



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

March 17, 1997

Mr. Jack D. Woodard
 Senior Vice President -
 Nuclear Operations
 Georgia Power Company
 P. O. Box 1295
 Birmingham, Alabama 35201

SUBJECT: ISSUANCE OF AMENDMENTS - EDWIN I. HATCH NUCLEAR PLANT,
 UNITS 1 AND 2 (TAC NOS. M84534 AND M84535)

Dear Mr. Woodard:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 203 to Facility Operating License DPR-57 and Amendment No. 144 to Facility Operating License NPF-5 for the Edwin I. Hatch Nuclear Plant, Units 1 and 2. The amendments consist of changes to the Facility Operating Licenses, Technical Specifications, and the Environmental Protection Plan in response to your application dated September 18, 1992, as supplemented October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 1996.

The amendments modify the Facility Operating Licenses, Technical Specifications, and Environmental Protection Plan 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 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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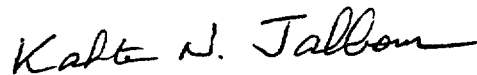
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J. D. Woodard

-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,



Kahtan N. Jabbour, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosures: 1. Amendment No. 203 to DPR-57
2. Amendment No. 144 to NPF-5
3. Safety Evaluation
4. Order

cc w/enc's: See next page

Mr. J. D. Woodard
Georgia Power Company

Edwin I. Hatch Nuclear Plant

cc:

Mr. Ernest L. Blake, Jr.
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Birmingham, Alabama 35201

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General Manager, Nuclear Plant
Georgia Power Company
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U.S. Nuclear Regulatory Commission
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Baxley, Georgia 31513

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
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Atlanta, Georgia 30323

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Atlanta, Georgia 30334

Harold Reheis, Director
Department of Natural Resources
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Chairman
Appling County Commissioners
County Courthouse
Baxley, Georgia 31513

Steven M. Jackson
Senior Engineer - Power Supply
Municipal Electric Authority
of Georgia
1470 Riveredge Parkway, NW
Atlanta, Georgia 30328-4684

DISTRIBUTION AND CONCURRENCE

LICENSE TRANSFER FOR OPERATION OF HATCH UNITS 1 AND 2

AMENDMENT NOS. 203 and 144DATED March 17, 1997**DISTRIBUTION**

Docket File

PUBLIC

PDII-2 RF

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R. Zimmerman

OGC

ACRS

H. Berkow

K. Jabbour

L. Berry

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P. Skinner, RII

C. Grimes

S. Varga

J. Zwolinski

G. Hill (4)

G. Tracy, EDO (Order)

SECY (Order)

J. Johnson, RII

S. Collins/F. Miraglia

* See prior concurrence

OFFICE	PDII-2/PM	PDII-2/LA	OGC <i>WJ</i>	PGEB*	HQMB*
NAME	<i>for</i> K. JABBOUR	L. BERRY <i>LB</i>	<i>W. Young</i>	D. MATTHEWS	S. BLACK
DATE	1/3/97	1/6/97	1/3/97	12/12/96	12/09/96
COPY	YES NO	<input checked="" type="checkbox"/> YES NO	YES NO	YES NO	YES NO

OFFICE	PEPB*	PSGB*	EELB*	HHFB*
NAME	C. MILLER	J. CUNNINGHAM	J. CALVO	C. THOMAS
DATE	12/11/96	12/05/96	12/12/96	12/10/96
COPY	YES NO	YES NO	YES NO	YES NO

OFFICE	PDII-2/D	DRPE:D	ADPR <i>RZ</i>	<i>NRR</i>	
NAME	H. BERKOW <i>H</i>	S. VARGA <i>S</i>	R. ZIMMERMAN	<i>R. MIRAGLIA</i>	
DATE	1/9/97	1/6/97	2/1/97	2/2/97	2/ /97
COPY	YES NO	YES NO	YES NO	YES NO	YES NO

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J. D. Woodard

-2- March 17, 1997

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:

Kahtan N. Jabbour, Senior Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosures: 1. Amendment No. 203 to DPR-57
2. Amendment No. 144 to NPF-5
3. Safety Evaluation
4. Order

cc w/encls: See next page

DISTRIBUTION

see next page

CONCURRENCES

see next page



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

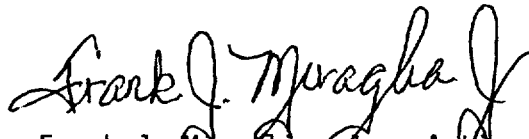
GEORGIA POWER COMPANY
OGLETHORPE POWER CORPORATION
MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA
CITY OF DALTON, GEORGIA
DOCKET NO. 50-321
EDWIN I. HATCH NUCLEAR PLANT, UNIT 1
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 203
License No. DPR-57

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit 1 (the facility) Facility Operating License No. DPR-57 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 October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 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 as 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. DPR-57 is hereby amended by changing the license, Technical Specifications, and Environmental Technical Specifications 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. DPR-57
2. Technical Specification
changes
3. Environmental Technical
Specification changes

Date of Issuance: March 17, 1997

ATTACHMENT TO LICENSE AMENDMENT NO. 203

FACILITY OPERATING LICENSE NO. DPR-57

DOCKET NO. 50-321

Replace Facility Operating License DPR-57 with the attached revised License No. DPR-57.

Replace the following pages of the Appendix "A" and "B" Technical Specifications 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	5.0-17	5.0-17
Appendix B	Cover	Cover
	1-1	1-1
	4-1	4-1

**FACILITY OPERATING LICENSE
NO. DPR-57**

HATCH UNIT 1



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

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY
OGLETHORPE POWER CORPORATION
MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA
CITY OF DALTON, GEORGIA

DOCKET NO. 50-321

(Edwin I. Hatch Nuclear Plant Unit 1)

FACILITY OPERATING LICENSE

License No. DPR-57

1. The Atomic Energy Commission (the Commission) having found that:
 - A. The application for license filed by the Georgia Power Company¹ 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 and all required notifications to other agencies or bodies have been duly made;
 - B. Construction of the Edwin I. Hatch Nuclear Plant Unit 1 (facility) has been substantially completed in conformity with Construction Permit No. CPPR-65 and the application, as amended, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - 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 rules and regulations of the Commission;

¹ Following the initial filing of the application for license, Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia and The City of Dalton, Georgia became co-owners with Georgia Power Company (GPC) of the Edwin I. Hatch Nuclear Plant, Unit 1, and together with GPC are hereinafter referred to as the Owners.

- E. Southern Nuclear Operating Company, Inc.² (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 operating license in accordance with the rules and regulations of the Commission;
 - F. The Owners have satisfied the applicable provisions to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this operating 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 costs and considering available alternatives, the issuance of Facility Operating License No. DPR-57 is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied; and
 - 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, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.
2. Facility Operating License No. DPR-57 is hereby issued to Southern Nuclear, the Georgia Power Company, the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia and the City of Dalton, Georgia to read as follows:
- A. This license applies to the Edwin I. Hatch Nuclear Plant Unit No. 1, a direct cycle boiling water reactor and associated equipment (the facility), owned by the Georgia Power Company, the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia and the City of Dalton, Georgia and operated by Southern Nuclear. The facility is located eleven miles north of Baxley in Appling County, Georgia, and is described in the 'Final Safety Analysis Report' as supplemented and amended (Amendments 9 through 46) and the Environmental Report as supplemented and amended (Supplement 1 and Amendment 1).
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
 - (1) Southern Nuclear, pursuant to Section 104b of the Act and 10 CFR Part 50, 'Licensing of Production and Utilization Facilities,' to possess, manage, use, maintain and operate the facility at the designated location in Appling County, Georgia, in accordance with

² Southern Nuclear Operating Company, Inc. succeeds Georgia Power Company as operator of the Edwin I. Hatch Nuclear 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.

the procedures and limitations set forth in this license; and the Georgia Power Company, the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia and the City of Dalton, Georgia to possess but not operate the facility in accordance with the procedures and limitations set forth in this license;

- (2) 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;
- (3) 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;
- (4) 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;
- (5) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50-54 and 50-59 of Part 50, and Section 70.32 of Part 70; 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 conditions³ specified or incorporated below:

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at steady state reactor core power levels not in excess of 2558 megawatts thermal.

³ The original licensee authorized to possess, use and operate the facility was Georgia Power Company (GPC). Consequently, certain historical references to GPC remain in the license conditions.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 203 are hereby incorporated in the 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. 195. The SRs listed below shall be successfully demonstrated prior to the time and condition specified below for each:

- a) SRs 3.3.1.1.15, 3.3.1.1.16 (for function 9), 3.3.2.2.2, 3.3.2.2.3, 3.3.3.2.2, 3.3.6.1.6 (for function 1.f), 3.3.8.1.4, 3.7.7.2 and 3.7.7.3 shall be successfully demonstrated prior to entering MODE 2 on the first plant startup following the sixteenth refueling outage;
- b) SRs 3.8.1.8, 3.8.1.10, 3.8.1.12, 3.8.1.13, and 3.8.1.18 shall be successfully demonstrated at their next regularly scheduled performance;
- c) SRs 3.6.4.1.3 and 3.6.4.1.4 will be met at implementation for the secondary containment configuration in effect at that time. The SRs shall be successfully demonstrated for the other secondary containment configuration prior to the plant entering the LCO applicability for the configuration.

- (3) Southern Nuclear shall implement and maintain in effect all provisions of the fire protection program, which is referenced in the Final Safety Analysis Report for the facility, as contained in the updated Edwin I. Hatch Nuclear Plant Units 1 and 2 Fire Hazards Analysis and Fire Protection Program, originally submitted by a letter dated July 22, 1986. Southern Nuclear may make changes to the fire protection program without prior approval of the Commission only if the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(4) Physical Protection

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: "Edwin I. Hatch Physical Security Plan" (which contains Safeguards Information protected under 10 CFR 73.21), with revisions submitted through December 13, 1996; "Edwin I. Hatch Guard Training and Qualification Plan," with revisions submitted through April 12, 1993; and "Edwin I. Hatch Safeguards Contingency Plan," identified as Appendix D to the Physical Security Plan (which contains Safeguards Information protected under 10 CFR 73.21), with revisions submitted through December 13, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

- (5) Georgia Power Company shall submit, for the Commission's review and approval, plans for inspection and/or modification during the next refueling outage (following Cycle 7 operation and prior to startup for Cycle 8 operation) of the Recirculation and Reactor Heat Removal Systems piping. These plans shall be submitted to the Commission at least three months prior to the start of the next refueling outage.

- D. Southern Nuclear shall not market or broker power or energy from Edwin I. Hatch Nuclear Plant, Unit 1.

- E. This license is effective as of the date of issuance and shall expire at midnight, August 6, 2014.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
Roger S. Boyd for

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachment:

Appendix A - Technical Specifications and
Appendix B - Environmental Protection Plan

APPENDIX A

TECHNICAL SPECIFICATIONS

UNIT 1

5.0 ADMINISTRATIVE CONTROLS

5.6 Reporting Requirements

The following reports shall be submitted in accordance with 10 CFR 50.4.

5.6.1 Occupational Radiation Exposure Report

-----NOTE-----
A single submittal may be made for a multiple unit station. The submittal should combine sections common to all units at the station.

A tabulation on an annual basis of the number of station and other personnel (including contractors) for whom monitoring was required, receiving exposures > 100 mrem/yr and their associated man rem exposure according to work and job functions (e.g., reactor operations and surveillance, inservice inspection, routine maintenance, special maintenance (describe maintenance), waste processing, and refueling). This tabulation supplements the requirements of 10 CFR 20.2206. The dose assignments to various duty functions may be estimated based on pocket dosimeter, thermoluminescent dosimeter (TLD), or film badge measurements. Small exposures totalling < 20% of the individual total dose need not be accounted for. In the aggregate, at least 80% of the total whole body dose received from external sources should be assigned to specific major work functions. The report shall be submitted by March 31 of each year.

5.6.2 Annual Radiological Environmental Operating Report

-----NOTE-----
A single submittal may be made for a multiple unit station. The submittal should combine sections common to all units at the station.

The Annual Radiological Environmental Operating Report covering the operation of the unit during the previous calendar year shall be submitted by May 15 of each year. The report shall include summaries, interpretations, and analyses of trends of the results of the Radiological Environmental Monitoring Program for the reporting period. The material provided shall be consistent with the objectives outlined in the Offsite Dose Calculation Manual (ODCM), and in 10 CFR 50, Appendix I, Sections IV.B.2, IV.B.3, and IV.C.

(continued)

**APPENDIX B
TO
FACILITY OPERATING LICENSE NOS.
DPR-57 and NPF-5**

**HATCH NUCLEAR PLANT
UNITS 1 and 2**

**SOUTHERN NUCLEAR OPERATING COMPANY, INC.
DOCKET NOS. 50-321 and 50-366**

**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 Statements (FES) 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 which relate to water quality matters are regulated by way of the licensee's^(a) NPDES permit.

(a) The term "licensee," when used in the Edwin I. Hatch Environmental Protection Plan, shall refer to Southern Nuclear Operating Company, Inc.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impactation events; onsite plant or animal disease outbreaks; mortality or unusual occurrences of any species protected by the Endangered Species Act of 1973; fish kills or impingement events on the intake screens; increase in nuisance organisms or conditions; unanticipated or emergency discharge of waste water or chemical substances; and damage to vegetation resulting from cooling tower operations.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decision made by the State of Georgia under the authority of the Clean Water Act for any requirements for aquatic monitoring.

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.

4.2.3 Maintenance of Transmission Line Corridors

The use of herbicides within the Edwin I. Hatch Nuclear Plant transmission line corridors 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 this condition.



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

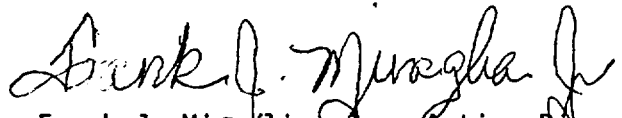
GEORGIA POWER COMPANY
OGLETHORPE POWER CORPORATION
MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA
CITY OF DALTON, GEORGIA
DOCKET NO. 50-366
EDWIN I. HATCH NUCLEAR PLANT, UNIT 2
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 144
License No. NPF-5

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit 2 (the facility) Facility Operating License No. NPF-5 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 October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 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 as 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-5 is hereby amended by changing the license, Technical Specifications, and Environmental Technical Specifications, 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-5
2. Technical Specification
changes
3. Environmental Technical
Specification changes

Date of Issuance: March 17, 1997

ATTACHMENT TO LICENSE AMENDMENT NO. 144

FACILITY OPERATING LICENSE NO. NPF-5

DOCKET NO. 50-366

Replace Facility Operating License No. NPF-5 with the attached revised License No. NPF-5.

Replace the following pages of the Appendix "A" and "B" Technical Specifications with the enclosed revised 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	5.0-17	5.0-17
Appendix B	Cover	Cover
	1-1	1-1
	4-1	4-1

APPENDIX A

TECHNICAL SPECIFICATIONS

UNIT 2

5.0 ADMINISTRATIVE CONTROLS

5.6 Reporting Requirements

The following reports shall be submitted in accordance with 10 CFR 50.4.

5.6.1 Occupational Radiation Exposure Report

-----NOTE-----
A single submittal may be made for a multiple unit station. The submittal should combine sections common to all units at the station.

A tabulation on an annual basis of the number of station and other personnel (including contractors) for whom monitoring was required, receiving exposures > 100 mrem/yr and their associated man rem exposure according to work and job functions (e.g., reactor operations and surveillance, inservice inspection, routine maintenance, special maintenance (describe maintenance), waste processing, and refueling). This tabulation supplements the requirements of 10 CFR 20.2206. The dose assignments to various duty functions may be estimated based on pocket dosimeter, thermoluminescent dosimeter (TLD), or film badge measurements. Small exposures totalling < 20% of the individual total dose need not be accounted for. In the aggregate, at least 80% of the total whole body dose received from external sources should be assigned to specific major work functions. The report shall be submitted by March 31 of each year.

5.6.2 Annual Radiological Environmental Operating Report

-----NOTE-----
A single submittal may be made for a multiple unit station. The submittal should combine sections common to all units at the station.

The Annual Radiological Environmental Operating Report covering the operation of the unit during the previous calendar year shall be submitted by May 15 of each year. The report shall include summaries, interpretations, and analyses of trends of the results of the Radiological Environmental Monitoring Program for the reporting period. The material provided shall be consistent with the objectives outlined in the Offsite Dose Calculation Manual (ODCM), and in 10 CFR 50, Appendix I, Sections IV.B.2, IV.B.3, and IV.C.

(continued)

**FACILITY OPERATING LICENSE
NO. NPF-5**

HATCH UNIT 2



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

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY
OGLETHORPE POWER CORPORATION
MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA
CITY OF DALTON, GEORGIA

DOCKET NO. 50-366

(Edwin I. Hatch Nuclear Plant Unit 2)

FACILITY OPERATING LICENSE

License No. NPF-5

1. The Atomic Energy Commission (the Commission) having found that:
 - A. The application for license filed by the Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, And the 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 rules and 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 Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-90 and the application, as amended, the provisions of the Act and the rules and regulations of the Commission;
 - C. The facility requires exemptions from certain requirements of (1) Section 50.55a(g)(2) of 10 CFR Part 50, (2) Criterion 2 of Appendix A to 10 CFR Part 50, (3) Criterion 50 of Appendix A to 10 CFR Part 50, and (4) Appendices G and H to 10 CFR Part 50. These exemptions are described in the Office of Nuclear Reactor Regulation's safety evaluations supporting the granting of these exemptions which are enclosed in the letter dated June 13, 1978 transmitting this license. These exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The exemptions are, therefore, hereby granted. With the granting of these exemptions, the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;

- 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 rules and regulations of the Commission;
 - E. Southern Nuclear Operating Company, Inc.¹ (herein called Southern Nuclear) is technically qualified to engage in the activities authorized by this operating license in accordance with the rules and regulations of the Commission;
 - F. Southern Nuclear and the Owners, together, are financially qualified to engage in the activities authorized by this operating license in accordance with the rules and regulations of the Commission;
 - G. The Owners have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - H. The issuance of this operating license will not be inimical to the common defense and security or to the health and safety of the public;
 - I. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. NPF-5 subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
 - J. 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, including 10 CFR Sections 30.33, 40.32, 70.23 and 70.31.
2. Facility Operating License No. NPF-5 is hereby issued to Southern Nuclear, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia to read as follows:
- A. The license applies to the Edwin I. Hatch Nuclear Plant, Unit No. 2, a boiling water reactor and associated equipment (the facility) owned by Georgia Power Company, Oglethorpe Power

¹ Southern Nuclear Operating Company, Inc. succeeds Georgia Power Company as operator of the Edwin I. Hatch Nuclear 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.

Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia and operated by Southern Nuclear. The facility is located in Appling County, Georgia, and is described in the Final Safety Analysis Report as supplemented and amended (Amendments 18 through 45) and Environmental Report as supplemented and amended (Supplements 1 and 2 and Amendment 1).

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, "Licensing of Production and Utilization Facilities," to possess, manage, use, maintain and operate the facility at the designated location in Appling 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 the 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 Appling 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 of 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; and
- (6) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; 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 conditions² specified or incorporated below:

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at steady state reactor core power levels not in excess of 2558 megawatts thermal in accordance with the conditions specified herein and in Attachment 2 to this license. Attachment 2 is an integral part of this license.

(2) Technical Specifications

The Technical Specifications in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 144 are hereby incorporated in the 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. 135. The SRs listed below shall be successfully demonstrated prior to the time and condition specified below for each:

- a) SRs 3.3.1.1.15, 3.3.1.1.16 (for function 9), 3.3.2.2.2, 3.3.2.2.3, 3.3.3.2.2, 3.3.6.1.6 (for function 1.f), 3.3.8.1.4, 3.7.7.2 and 3.7.7.3 shall be successfully demonstrated prior to entering MODE 2 on the first plant startup following the sixteenth refueling outage;
- b) SRs 3.8.1.8, 3.8.1.10, 3.8.1.12, 3.8.1.13, and 3.8.1.18 shall be successfully demonstrated at their next regularly scheduled performance;
- c) SRs 3.6.4.1.3 and 3.6.4.1.4 will be met at implementation for the secondary containment configuration in effect at that time. The SRs shall be successfully demonstrated for the other secondary containment configuration prior to the plant entering the LCO applicability for the configuration.

² The original licensee authorized to possess, use, and operate the facility was Georgia Power Company (GPC). Consequently, certain historical references to GPC remain in the license conditions.

(3) Additional Conditions

The matters specified in the following conditions shall be completed to the satisfaction of the Commission within the stated time periods following the issuance of the license or within the operational restrictions indicated. The removal of these conditions shall be made by an amendment to the license supported by a favorable evaluation by the Commission.

- (b) Southern Nuclear shall implement and maintain in effect all provisions of the fire protection program, which is referenced in the Final Safety Analysis Report for the facility, as contained in the updated Edwin I. Hatch Nuclear Plant Units 1 and 2 Fire Hazards Analysis and Fire Protection Program, originally submitted by a GPC letter dated July 22, 1986. Southern Nuclear may make changes to the fire protection program without prior approval of the Commission only if the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

(f) Initial Test Program

Georgia Power Company shall conduct the post-fuel-loading initial test program that has been reviewed and approved by the Commission at the time of issuance of this license without making major changes to this program. Major changes are deemed to involve unreviewed safety questions under Section 50.59 of 10 CFR Part 50 and are defined as:

- (1) Elimination of any test identified in Section 14 of the Final Safety Analysis Report as essential.
- (2) Modification of test objectives, methods or acceptance criteria for any test identified in Section 14 of the Final Safety Analysis Report as essential.
- (3) Performance of any test identified in Section 14 of the Final Safety Analysis Report as essential at a power level different by more than five (5) percent of rated power from that described.
- (4) Failure to complete all tests included in the described program (planned or scheduled for power levels up to the authorized power level) prior to exceeding a core burnup of one hundred and twenty (120) effective full power days.

D. Physical Protection

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: "Edwin I. Hatch Physical Security Plan" (which contains Safeguards Information protected under 10 CFR 73.21), with revisions submitted through December 13, 1996; "Edwin I. Hatch Guard Training and Qualification Plan," with revisions submitted through April 12, 1993; and "Edwin I. Hatch Safeguards Contingency Plan," identified as Appendix D to the Physical Security Plan (which contains Safeguards Information protection under 10 CFR 73.21), with revisions submitted through December 13, 1996. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

- E. This license is subject to the following additional condition for the protection of the environment:

Before engaging in additional construction or operational activities which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement (NUREG-0417), Southern Nuclear shall provide written notification to the Director, Office of Nuclear Reactor Regulation.

- F. This license is subject to the following antitrust conditions:

- (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 hydroelectric 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 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 Power Company.

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 members' 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, Vogtle 3, Vogtle 4, 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 Edwin I. Hatch Nuclear Plant, Unit 2. Georgia Power Company shall continue to be responsible for compliance with the obligations imposed on it in its antitrust license conditions. 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 existing antitrust license conditions.
- (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.

- G. This license is effective as of the date of issuance and shall expire at midnight, June 13, 2018.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by
Roger S. Boyd

Roger S. Boyd, Director
Division of Project Management
Office of Nuclear Reactor Regulation

Attachments:

1. Appendix A - Technical Specifications and
Appendix B - Environmental Protection Plan
2. Items to be Completed Prior to
Opening Main Steam Isolation
Valves

Date of Issuance: JUN 13 1978

**APPENDIX B
TO
FACILITY OPERATING LICENSE NOS.
DPR-57 and NPF-5**

**HATCH NUCLEAR PLANT
UNITS 1 and 2**

**SOUTHERN NUCLEAR OPERATING COMPANY, INC.
DOCKET NOS. 50-321 and 50-366**

**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 Statements (FES) 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 which relate to water quality matters are regulated by way of the licensee's^(a) NPDES permit.

(a) The term "licensee," when used in the Edwin I. Hatch Environmental Protection Plan, shall refer to Southern Nuclear Operating Company, Inc.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality or unusual occurrences of any species protected by the Endangered Species Act of 1973; fish kills or impingement events on the intake screens; increase in nuisance organisms or conditions; unanticipated or emergency discharge of waste water or chemical substances; and damage to vegetation resulting from cooling tower operations.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decision made by the State of Georgia under the authority of the Clean Water Act for any requirements for aquatic monitoring.

4.2.2 Terrestrial Monitoring

Terrestrial monitoring is not required.

4.2.3 Maintenance of Transmission Line Corridors

The use of herbicides within the Edwin I. Hatch Nuclear Plant transmission line corridors 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 this condition.



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

**SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 203 TO FACILITY OPERATING LICENSE DRP-57
AND AMENDMENT NO. 144 TO FACILITY OPERATING LICENSE NPF-5**

GEORGIA POWER COMPANY, ET AL.

EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2

DOCKET NOS. 50-321 AND 50-366

1.0 INTRODUCTION

By letter dated September 18, 1992, as supplemented October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 1996, Georgia Power Company, et al. (GPC), proposed amendments for the Hatch facility that would revise Facility Operating License Nos. DRP-57 and NPF-5, 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 of October 6, 1992, GPC revised the initial application for amendments of September 18, 1992 (Application), to include changes to the antitrust condition 2.F.8 specified in the operating license for Hatch Unit 2. On October 15, 1992, GPC further revised the Application to include changes to paragraphs 2.C.(4) and 2.D. of the operating licenses for Hatch Units 1 and 2, respectively, regarding the physical security, guard training and qualification, and safeguards contingency plans. By another letter dated October 8, 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, and July 28, 1995, 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 the submittals referenced above do not change the NRC staff's proposed determination of no significant hazards consideration that was published in the Federal Register (57 FR 47131) 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 offsite technical support for Hatch. These support services include administrative, technical, and nuclear operations support. Under the proposed amendment, the present onsite organization responsible for the physical operation of Hatch 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 NRC 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 Vogtle Electric Generating Plant (Vogtle), Units 1 and 2. On September 18, 1992, GPC proposed licensing amendments to authorize Southern Nuclear to become the operator of the Vogtle facility. The NRC staff's review of the proposed amendments for Vogtle has proceeded in parallel with the proposed amendments for the Hatch 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 NRC staff's review of GPC's proposed amendments for Hatch 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.

Management and Technical Qualifications

The NRC staff has evaluated the GPC's request for Southern Nuclear to become operator of the Hatch 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 Hatch, but Southern Nuclear becomes the exclusive licensed operator and is authorized to possess, manage, use, operate, and maintain the Hatch facility. GPC identified and described the organizational groups responsible for the management and operation of the Hatch facility with Southern Nuclear as operator. The application included an organizational chart illustrating the organizational relationships between the Hatch facility, the Vogtle 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 Hatch facility. GPC also stated that upon the effective date of the requested amendments GPC will continue to be the Owner of the Hatch 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 Hatch, 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 Hatch. 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 Hatch 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.

On the basis of the preceding evaluation, the NRC staff concludes that the proposed changes to the operating licenses for the Hatch that provide for Southern Nuclear to possess, manage, use, operate and maintain the Hatch facility, with GPC retaining ownership, 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" and are, therefore, acceptable.

Financial Considerations

Cost recovery for the operation and eventual decommissioning of Hatch will remain the same as before the license amendments. GPC and the other Owners of the Hatch 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 Hatch 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 Hatch nor entitled to any electric output from Hatch.

GPC and Southern Nuclear have established responsibility for plant costs. Southern Nuclear will be reimbursed for costs of direct operation of Hatch 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 Hatch 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 Hatch facility. Because the owners and the sources of funds will remain unchanged, cost recovery of operating, maintenance and decommissioning costs will, likewise, 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 Hatch. Thus, the NRC staff concludes that the financial arrangements of the proposed action will not adversely affect protection of public health and safety.

Antitrust Considerations

GPC's application includes: (1) a proposed new license condition for Hatch Nuclear Plant, Unit 1, that precludes Southern Nuclear from marketing or brokering power or energy from Hatch Nuclear Plant, Unit 1; and (2) changes to the existing license condition for Hatch Nuclear Plant, Unit 2, intended to allay the concerns expressed by the NRC staff in its review of the change in the operator for the Farley plant which was issued November 22, 1992. By letter dated October 6, 1992, GPC proposed minor changes to the wording of the antitrust license condition, as submitted September 18, 1992, for Hatch Unit 2 based on telephone discussions with the NRC staff. The new paragraph, as revised would read:

- (8) Southern Nuclear shall not market or broker power or energy from Edwin I. Hatch Nuclear Plant, Unit 2. Georgia Power Company shall continue to be responsible for compliance with the obligations imposed on it in its antitrust license conditions. 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 existing antitrust license conditions.

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 Hatch Units 1 and 2. Therefore, the NRC staff finds the proposed changes to the Hatch Units 1 and 2 licenses acceptable.

Foreign Ownership and Control

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

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 Hatch 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 Hatch facility. Control over existing agreements for support from offsite organizations and agencies has been 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 letters of October 15, 1992, September 11 and December 13, 1996, paragraphs 2.C.(4) and 2.D. of the licenses for Hatch Units 1 and 2, respectively, 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 NRC staff's previous determination of no significant hazards considerations (57 FR 47131 dated October 14, 1992).

On the basis of its review of GPC's letters of September 18 and October 15, 1992, the NRC 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 Hatch 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.

Offsite Power

The proposed amendments involves no change in the ownership or design of the offsite power system for the Hatch 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 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.

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.

Quality Assurance and Training

Upon implementation of the proposed amendments, Southern Nuclear will become responsible for the Hatch quality assurance programs and the personnel training programs. The function and structure of the quality assurance program will not be affected by the 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." Substantive changes will not have to be made for the licensee to meet the operator requalification program requirements of 10 CFR 50.54 and other related regulations, and 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 Hatch quality assurance and training programs.

Environmental Protection Plan

The proposed amendments provide for changes in organizational responsibility for some aspects of the Environmental Protection Plan, Appendix B of the Hatch facility's operating licenses. Specifically, a footnote is added to clarify that term "licensee" refers to Southern Nuclear, and 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. 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.

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) and, in a July 8, 1991, amendment to the petition, asked the NRC to take immediate steps to determine whether GPC management has the requisite character to operate a facility. One of the petitioners (A. Mosbaugh) also litigated some of the 2.206 petition issues as an intervenor in the license amendment proceeding

regarding GPC's application to transfer the authority to operate Vogtle to Southern Nuclear. The filings and hearing transcripts of the Vogtle proceeding are available in the NRC public document room. In CLI-93-15, 38 NRC 1 (July 14, 1993), the Commission vacated and remanded an April 23, 1993, Director's Decision (DD-93-8) on the petition, with the direction that the staff consider the outcome of the Vogtle license amendment proceeding before acting on the petition due to their overlap in issues.

In response to concerns raised by the petitioners/intervenor, the NRC Office of Investigations (OI) conducted an investigation. Based on its review of that investigation, the staff determined that on several occasions from April 9 to August 30, 1990, GPC had violated the requirements of 10 CFR 50.9 with regard to the completeness and accuracy of material information provided to the NRC with respect to Vogtle.¹ The staff concluded that the violations resulted from repeated failure of various levels of GPC management, individually and collectively, to perform their duties with an adequate regard for complete and accurate communication with the NRC. In a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) issued May 9, 1994, the staff concluded that the circumstances surrounding the violations represented a serious breakdown on the part of GPC to ensure that information provided to the NRC was complete and accurate in all material respects, and represented a very significant regulatory concern. The staff pointed out in the Notice that it is of fundamental importance in the nuclear industry that, when errors are made, such errors are promptly corrected, lessons are learned, and corrections to procedures and training are developed through root cause analyses so that future performance can be improved. GPC performance was inadequate in that, after determining that certain material information provided to the NRC may not have been complete or accurate, GPC directed its efforts toward defending that information without an adequate understanding of its basis. This approach was inconsistent with responding to inquiries with the simple candor necessary for the NRC to discharge its responsibility for protecting public health and safety. The violation was categorized as a Severity Level II problem, and GPC paid a \$200,000 civil penalty.

In recognition of the numerous performance failures of a former Vogtle manager who is currently employed by Southern Nuclear, and whose performance contributed to the problems noted above, GPC and Southern Nuclear made a commitment in a February 1, 1995, letter related to the enforcement action at Vogtle discussed above that the individual would not assume a line management position at any GPC or Southern Nuclear nuclear plant unless he satisfactorily completed training in management responsibilities and communications and the NRC received at least 60 days prior written notice of the assignment. GPC reiterated that commitment with respect to Hatch in a letter dated December 23, 1996. The staff has relied on that commitment as part of its approval of the operating license transfers. The Order authorizing the transfer of the Hatch operating licenses from GPC to Southern Nuclear includes a condition that confirms this commitment for Hatch.

¹ The OI report, and the February 9, 1994, staff analysis of the report and other information, are publicly available documents (Enclosures 1 and 2 respectively to an NRC letter dated May 11, 1994, to the parties in the ASLB proceeding, NRC Public Document Room Accession Number 9405130002.)

In 1990, Messrs. Hobby and Mosbaugh each filed a complaint with the Department of Labor alleging, in part, that their employment terminations by GPC management constituted unlawful discrimination against them for engaging in protected activities (i.e., expressing safety concerns about certain activities primarily related to the Vogtle facility). The Secretary of Labor (Secretary) found that the complainants' terminations resulted from unlawful discrimination by senior 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 Vogtle licensee as provided for by the NRC's Enforcement Policy. Although the NRC took no enforcement actions against the specific individuals involved, the NRC did issue letters to several senior management personnel to emphasize that harassment, intimidation and discrimination against licensee employees who engage 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 against employees 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 reviewed the licensee's corrective actions and concluded that the actions were sufficient.

The staff has concluded 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.

The staff has also concluded that although significant violations were identified against GPC in the past, corrective actions have been implemented. There has not been a showing that Southern Nuclear or GPC (including the GPC employees who would work for Southern Nuclear in conjunction with these license transfers) lacks the requisite character to be a licensee. In light of the various regulatory actions that have 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 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.

5.0 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.

6.0 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, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: K. Jabbour
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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. 50-321
)	and 50-366
(Edwin I. Hatch Nuclear 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. DRP-57 for Edwin I. Hatch Nuclear Plant (Hatch) Unit 1 and Facility Operating License No. NPF-5 for Hatch Unit 2. These licenses generally authorize GPC to possess, use, and operate - and the other Owners to possess but not operate - the Hatch facility in accordance with 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 Hatch facility is located in Appling County, Georgia.

II.

By letter dated September 18, 1992, as supplemented October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 1996, GPC requested approval, and amendments to the licenses for Southern

Nuclear Operating Company, Inc. (Southern Nuclear), to become the operator of the Hatch 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.

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 Hatch licenses to the extent Southern Nuclear becomes the operator of the Hatch 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.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 23, 1996, which iterated commitments made in a licensee letter dated February 1, 1995, with respect to an enforcement action related to the Vogtle Electric Generating Plant 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 Hatch.

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 Hatch 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 Hatch 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

Frank J. Miraglia Jr.

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.HAT

*SEE PREVIOUS CONCURRENCE

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