

July 14, 2006

Mr. D. E. Grissette
Vice President
Southern Nuclear Operating
Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, ISSUANCE OF
AMENDMENTS REGARDING INCREASING FLEXIBILITY IN MODE
RESTRAINTS FOR AUXILIARY FEEDWATER SYSTEM (TAC NOS. MC9315
AND MC9316)

Dear Mr. Grissette:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 142 to Facility Operating License NPF-68 and Amendment No. 122 to Facility Operating License NPF-81 for the Vogtle Electric Generating Plant, Units 1 and 2. The amendments consist of changes to the Technical Specifications (TS) in response to your application dated December 16, 2005.

The amendments revise the TS ACTIONS NOTE for TS 3.7.5, "Auxiliary Feedwater (AFW) System," based on Industry/TS Task Force (TSTF) Standard Technical Specification Change Traveler TSTF-359, Revision 9, "Increased Flexibility in Mode Restraints." The availability of TSTF-359 for adoption by licensees was announced in the *Federal Register* on April 4, 2003 (68 FR 16579).

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,

/RA/

Christopher Gratton, Sr. Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

Enclosures:

1. Amendment No. 142 to NPF-68
2. Amendment No. 122 to NPF-81
3. Safety Evaluation

cc w/encls: See next page

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SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, ISSUANCE OF AMENDMENTS REGARDING INCREASING FLEXIBILITY IN MODE RESTRAINTS FOR AUXILIARY FEEDWATER SYSTEM (TAC NOS. MC9315 AND MC9316)

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The Nuclear Regulatory Commission has issued the enclosed Amendment No. 142 to Facility Operating License NPF-68 and Amendment No. 122 to Facility Operating License NPF-81 for the Vogtle Electric Generating Plant, Units 1 and 2. The amendments consist of changes to the Technical Specifications (TS) in response to your application dated December 16, 2005.

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Vogtle Electric Generating Plant, Units 1 & 2

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Waynesboro, GA 30830

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

VOGTLE ELECTRIC GENERATING PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 142
License No. NPF-68

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Vogtle Electric Generating Plant, Unit 1 (the facility) Facility Operating License No. NPF-68 filed by the Southern Nuclear Operating Company, Inc. (the licensee), acting for itself, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the owners), dated December 16, 2005, 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, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-68 is hereby amended to read as follows:

Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 142, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 90 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Evangelos C. Marinos, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: 142
Changes to License No. NPF-68
and the Technical Specifications

Date of Issuance: July 14, 2006

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

VOGTLE ELECTRIC GENERATING PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 122

License No. NPF-81

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment to the Vogtle Electric Generating Plant, Unit 2 (the facility) Facility Operating License No. NPF-81 filed by the Southern Nuclear Operating Company, Inc. (the licensee), acting for itself, Georgia Power Company Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the owners), dated December 16, 2005, 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, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-81 is hereby amended to read as follows:

Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 122, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 90 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Evangelos C. Marinos, Chief
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: 122
Changes to License No. NPF-81
and the Technical Specifications

Date of Issuance: July 14, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 142

FACILITY OPERATING LICENSE NO. NPF-68

DOCKET NO. 50-424

AND

TO LICENSE AMENDMENT NO. 122

FACILITY OPERATING LICENSE NO. NPF-81

DOCKET NO. 50-425

Replace the following pages of the License and Appendix A Technical Specifications (TSs) with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

License

License No. NPF-68, page 4
License No. NPF-81, page 4

TSs

3.7.5-1

Insert Pages

License

License No. NPF-68, page 4
License No. NPF-81, page 4

TSs

3.7.5-1

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 142 TO FACILITY OPERATING LICENSE NPF-68
AND AMENDMENT NO. 122 TO FACILITY OPERATING LICENSE NPF-81
SOUTHERN NUCLEAR OPERATING COMPANY, INC.
VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2
DOCKET NOS. 50-424 AND 50-425

1.0 INTRODUCTION

By application dated December 16, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML053530153), Southern Nuclear Operating Company, Inc. (the licensee) requested changes to the Technical Specifications (TSs) for the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle ½).

The proposed change would modify the ACTIONS NOTE for TS 3.7.5, "Auxiliary Feedwater (AFW) System," and the corresponding TS Bases based on Industry/TS Task Force (TSTF) change traveler TSTF-359, "Increased Flexibility in Mode Restraints." The availability of TSTF-359 for adoption by licensees was published in the *Federal Register* on April 4, 2003 (68 FR 16579) (Reference 1).

TSTF-359, Revision 9 approved a revision to Limiting Condition for Operation (LCO) 3.0.4 to allow entry into a MODE or Other Specified Condition in the Applicability (MOSCA) while relying on the associated ACTIONS, provided that (a) the ACTIONS to be entered permit continued operation in the MOSCA for an unlimited period of time, or (b) there is a risk assessment performed which justifies the use of LCO 3.0.4 for a MOSCA change, or (c) a Nuclear Regulatory Commission (NRC)-approved allowance is provided in the TS to be entered.

By letter dated October 26, 2004 (ADAMS No. ML043030579), the licensee proposed license amendments to incorporate TSTF-359 into the Vogtle ½ TS. The NRC staff approved Amendments 137 and 116 on June 24, 2005, to adopt the provisions of TSTF-359.

One of the risk-significant systems excluded from the provision of LCO 3.0.4b is the AFW system. During the preparation of the original submittal, dated October 26, 2004, a NOTE was added to LCO 3.7.5 which states that LCO 3.0.4b is not applicable when entering MODE 1. However, this note is only applicable to plants that do not use AFW for startup. Since Vogtle ½ uses AFW for startup, the NOTE should have stated that LCO 3.0.4b is not applicable. Rather than allow the use of LCO 3.0.4b for entry into MODE 3 from MODE 4, or MODE 2 from MODE 3, the correct NOTE should preclude the use of LCO 3.0.4b for all applicable MODES of LCO 3.7.5. Therefore, TSTF-359 was incorrectly applied to the NOTE for LCO 3.7.5. The licensee

discovered this error prior to the implementation of Amendments 137 and 116, and implemented administrative controls which prohibit inappropriate MODE changes for LCO 3.7.5 for the AFW system. These amendments will correct this error and properly implement the provisions of TSTF-359 for LCO 3.7.5.

2.0 REGULATORY EVALUATION

The licensee requested changes to the TSs in its application dated October 26, 2004, to adopt the provisions of TSTF-359, "Increased Flexibility in Mode Restraints." As a result, NRC issued Amendments 137 and 116 to Facility Operating Licenses NPF-68 and NPF-81, respectively, to adopt the provisions of TSTF-359.

These amendments correct an error in implementing the provision of TSTF-359. The NRC staff used the same regulatory requirements described in Section 2.0 of Amendments 137 and 116 to evaluate the changes proposed herein.

3.0 TECHNICAL EVALUATION

Amendment Numbers 137 and 116 approved changes for the TS requirements for mode change limitations in LCO 3.0.4 and Surveillance Requirement (SR) 3.0.4 to adopt provisions of TSTF-359.

The LCO 3.0.4b allowances apply to systems and components and require a risk assessment prior to use to ensure an acceptable level of safety is maintained. The AFW system is one of the risk-significant systems that is excluded from the new LCO 3.0.4b. Therefore, a NOTE was added to LCO 3.7.5 that states that LCO 3.0.4b is not applicable for entry into MODE 1. However, this NOTE is only applicable to plants that do not use AFW system for startup. Therefore, during the initial preparation of the TSTF-359 submittal, the licensee's note of TSTF-359 for LCO 3.7.5 was not appropriately implemented. This led to an incorrect application of TSTF-359 for LCO 3.7.5. Since Vogtle ½ uses AFW system for startup, the NOTE should have stated LCO 3.0.4b is not applicable. The correct NOTE would preclude use of LCO 3.0.4b for the AFW System, LCO 3.7.5, and is consistent with Attachment 4, Westinghouse Owners Group (WOG) Qualitative Risk Assessment Supporting Increased Flexibility in MODE Restraints of TSTF-359 Revision 9.

The subject error was discovered prior to the implementation of Amendment Numbers 137 and 116. The licensee put administrative controls in place that prohibit inappropriate MODE changes while in LCO 3.7.5 and ensure the correct application of LCO 3.0.4b for the AFW System.

Per Table 4 of WOG Program: Risk-Informed Technical Specifications Improvements MUHP-3015 on Qualitative Risk Assessment Supporting Increased Flexibility in Mode Restraints (Reference 3), one of the limitations to enter plant operating modes 4, 3, 2 and 1 is the availability of the AFW System for plants dependent on AFW for startup. The NRC staff reviewed the revised applicability statement for LCO 3.7.5 and found it to be consistent with the guidance in Reference 3, and, therefore, acceptable.

The licensee included in its application the revised TS Bases to be implemented with the TS change. The NRC staff finds that the TS Bases Control Program is the appropriate process for

updating the affected TS Bases page, and has, therefore, not included the affected Bases page with this amendment.

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

The amendments change requirements with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (71 FR 7813). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

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.

7.0 REFERENCES

1. Industry/TS Task Force (TSTF) Change TSTF-359, "Increased Flexibility in Mode Restraints" (*Federal Register* 68 FR 16579; April 4, 2003) (CLIP).
2. Vogtle, Units 1 & 2, License Amendments 137 and 116 regarding Increased Flexibility in Mode Restraints (ADAMS No. ML051710090).
3. Qualitative Risk Assessment Supporting Increased Flexibility in Mode Restraints, WOG Program: Risk-Informed Technical Specifications Improvements, MUHP-3015, January 2002 (Attachment 4 to Reference 1).

Principal Contributors: C. Gratton
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Date: July 14, 2006