

FEB 29 1972

Docket No. 50-366

~~MAR 1 1972~~

Mr. H. L. Bowen
Senior Vice President
Georgia Power Company
P. O. Box 4545
Atlanta, Georgia 30302

Dear Mr. Bowen:

This is in reply to your letter dated July 1, 1971, as supplemented by letters of August 3 and 6, 1971, in which you requested an exemption, pursuant to Section 50.12, from the provisions of Section 50.10(b), that would permit certain work to be conducted on the Edwin I. Hatch Nuclear Plant Unit 2 prior to the issuance of construction permit by the Commission.

In your July 1 letter you requested authorization to perform the following work, all of which would be below the 129-foot elevation of the finished plant grade.

1. Pouring of concrete for the foundation mats of the reactor building, including the HPCI pump room, and the radwaste building;
2. Construction of the pedestal for erection of the reactor building drywell;
3. Erection of the substructure walls (interior and exterior) including the waterproof membrane of the reactor building and the HPCI pump room up to elevation 127.5 feet;
4. Erection of the substructure walls (interior and exterior), including the waterproof membrane, of the radwaste building up to elevation 127.5 feet; and
5. Backfilling of the foregoing structures.

Subsequent to your July 1 letter, as supplemented, Georgia Power provided additional information on the environmental impact that would be caused by the granting of an exemption in a document entitled "Statement of Reasons Why Exemption Should Be Granted to Allow Certain Activities Prior to Issuance of a Construction Permit

LB

at Georgia Power Company Edwin I. Hatch Nuclear Plant Unit No. 2"

OFFICE ▶ dated December 28, 1971.

SURNAME ▶

DATE ▶

Mr. H. L. Bowen

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We have reviewed your requests for an exemption under the provisions of Section 50.12 of 10 CFR Part 50 and the reasons set forth in the support thereof, and have determined that the granting of the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Further, in light of criteria set out in the proposed revision to Section 50.12 of 10 CFR Part 50, published in the Federal Register, F.R. 22848 on December 1, 1971, we have reviewed your request for exemption as to the incremental impact on the environment the requested work may have. After consideration and balancing of the environmental factors specified in the proposed amendment, we have determined that the requested construction work to be conducted pending completion of the NEPA environmental review: (1) would not give rise to a significant adverse incremental impact on the environment, (2) would not foreclose subsequent adoption of alternatives, and (3) would not preclude redress of any adverse environmental impact. Accordingly, the Commission hereby authorizes you to perform the work as described in your letter of July 1 prior to the issuance of construction permit for the Hatch-2 facility.

Details of this determination are set forth in the enclosed document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to a Request for an Exemption from Licensing for Certain Construction Activities at the Edwin I. Hatch Nuclear Plant Unit 2, Prior to the Completion of the NEPA Environmental Review, AEC Docket No. 50-366" dated February 16, 1972. A copy of a Federal Register notice entitled "Determination to Grant Exemption from Licensing for Certain Construction Activities at the Edwin I. Hatch Nuclear Plant Site" is also enclosed. This notice has been sent to the office of the Federal Register for publication.

I wish to emphasize that the granting of this exemption shall have no bearing upon the subsequent granting or denial of construction permits or any further exemption for the proposed Hatch-2 facility, and any work performed pursuant to this exemption shall be performed entirely at the risk of the Georgia Power Company. Furthermore, the granting of this exemption does not constitute an approval of the type or adequacy of the method of installation.

Sincerely,

Original Signed by
 Peter A. Morris
 Peter A. Morris, Director
 Division of Reactor Licensing

Enclosure:

See attached page					
OFFICE ▶					
SURNAME ▶					
DATE ▶					

Mr. H. L. Bowen

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Enclosures:

- 1. Discussion and Findings
- 2. Federal Register Notice

cc: w/encl.

Ruble A. Thomas, Vice President
Southern Services, Inc.

George F. Trowbridge, Esq.
Shaw, Pittman, Potts, Trowbridge
& Madden

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Done, pmw
Concur subject to
deletion on Pg 13 of
Discussion + Findings
(Indicate in reading copy) all

OFFICE ▶	BWR#3/DRL	BWR#3/DRL	DRL	DRL	OGC	DREP
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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

GEORGIA POWER COMPANY)

(Edwin I. Hatch Nuclear)
Plant Unit 2))

Docket No. 50-366

DETERMINATION TO GRANT EXEMPTION FROM LICENSING FOR CERTAIN
CONSTRUCTION ACTIVITIES AT THE EDWIN I. HATCH
NUCLEAR PLANT SITE

Pursuant to the provisions of 10 CFR §50.12 of the Atomic Energy Commission's (Commission) regulations, the Commission has granted an exemption from the requirements of 10 CFR §50.10(b) to the Georgia Power Company (the applicant) for certain additional construction activities involving Unit 2 of its Edwin I. Hatch Nuclear Plant prior to the issuance of construction permits and the completion of the National Environmental Policy Act of 1969 (NEPA) environmental review.

In an application dated July 24, 1970, the applicant applied for permits to construct a boiling water nuclear power reactor designated as the Edwin I. Hatch Nuclear Plant Unit 2 (facility), at the applicant's site in Appling County, Georgia.

In a letter dated July 1, 1971 and supplemented by letters of August 2 and 6, 1971, the applicant requested an exemption from the provisions of 10 CFR §50.10(b) that would allow the performance of certain construction work prior to the issuance of a construction permit. In addition, the applicant

provided information pertaining to the environmental impact of the requested exemption in a document entitled "Statement of Reasons Why Exemption Should be Granted to Allow Certain Activities Prior to Issuance of a Construction Permit at Georgia Power Company Edwin I. Hatch Nuclear Plant Unit No. 2" dated December 28, 1971.

On the basis of our review of the information provided by the applicant in support of the request for an exemption and after consideration and balancing of the environmental factors specified in the proposed revision to 10 CFR §50.12 published in the Federal Register on December 1, 1971 (36 F.R. 22848), it has been determined that the requested exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and should be authorized.

The basis for granting this exemption prior to the completion of the ongoing NEPA review of these facilities is set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to a Request for an Exemption from Licensing for Certain Construction Activities at the Edwin I. Hatch Nuclear Plant Unit 2, Prior to the Completion of the NEPA Environmental Review, AEC Docket No. 50-366," dated February 16, 1972.

The applicant's letters of July 1, August 2 and August 6, 1971, and the "Statement of Reasons" of December 28, 1971 relating to this request for an exemption, a letter from the Director, Division of Reactor Licensing to the applicant dated February 29, 1972, granting the exemption, and the "Discussion and Findings" referred to above, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Appling County Public Library, Parker Street, Baxley, Georgia. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 29 day of February, 1972.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
Peter A. Morris

Peter A. Morris, Director
Division of Reactor Licensing