Civil Penalties (Notice) (EA 93-304, February 13, 1995) which characterized the violations as a Severity Level II problem. The licensee paid a \$200,000 civil penalty on March 1, 1995. Corrective actions taken by licensee management have included:

Making the initial notice of violation available to all employees and committing to posting an NRC Order if one is issued;

A letter from the Senior Vice President to the Vice President - Vogtle Project regarding the importance of thorough record keeping during off-normal hours;

Counseling of specific individuals by the Senior Vice President, and the issuance of an "Oral Reminder" pursuant to the licensee's Positive Discipline System;

A letter from the Executive Vice President - Nuclear Operations to nuclear operations employees that stressed the importance of effective communications and the effective resolution of concerns;

Posting copies of 10 CFR 50.9 and encouraging employees to read it;

Meetings held by the Senior Vice President - Nuclear Operations with employees at the Vogtle site to discuss GPC's policy of open, complete and accurate communications with the NRC, and a letter to all employees on the same subject;

Management observation of communications with the NRC to ensure that the enforcement action does not adversely affect the completeness of statements; and,

Posting a notice to all employees of the availability of GPC's reply to the initial notice of violation.

The staff reviewed the licensee's corrective actions and concluded that the actions were sufficient.

The staff's evaluation also resulted in Demands for Information (DFIs) being issued to the licensee and six individuals who acknowledged their roles and responsibilities in the activities that were the bases for the enforcement action. The performance of the Vogtle General Manager (GM) through August 1990 contributed directly to each of the failures to meet 10 CFR 50.9. GPC and that individual acknowledged his role and responsibility in the events underlying the enforcement action and informed the staff in separate letters dated February 1, 1995, that the individual had requested, and his current employer (Southern Nuclear) had agreed to implement a personal training program to strengthen his ability to perform any future line management role in support of licensed activities. Southern Nuclear and GPC committed that the former GM would not assume a line management position for a GPC or Southern Nuclear plant unless he had satisfactorily completed training in management communications and responsibilities, and the NRC received 60 days prior written notice of the assignment. As documented in the February 13, 1995, Modified Notice of Violation and Imposition of Civil Penalties, the staff concluded that, in light of these commitments, the staff had no present concerns with the character and integrity of the individuals or the licensee arising out of these events, and no further enforcement action was necessary.

C. DOL Testimony

The Petitioners asserted that (1) GPC's Executive Vice President knowingly submitted false testimony in a DOL proceeding involving the discrimination complaints of two GPC employees and (2) that Mr. Hobby advised GPC's

counsel before the DOL hearing that the proposed testimony was false and that GPC's counsel responded by advising him that the testimony would have to be changed.

The DOL case resulted in a Decision and Remand Order (Decision) by the Secretary of Labor (Secretary) on August 4, 1995. The Secretary found that GPC had discriminated against Mr. Hobby for engaging in protected activities, and stated, in relevant part: "Because I found other evidence sufficient to establish that Complainant [Mr. Hobby] engaged in protected activity on January 2, [1989 (the pre-hearing meeting),] it was unnecessary to consider at that juncture whether counsel attempted to suborn Complainant to perjury. Even if counsel did, that evidence would not alter this decision."

As discussed more fully below, based on the Secretary's Decision, and a similar Decision in a proceeding regarding an alleged unlawful termination of Mr. Mosbaugh's employment, the staff issued two Severity Level I Notices of Violation to GPC. The staff also issued individual letters to certain senior corporate managers admonishing them to ensure that a proper environment is maintained in which employees can express regulatory concerns without fear of retaliation, harassment, intimidation, or discrimination.

D. Use of TS 3.0.3

The Petitioners asserted that GPC engaged in unsafe practices in that (1) GPC repeatedly allowed the Vogtle facility to enter TS 3.0.3 by rendering both trains of safety-related load sequencers for the DGs inoperable, (2) GPC did not make the required notifications to the NRC when TS 3.0.3 was entered, and (3) GPC failed to recognize that the loss of a load sequencer resulted in entry into TS 3.0.3.

The staff reviewed entries into TS 3.0.3 through inspections conducted by region-based inspectors and the observations of the resident inspectors. The staff also reviewed the completed maintenance work orders performed on the load sequencers and the related surveillance tests. The staff found several instances in which the work performed would have required the load sequencers to be de-energized. However, the associated unit was found not to have been in Modes 1, 2, 3, or 4 at the time this work was performed and thus, no TS LCO applied. The surveillance test review did not reveal any examples of the load sequencers having been de-energized while in Modes 1 through 4 at the time the test was performed and thus, no TS LCO's applied. Based on its review, the staff concluded that GPC did not routinely allow the Vogtle facility to enter TS 3.0.3 by rendering both trains of safety-related load sequencers for the DGs inoperable.

In accordance with 10 CFR 50.72, Immediate Notification Requirements for Operating Nuclear Power Reactors, licensees are required to make immediate (i.e., within 1 or 4 hours, depending on the circumstances) reports to the NRC of any declaration of an emergency class specified in the Emergency Plan, and certain non-emergency events. Non-emergency events include such items as the initiation of any nuclear plant shutdown required by the TS,

any deviation from the TS authorized by 10 CFR 50.54(x), any condition where the nuclear power plant (including its principle safety barriers) becomes seriously degraded, and any natural phenomenon or other external condition that poses an actual threat to the safety of the nuclear plant or significantly hampers site personnel in the performance of duties necessary for the safe operation of the plant. In 10 CFR 50.73, Licensee Event Report System, events are identified for which written reports will be made to the NRC within 30 days. These events include several of the events requiring immediate reports pursuant to 10 CFR 50.72, plus additional events such as any event or condition that alone could have prevented the fulfillment of the safety function of certain structures or systems. The Commission's regulations do not contain an explicit requirement that an entry into TS 3.0.3, in and of itself, be reported. Licensees are required by 10 CFR 50.72 to notify the NRC within 1 hour of the initiation of any plant shutdown required by the plant's TS. Thus, the NRC is promptly notified of entries into TS 3.0.3 if the plant initiates a shutdown as a result of the problem that caused entry into the TS. There is no requirement to notify the NRC of entries into TS 3.0.3 if a shutdown is not initiated. The staff has no basis to conclude that the licensee's activities constituted unsafe practices or that these activities indicated that the character of the licensee, including those GPC individuals who will be employed by Southern Nuclear after the licenses are transferred, was unsuitable for operating a nuclear plant.

E. Willful TS Violations

The Petitioners stated that GPC willfully and knowingly violated Vogtle Unit 1 TSs during the October 1988 refueling outage by opening boron dilution valves required to be locked closed by TSs. The Petitioners claimed that (1) the valves were opened while the coolant level in the reactor vessel was lowered to the mid-loop level, and that this placed the plant in an unanalyzed condition creating the risk of an uncontrolled boron dilution accident and an inadvertent criticality, (2) the valves were opened to expedite the outage so the plant could be placed back on line according to the schedule, and (3) the violation of TSs to stay on schedule was due, in part, to a senior management philosophy that outages must be scheduled assuming that everything goes right and that contingency or extra time is not to be included in the schedule.

After reviewing OI Report 2-90-001 and responses to four DFIs, and after an enforcement conference, the staff sent letters to the Operations Manager, the Operations Superintendent, and the Shift Supervisor stating that no actions would be taken regarding their individual NRC licenses. The staff also stated that, although their actions did not meet NRC expectations, there was insufficient evidence to support a conclusion that their actions constituted an attempt to intentionally circumvent TSs. On December 31, 1991, after consulting with the Commission, the staff issued a Severity Level III Notice of Violation and Proposed Imposition of Civil Penalty (EA 91-141). GPC paid a \$100,000 civil penalty on July 9, 1992.

With respect to the placement of the plant in a condition that could have resulted in an uncontrolled dilution event and inadvertent reactor

criticality, the staff reviewed an analysis of this event that Westinghouse later performed for GPC. The staff concluded that, although the TSs in effect at the time were violated, the actual opening of the valves was of insufficient duration to create a criticality event and did not endanger public health and safety.

With respect to the Petitioners' claim that the valves were opened to expedite the outage, the staff, based on its review, did not find sufficient basis to conclude that this evolution had been performed to meet the outage schedule. The NRC did not require chemical cleaning before the utility restarted the reactor, and cleaning expended time during the outage.

On February 26, 1990, the staff found that the dilution valves identified above were required to be locked closed, but were not locked while at mid-loop as required by the TSs. The Petitioners assert that this is another example of a willful violation of TSs by Vogtle senior management. Instead of installing a mechanism to mechanically secure this valve, the licensee had placed a hold tag on the valve, which provided only administrative control to preclude valve operation. GPC subsequently agreed that this method was unacceptable and took action to install a mechanical locking device. On April 26, 1990, the staff issued Notice of Violation, 50-424,425/90-05-01, "Failure to Mechanically Secure Valve 1-1208-U4-176 During Mode 5 As Required By TS 3.4.1.4.2.C" (Severity Level IV). The staff concluded that, although a violation occurred, the error in TS interpretation was not an example of a willful violation of TSs by Vogtle senior management. Thus, there is no basis to conclude that GPC wilfully and knowingly violated the TSs.

F. Safeguards Problems

The Petitioners alleged that (1) GPC personnel, including a Vice President and General Manager, and a Southern Company Services Manager, knowingly and repeatedly hid safeguards problems from the NRC and willfully refused to comply with reporting requirements, (2) the GPC Vice President made false statements to the NRC during an Enforcement Conference about the status of safeguards materials, and that the false statements probably influenced a subsequent civil penalty action taken by the NRC, (3) on July 23, 1990, plant and SONOPCO senior management prevented the Site Security Manager from making a notification within 1 hour as required by 10 CFR 73.71, and (4) the manager was prevented from making the call in order to delay or defuse the NRC's knowledge of programmatic problems on the part of the licensee regarding the handling of safeguards documents.

OI investigated the allegation that GPC knowingly and repeatedly hid safeguards problems from the NRC and willfully refused to comply with mandatory reporting requirements. OI also investigated the allegation that the GPC Vice President made false statements to the NRC in an Enforcement Conference concerning the status of safeguards material. The investigations did not substantiate that GPC withheld pertinent information from the NRC at the time of the Enforcement Conference or that GPC management impeded the reporting of safeguards events. On the basis

of the OI investigations, the staff concluded that the Severity Level II violation and \$50,000 civil penalty issued by the staff on June 27, 1990, for failing to properly secure safeguards information was appropriate for the volume and content of the safeguards information involved. GPC the civil penalty on July 27, 1990.

OI also investigated the allegation that plant and SONOPCO senior management prevented the Site Security Manager from making notifications within 1 hour as required by 10 CFR 73.71 in two instances. After reviewing OI's investigation results, the staff concluded that both of the failures to make timely reports were due to the GPC's cumbersome system for evaluating corporate security findings through the site security organization, rather than due to any willful attempt to impede the reporting process.

G. Operation of Radioactive Waste Systems

The Petitioners asserted that GPC endangered public health and safety by operating a temporary radioactive waste system known to be in gross violation of NRC requirements. The Petitioners also state that Vogtle's General Manager (GM) had intimidated the members of the Plant Review Board (PRB) when they attempted to consider if the use of the waste system should be resumed.

An NRC Special Inspection Team reviewed these items and discussed its findings in Supplement 1 to Inspection Report 50-424,425/90-19, dated November 1, 1991. The licensee's operation of the radwaste systems was found to be acceptable. The inspection team concluded that although the system was originally installed without an adequate safety evaluation and did not meet regulatory guidance, the subsequent safety evaluations were acceptable for the system's use. One issue was identified in the inspection report as warranting further review by the licensee under the provisions of 10 CFR 50.59.

Regarding the assertion that the GM had intimidated PRB members, the inspection team found one case where a voting PRB member felt intimidated and feared retribution because the GM was present at the meeting. The staff concluded that the allegation was substantiated. However, the PRB member stated that he did not change his vote in response to GM pressure, and the GM subsequently met with the PRB members to allay their fears. Since the level of intimidation perceived by the PRB member was insufficient to have any affect on the PRB member's safety decision, and the GM subsequently addressed the intimidation concern with the PRB, further regulatory action based on this event was not warranted.

H. GPC Statement On Management Participation in a Telephone Call

The Intervenor contended that GPC, in their April 1, 1991, response to the Petition, intentionally tried to conceal the participation of the Senior VP - Nuclear Operations in an April 19, 1990, conference call regarding a Licensee Event Report (LER).

The Senior VP participated in one of at least two conference calls known to have taken place on April 19, 1990, before the LER was issued that same day. However, there is no evidence that the GPC corporate official who signed the April 1, 1991, Petition response (the GPC Executive Vice President) was aware of the fact that the Senior VP had participated in one of the April 19 conference calls. The staff review of a transcript of Mr. Mosbaugh's surreptitiously recorded audio tape of the calls, that was admitted as evidence in the licensing proceeding, shows that the Senior VP joined one call after decisions were made on how to convey the DG start count information in the LER, and the Senior VP did not participate in a second conference call that finalized the LER language. The staff has determined that there is insufficient basis to conclude that GPC, in their April 1, 1991, response to the Petition, intentionally tried to conceal the participation of the Senior VP - Nuclear Operations in an April 19, 1990, conference call regarding the preparation of the LER.

I. Management Retaliation

The Petition alleged that GPC retaliated against managers who made their regulatory concerns known to GPC or SONOPCO management.

As noted previously, in 1990, Messrs. Hobby and Mosbaugh each filed a complaint with DOL alleging, in part, that their employment terminations constituted unlawful discrimination against them for engaging in protected activities (i.e., expressing safety concerns). The Secretary found that the terminations of employment resulted from unlawful discrimination by senior licensee management personnel. The NRC reviewed the Secretary's decisions and determined that violations of 10 CFR 50.7, (Employee Protection) had occurred. Two Severity Level I Notices of Violation were issued to the licensee as provided for by the NRC's Enforcement Policy. Although the NRC took no enforcement actions directly against the individuals involved, the NRC did issue letters to several senior management personnel to emphasize that harassment, intimidation and discrimination against licensee employees for engaging in protected activities is unacceptable.

GPC corrective actions included emphasizing to employees that they are encouraged to raise safety concerns and that harassment, intimidation and discrimination for raising those concerns is contrary to a strongly supported management policy prohibiting such retaliatory measures. Licensee corporate management communicated this message in writing, and at special meetings with site employees to focus on this concern.

The staff concludes that the significant enforcement action by the NRC, in addition to ASLB hearing activities and the DOL Orders, is likely to sensitize licensee management to the seriousness of problems of this nature and ensure a proper environment in which employees can express regulatory concerns without fear of retaliation, harassment, intimidation, or discrimination.

J. Management Practices

The Petitioners stated that GPC routinely used nonconservative and questionable management practices at its nuclear facilities. Examples provided by the Petitioner include the improper use of TS 3.0.3 (see D. above), willful TS violations (see E. above), safeguards problems (see F. above), and operation of a radioactive waste system known to be in violation of NRC requirements (see G. above). To address the Petitioners' general characterization of licensee management practices as being nonconservative and questionable, NRC witnesses, including staff engineers, supervisors, and senior managers provided testimony during the ASLB proceeding on several technical issues in addition to observations and assessments of GPC's performance from several perspectives.

The staff concluded that GPC's performance problems were not sufficient to establish that Southern Nuclear (and the GPC employees who will work for that company if the transfers were granted) lack the requisite character to be a licensee. The staff cited GPC's overall performance in keeping the NRC informed of DG post-repair and trouble shooting activities, GPC's technical competence in addressing those matters and the efforts of the GPC Senior Vice President - Nuclear Operations to keep the NRC informed of errors as GPC became aware of them.

In a letter, dated December 23, 1996, Southern Nuclear and GPC iterated their 1995 commitment that the former GM would not assume a line management position for a GPC or Southern Nuclear plant unless he had satisfactorily completed training in management communications and responsibilities, and the NRC received 60 days prior written notice of the assignment. The staff has relied on this commitment in evaluating the proposed transfers. A condition has been included in the Order authorizing these license transfers that the staff will receive 60 days prior written notice of the licensee's intent to assign the individual to a line management position at Vogtle.

The staff has concluded that, although significant violations were identified against GPC in the past, corrective actions have been implemented. There has been no showing that Southern Nuclear or GPC (including the GPC employees who will work for Southern Nuclear in conjunction with these license transfer) lacks the requisite character to be a licensee. In light of the various regulatory actions that have already been taken by the NRC on issues raised in the Petition, including the Order provision regarding the former Vogtle General Manager, and corrective actions taken by the licensee, no further action is necessary.

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION

GPC's request for these amendments to the operating licenses for the Vogtle facility, including a proposed determination by the staff of no significant hazards consideration, was noticed in the Federal Register on October 14, 1992 (57 FR 47135). The Commission's regulations in 10 CFR 50.92(c) set forth three standards used by the staff to arrive at a determination that a request for amendment involves no significant hazards considerations. These

regulations state that the Commission may make such a final determination if operation of a 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.

In its submittal, GPC has evaluated the proposed changes in accordance with the standards of 10 CFR 50.92(c) as follows:

1. The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated. Southern Nuclear will employ, or contract as necessary, all technically qualified personnel necessary to become responsible for possession, management, operation, use, and maintenance at VEGP. Therefore, it follows that the technical qualifications of employees of Southern Nuclear and its contractors will be consistent with those of Georgia Power Company presently. Personnel qualifications will remain the same as those discussed in the Technical Specifications and the FSAR.

The Georgia Power Company employees engaged in the operation of the plant will be reassigned to Southern Nuclear. The organizational structure of Southern Nuclear will provide for clear management control and effective lines of authority and communication between the organizational units involved in the management, operation, and technical support for the operation of the facility.

As a result of the proposed changes, there also will be no physical changes to the facility and all Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical Specifications will remain unchanged. With the exception of administrative changes to reflect the organization of Southern Nuclear, the emergency plan, security plan, QA program and training program will be unaffected. Provisions will also be made for an orderly transfer of emergency preparedness and security support agreements. Contractual agreements will ensure continued compliance with General Design Criterion 17 as well as Southern Nuclear control over all activities within the exclusion area.

Therefore, the proposed change will not significantly increase the probability or consequences of an accident previously evaluated. In fact, due to the opportunity for increased management focus on nuclear operations afforded by this proposed amendment, the amendment will actually enhance public safety.

2. The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated. The design and design bases of the plant remain the same. Therefore, the current plant safety analysis remains complete and accurate in addressing the licensing basis events and analyzing plant response and consequences.

The Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits are not affected by the proposed change. With the exception of administrative changes to reflect the organization of Southern Nuclear, plant operating and emergency procedures are unaffected. As such, the plant conditions for which the design basis accident analyses have been performed are still valid. Therefore, the proposed change will not create the possibility of a new or different kind of accident than those previously evaluated.

3. The proposed change will not involve a significant reduction in a margin of safety. Since there will be no change to the physical design or operation of the plant, there will be no change to any margins. Further, the only changes to the Technical Specifications which have been proposed are to reflect the organization of Southern Nuclear. The proposed amendment therefore will not involve a significant reduction in a margin of safety.

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

As discussed in Section 3.10 above, a request for a hearing was received pursuant to the opportunity for hearing published as part of the Federal Register notice of the proposed licensing action. The ASLB conducted hearings, but the contention was dismissed by the Board prior to the issuance of an initial decision.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Georgia State official was notified of the proposed issuance of the amendments. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on November 3, 1992 (57 FR 49724). In this finding, the Commission determined that issuance of these amendments, and the transfer of operating authority as described herein, would not have a significant effect on the quality of the human environment. Nothing has occurred since that publication to alter the staff's finding.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's

regulations, and (3) the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: L. Wheeler
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Date: March 17, 1997

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
GEORGIA POWER COMPANY, ET AL.)	Docket Nos. 50-424
)	and 50-425
(Vogtle Electric Generating Plant,)	
Units 1 and 2)	

ORDER APPROVING SOUTHERN NUCLEAR OPERATING COMPANY, INC.,
AS EXCLUSIVE OPERATOR

I.

Georgia Power Company (GPC), Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), are the holders of Facility Operating License No. NPF-68 for Vogtle Electric Generating Plant (Vogtle) Unit 1 and Facility Operating License No. NPF-81 for Vogtle Unit 2. These licenses generally authorize GPC to possess, use, and operate - and the other Owners to possess but not operate - the Vogtle facility in accordance with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC). In its capacity as licensed operator, GPC acts for itself and on behalf of the Owners. The Vogtle facility is located in Burke County, Georgia.

II.

By letter dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, GPC requested approval, and

amendments to the licenses for Southern Nuclear Operating Company, Inc. (Southern Nuclear), to become the operator of the Vogtle facility, and to have exclusive responsibility and control over its physical construction, operation, and maintenance. Southern Nuclear and GPC are wholly owned subsidiaries of The Southern Company. Southern Nuclear was formed in December 1990 for the purpose of consolidating into a single organization personnel within The Southern Company's electric system engaged in nuclear operation. Southern Nuclear is the exclusive operator of the Joseph M. Farley Nuclear Plant, Units 1 and 2, located near Dothan, Alabama.

On October 14, 1992, the NRC noticed the proposed transfer of operating authority and amendments and published in the Federal Register a Proposed Finding of No Significant Hazards Consideration and Opportunity for Hearing (57 FR 47135). By letter dated October 22, 1992, attorneys for two former employees of GPC filed with the NRC a "Petition To Intervene and Request For Hearing Of Allen L. Mosbaugh and Marvin B. Hobby" in opposition to the proposed action. Mr. Mosbaugh was admitted as a party with an issue regarding GPC character. Hearings were completed, but prior to a decision being issued, GPC and the Intervenor reached a settlement. The hearing Board dismissed the contention and terminated the proceeding.

III.

Pursuant to 10 CFR 50.80(a), the transfer, assignment, or disposal of any right under a license is subject to the NRC's written consent. On the basis of information provided by GPC and other information before the Commission, it is determined that the proposed transfer of authority under the Vogtle licenses to the extent Southern Nuclear becomes the operator of the Vogtle facility with exclusive responsibility and control over its physical

construction, operation, and maintenance, subject to the conditions set forth herein, is consistent with applicable provisions of law, regulations, and orders issued by the Commission, and Southern Nuclear is qualified to hold the licenses to the extent described above. These findings are supported by a Safety Evaluation dated March 17, 1997, which contains a final no significant hazards consideration determination.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 30, 1996, which iterated commitments made in a licensee letter dated February 1, 1995, with respect to an enforcement action related to the Vogtle facility that, the Southern Nuclear employee who formerly served as the Vogtle General Manager through August 1990, will not hold a line management position involving NRC licensed activities at GPC and Southern Nuclear plants until the NRC is provided prior written notice and the individual has satisfactorily completed certain management training. That commitment is accordingly confirmed in this Order for Vogtle.

IV.

Accordingly, pursuant to Sections 103, 104b, 105, 161b, 161i, and 184, of the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2133, 2134, 2135, 2201(b), 2201(o), and 2234, and 10 CFR 50.80, IT IS HEREBY ORDERED that the request that Southern Nuclear be permitted to become the operator of the Vogtle facility and to have exclusive responsibility and control over the physical construction, operation, and maintenance of the facility, discussed above, is approved subject to the following conditions:

(1) The Southern Nuclear employee who formerly served as the General Manager - Vogtle through August 1990, will not hold a line management position at Vogtle until:

(a) Satisfactory completion of training in management communications and responsibilities; and,

(b) Written notice is provided to the NRC sixty (60) days prior to his assignment to such a position; and,

(2) If Southern Nuclear does not assume responsibility and control over physical construction, operation and maintenance of the facility within 60 days of the date of this Order, this Order shall become null and void. However, upon written application and for good cause shown, this date may be extended.

Pursuant to 10 CFR 51.35, an Environmental Assessment was prepared and published in the Federal Register on November 3, 1992 (57 FR 49724). As required by 10 CFR 51.32, this assessment documents the Commission's determination that this action will have no significant impact on the quality of the human environment and nothing has occurred since its publication to alter this finding.

This Order is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Frank J. Miraglia, Jr., Acting Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 17th day of March 1997

DOCUMENT NAME: A:\ORDER.VOG *SEE PREVIOUS CONCURRENCE

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OFFICE	D:DRPE		ADPRT	D:NRR		
NAME	S.VARGA		R.ZIMMERMAN	K.MIRAGLIA		
DATE	1/29/97		2/3/97	2/2/97	1/1/97	1/1/97

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- (1) The Southern Nuclear employee who formerly served as the General Manager - Vogtle through August 1990, will not hold a line management position at Vogtle until:
 - (a) Satisfactory completion of training in management communications and responsibilities; and,
 - (b) Written notice is provided to the NRC sixty (60) days prior to his assignment to such a position; and,
- (2) If Southern Nuclear does not assume responsibility and control over physical construction, operation and maintenance of the facility within 60 days of the date of this Order, this Order shall become null and void. However, upon written application and for good cause shown, this date may be extended.

Pursuant to 10 CFR 51.35, an Environmental Assessment was prepared and published in the Federal Register on November 3, 1992 (57 FR 49724). As required by 10 CFR 51.32, this assessment documents the Commission's determination that this action will have no significant impact on the quality of the human environment and nothing has occurred since its publication to alter this finding.

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OFFICE	D:DRPE		ADPR:1121	D:NRR		
NAME	S.VARGA		R.ZIMMERMAN	K.MIRAGLIA		
DATE	1/29/97		2/13/97	2/10/97	1/1/97	1/1/97

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U. S. NUCLEAR REGULATORY COMMISSION
GEORGIA POWER COMPANY, ET AL.
DOCKET NOS. 50-424 AND 50-425
NOTICE OF ISSUANCE OF AMENDMENTS
TO FACILITY OPERATING LICENSES
AND FINAL DETERMINATION OF NO SIGNIFICANT
HAZARDS CONSIDERATION

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 97 to Facility Operating License No. NPF-68 and Amendment No. 75 to Facility Operating License No. NPF-81, issued to the Georgia Power Company, et al., which revised the Technical Specifications, Licenses, Environmental Protection Plans and Antitrust conditions for operation of the Vogtle Electric Generating Plant (the facility), Units 1 and 2, located in Burke County, Georgia. The amendments were effective as of the date of issuance and shall be implemented within 60 days of the date of issuance and upon the official transfer of responsibilities between Georgia Power Company and Southern Nuclear.

The amendments modify the Facility Operating Licenses, Technical Specifications, Environmental Protection Plans, and Antitrust conditions to add Southern Nuclear Operating Company, Inc., as operator of the facility, with exclusive responsibility and control over its physical construction, operation, and maintenance. The Antitrust license conditions divorce Southern Nuclear from marketing or brokering power or energy from the Vogtle plant and holds Georgia Power Company accountable for the actions of its agent, Southern Nuclear, to the extent Southern Nuclear's actions contravene the Vogtle

Antitrust license conditions. An Order Approving Southern Nuclear Operating Company, Incorporated, As Exclusive Operator was included along with the issuance of the amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the FEDERAL REGISTER on October 14, 1992 (57 FR 47135). A request for a hearing was filed on October 22, 1992, by Allen L. Mosbaugh and Marvin B. Hobby.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendments have been issued and made immediately effective and any hearing will be held after issuance.

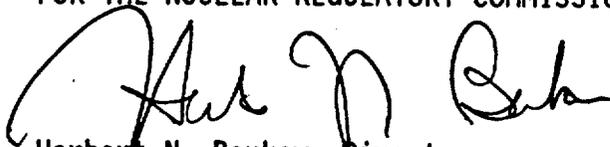
The Commission has prepared an Environmental Assessment (57 FR 49724), published on November 3, 1992, related to the action and has concluded that an

environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated March 1985.

For further details with respect to the action see (1) the application for amendments dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, (2) Amendment No. 97 to Facility Operating License No. NPF-68 and Amendment No. 75 to Facility Operating License No. NPF-81, and (3) the Commission's related Safety Evaluation and Order. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Director, Division of Reactor Projects - I/II.

Dated at Rockville, Maryland, this 17th day of March 1997

FOR THE NUCLEAR REGULATORY COMMISSION



Herbert N. Berkow, Director
Project Director II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation