

**Southern Nuclear
Operating Company, Inc.**
Vogtle Electric Generating Plant
7821 River Road
Waynesboro, Georgia 30830
Tel 706.724.1562 or 706.554.9961



August 12, 2008

Docket Nos.: 50-424
50-425

NL-07-1983

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

Vogtle Electric Generating Plant
Application to Eliminate License Condition 2.H Requiring
Reporting of Violations of Section 2.C of Operating Licenses

Ladies and Gentlemen:

In accordance with the provisions of Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), Southern Nuclear Operating Company (SNC) is submitting a request for an amendment to the operating licenses for Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2.

The proposed amendment would delete the license condition that requires reporting of violations of other requirements (e.g., conditions listed in Section 2.C, except for 2.C.(2)) in the operating license. The change is consistent with the notice published in the *Federal Register* on November 4, 2005 (70 FR 67202) as part of the consolidated line item improvement process (CLIP).

Enclosure 1 provides a description of the proposed change and confirmation of applicability. Enclosure 2 provides the existing license pages marked-up to show the proposed change, and Enclosure 3 provides the proposed revised pages.

SNC requests approval of the proposed license amendment by August 1, 2009 with the amendment being implemented within 60 days of issuance.

In accordance with 10 CFR50.91, a copy of this application, with enclosures, is being provided to the designated Georgia official.

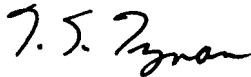
(Affirmation and signature are provided on the following page.)

Mr. T. E. Tynan states he is a Vice President of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and to the best of his knowledge and belief, the facts set forth in this letter are true.

This letter contains no NRC commitments. If you have any questions, please advise.

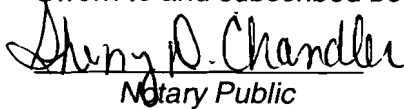
Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



T. E. Tynan
Vice President – Vogtle

Sworn to and subscribed before me this 12th day of August, 2008.



Notary Public

Notary Public, Burke County, Georgia
My Commission Expires January 13, 2012

My commission expires: My Commission Expires January 13, 2012

TET/TDH/daj

- Enclosures: 1. Description and Assessment
2. Proposed Changes Marked-up Pages
3. Proposed Changes Clean Typed Pages

cc: Southern Nuclear Operating Company
Mr. J. T. Gasser, Executive Vice President
Mr. D. H. Jones, Vice President – Engineering
RType: CVC7000

U. S. Nuclear Regulatory Commission
Mr. L. A. Reyes, Regional Administrator
Mr. R. A. Jervey, NRR Project Manager – Vogtle
Mr. G. J. McCoy, Senior Resident Inspector – Vogtle

State of Georgia
Mr. N. Holcomb, Commissioner – Department of Natural Resources

**Vogle Electric Generating Plant
Application to Eliminate License Condition 2.H Requiring
Reporting of Violations of Section 2.C of Operating Licenses**

Enclosure 1

Description and Assessment

**Vogle Electric Generating Plant
Application to Eliminate License Condition 2.H Requiring
Reporting of Violations of Section 2.C of Operating Licenses**

Enclosure 1

Description and Assessment

Table of Contents

1.0	Introduction
2.0	Description of Proposed Amendment
3.0	Background
4.0	Regulatory Requirements and Guidance
5.0	Technical Analysis
6.0	Regulatory Analysis
7.0	No Significant Hazards Consideration
8.0	Environmental Evaluation
9.0	Precedent
10.0	References

Enclosure 1

Description and Assessment

1.0 INTRODUCTION

The proposed amendment would delete License Condition 2.H of Facility Operating License Nos. NPF-68 and NPF-81 for Vogtle Electric Generating Plant, Units 1 and 2, which requires reporting of violations of the requirements in Section 2.C of the facility operating license. The availability of this operating license improvement was announced in the *Federal Register* on November 4, 2005 (70 FR 67202) as part of the Consolidated Line Item Improvement Process (CLIIP).

2.0 DESCRIPTION OF PROPOSED AMENDMENT

Consistent with the CLIIP Notice of Availability (70 FR 67202), the proposed amendment consists of deleting License Condition 2.H of Facility Operating License Nos. NPF 68 and NPF-81. The current requirements of the license condition are as follows:

2.H Reporting to the Commission

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

The existing conditions in Section 2.C that are subject to the current reporting requirement consist of the following:

2.C.(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at reactor core power levels not in excess of 3625.6 (Unit 1) and 3565 (Unit 2) megawatts thermal (100 percent power) in accordance with the conditions specified herein.

2.C.(3) Southern Nuclear Operating Company shall be capable of establishing containment hydrogen monitoring with 90 minutes of initiating safety injection following a loss of coolant accident.

2.C.(10) (Unit 1) and 2.C.(4) (Unit 2) Mitigation Strategy License Condition

The license shall develop and maintain strategies for addressing large fires and explosions and that include the following key area:

- (a) Fire fighting response strategy with the following elements:
 1. Pre-defined coordinated fire response strategy and guidance
 2. Assessment of mutual aid fire fighting assets

Enclosure 1

Description and Assessment

3. Designated staging areas for equipment and materials
 4. Command and control
 5. Training of response personnel
- (b) Operations to mitigate fuel damage considering the following:
1. Protection and use of personnel assets
 2. Communications
 3. Minimizing fire spread
 4. Procedures for implementing integrated fire response strategy
 5. Identification of readily-available pre-staged equipment
 6. Training on integrated fire response strategy
 7. Spent fuel pool mitigation measures
- (c) Actions to minimize release to include consideration of:
1. Water spray scrubbing
 2. Dose to onsite responders

2.C.(11) (Unit 1) and 2.C.(5) (Unit 2) Additional Conditions

The Additional Conditions contained in Appendix D, as revised through Amendment No. 102 (Unit 1) and 80 (Unit 2), are hereby incorporated into this license. Southern Nuclear shall operate the facility in accordance with the Additional Conditions.

3.0 BACKGROUND

The background for this application is adequately addressed by the NRC Notice of Availability published on November 4, 2005 (70 FR 67202) and the Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

4.0 REGULATORY REQUIREMENTS AND GUIDANCE

The applicable regulatory requirements and guidance associated with this application are adequately addressed by the NRC Notice of Availability published on November 4, 2005 and the Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

5.0 TECHNICAL ANALYSIS

SNC has reviewed the safety evaluation (SE) published on August 29, 2005, as part of the CLIP Notice of Opportunity to Comment. SNC has concluded that the justifications presented in the SE prepared by the NRC staff are applicable to SNC and justify this amendment of the facility operating licenses for VEGP.

Enclosure 1

Description and Assessment

6.0 REGULATORY ANALYSIS

A description of this proposed change and its relationship to applicable regulatory requirements and guidance was provided in the NRC Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

7.0 NO SIGNIFICANT HAZARDS CONSIDERATION

SNC has reviewed the proposed no significant hazards consideration determination published on August 29, 2005 (70 FR 51098), as part of the CLIP Notice of Opportunity to Comment. SNC has concluded that the proposed determination presented in the notice is applicable to VEGP and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

8.0 ENVIRONMENTAL EVALUATION

SNC has reviewed the environmental evaluation included in the model SE published on August 29, 2005 (70 FR 51098), as part of the CLIP Notice of Opportunity to Comment. SNC has concluded that the NRC staff's findings presented in that evaluation applicable to VEGP and the evaluation is hereby incorporated by reference for this application.

9.0 PRECEDENT

This application is being made in accordance with the CLIP. SNC is not proposing variations or deviations from the changes described in the NRC staff's model SE published on August 29, 2005 (70 FR 51098).

10.0 REFERENCES

1. *Federal Register* Notice of Opportunity to Comment on Model Safety Evaluation on Elimination of Typical License Condition Requiring Reporting of Violations of Section 2.C of Operating License Using the Consolidated Line Item Improvement Process, August 29, 2005 (70 FR 51098)
2. *Federal Register* Notice of Availability of Model Application Concerning Elimination of Typical License Condition Requiring Reporting of Violations of Section 2.C of Operating License Using the Consolidated Line Item Improvement Process, November 4, 2005 (70 FR 67202)

**Vogtle Electric Generating Plant
Application to Eliminate License Condition 2.H Requiring
Reporting of Violations of Section 2.C of Operating Licenses**

Enclosure 2

Proposed Changes Marked-up Pages

these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, and submittals dated July 2, August 4 and 13, October 10 and 24, November 5, and December 19, 1986, and January 2, 1987, as approved in the SER (NUREG-1137) through Supplement 5 subject to the following provision:

Deleted

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

- H. **Reporting to the Commission**
Except for item 2.C.(2), Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).

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

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

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

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, as approved in the SER (NUREG-1137) through Supplement 9 subject to the following provision:

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

Deleted.

- H.

<p>Reporting to the Commission</p> <p>Except for item 2.C.(2), Southern Nuclear shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within twenty-four (24) hours to the NRC Operations Center via the Emergency Notification System with written follow-up within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).</p>
--
- I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

**Vogtle Electric Generating Plant
Application to Eliminate License Condition 2.H Requiring
Reporting of Violations of Section 2.C of Operating Licenses**

Enclosure 3

Proposed Changes Clean Typed Pages

these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, and submittals dated July 2, August 4 and 13, October 10 and 24, November 5, and December 19, 1986, and January 2, 1987, as approved in the SER (NUREG-1137) through Supplement 5 subject to the following provision:
 - Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- H. Deleted.
- I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

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

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

- E. Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 plan, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.
- F. GPC shall comply with the antitrust conditions delineated in Appendix C to this license.
- G. Southern Nuclear shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility, as approved in the SER (NUREG-1137) through Supplement 9 subject to the following provision:

Southern Nuclear may make changes to the approved fire protection program without prior approval of the Commission, only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- H. Deleted.
- I. The Owners shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.