

April 28, 1999

Mr. H. L. Sumner, Jr.  
Vice President - Nuclear  
Hatch Project  
Southern Nuclear Operating  
Company, Inc.  
Post Office Box 1295  
Birmingham, Alabama 35201-1295

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS - EDWIN I.  
HATCH NUCLEAR PLANT, UNITS 1 AND 2 (TAC NOS. MA5196 AND MA5197)

Dear Mr. Sumner:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your amendment application dated April 6, 1999, which would revise the Technical Specifications to allow an increase in the storage capacity of the Spent Fuel Pools for Units 1 and 2.

Sincerely,  
ORIGINAL SIGNED BY:

Leonard N. Olshan, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosure: As stated

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Sincerely,

A handwritten signature in cursive script, appearing to read "L. N. Olshan".

Leonard N. Olshan, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosure: As stated

Edwin I. Hatch Nuclear Plant

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UNITED STATES NUCLEAR REGULATORY COMMISSION

SOUTHERN NUCLEAR OPERATING COMPANY

DOCKET NOS. 50-321 AND 50-366

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-57 and NFP-5 issued to Southern Nuclear Operating Company, Inc., (the licensee) for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2, located in Appling County, Georgia.

The proposed amendments would allow an increase of 168 fuel assemblies in the storage capacity of Unit 1's Spent Fuel Pool and an increase of 88 fuel assemblies in the storage capacity of Unit 2's Spent Fuel Pool.

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

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As

required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The analyses performed by SNC in support of the rack addition effort demonstrate its acceptability from a variety of different perspectives. Regarding criticality,  $k_{eff}$  will remain less than or equal to the current Technical Specification requirement of 0.95 for all normal and abnormal operating conditions. This determination accounts for uncertainties at a 95%/95% probability/confidence level. A fuel assembly drop will not distort the racks in such a manner that it would impair their functionality. Accordingly, the radiological consequences of a fuel handling accident remain within previously established limits for demonstrating compliance with 10 CFR 100 and GDC 19 limits. Additionally, the structural integrity of the Spent Fuel Pool (SFP), the storage racks, and the stored spent fuel will be maintained during a postulated accident or seismic event.

SFP cooling capability will continue to be available to maintain bulk pool temperatures less than 150°F for normal, refueling, and full core discharge conditions. In the event a loss of normal spent fuel cooling should occur, there will be time to take appropriate action to arrange an alternate source to preclude pool boiling. If pool boiling is postulated to occur, the impact on the radiological consequences previously evaluated for this event is minimal and remains acceptable.

2. The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The new racks will not require their movement over any stored spent fuel during installation. Rack movements will be conducted using the single failure proof Hatch 1 reactor building crane. During the SFP expansion effort, all heavy load movements will be performed in accordance with SNC's commitments to NUREG-0612 to preclude any damage to fuel assemblies stored in the SFPs, and to preclude any damage to safe shutdown equipment. Crane operator training and load handling instructions in concert with defined safe load travel paths will be provided together with proper crane inspection, maintenance, and testing to ensure reliable heavy load handling operations.

As with the existing spent fuel storage racks, no special storage configurations will need to be imposed on the new racks, even with the closer spacing between fuel assemblies. Therefore, spent fuel will continue to be allowed to be placed in any storage cell location while maintaining a  $k_{eff}$  less than or equal to 0.95. Also, the spent fuel storage expansion does not involve any rod consolidation or double-tiering of the spent fuel racks.

No new or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify SFP storage expansion at Plant Hatch. Additionally, the rack vendor construction process and analytical techniques are substantially the same as those used for other recently completed storage expansion projects which have been accepted by the NRC.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed small increase in storage capacity of the SFPs at Plant Hatch does not represent a significant challenge to the performance of existing plant systems and structures. As demonstrated in Enclosures 5 and 6, this license amendment request has been evaluated in accordance with the NRC acceptance criteria contained in "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications" dated April 14, 1978, as amended on January 18, 1979, and shown to be acceptable for normal and abnormal conditions relative to the criticality, thermal-hydraulic, radiological, seismic, structural, material, and heavy load requirements contained therein.

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

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a

notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 1, 1999 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

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

satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

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

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

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

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

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Pott and Trowbridge, 2300 N Street, NW., Washington, DC, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides such notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPAA), 42 U.S.C. 10154. Under section 134 of the NWPAA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPAA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the

hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated April 6, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Rockville, Maryland, this 28th day of April 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Leonard N. Olshan, Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation