



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

January 15, 2009

Mr. Tom E. Tynan
Vice President - Vogtle
Vogtle Electric Generating Plant
7821 River Road
Waynesboro, GA 30830

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, ISSUANCE OF AMENDMENTS REGARDING REPORTING OF VIOLATIONS OF SECTION 2.C OF OPERATING LICENSES (TAC NOS. MD9487 AND MD9488)

Dear Mr. Tynan:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 155 to Facility Operating License NPF-68 and Amendment No. 136 to Facility Operating License NPF-81 for the Vogtle Electric Generating Plant, Units 1 and 2. The amendments consist of changes to the Facility Operating Licenses (FOLs) in response to your application dated August 12, 2008. Specifically, the amendments delete Section 2.H of the Facility Operating Licenses, which require reporting of violations of the requirements in Section 2.C of the Facility Operating License. This action is associated with a consolidated line item improvement that was noticed in the Federal Register on November 4, 2005 (70 FR 67202).

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,


Robert E. Martin, Senior 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. 155 to NPF-68
2. Amendment No. 136 to NPF-81
3. Safety Evaluation

cc w/encls: See next page



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NUCLEAR REGULATORY COMMISSION
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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

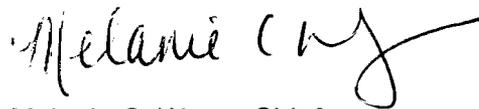
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 155
License No. NPF-68

1. The U.S. 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 August 12, 2008, 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 Facility Operating License as indicated in the attachment to this license amendment, and paragraph 2.H of Facility Operating License No. NPF-68 is hereby deleted.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Melanie C. Wong". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Attachment:
Changes to License No. NPF-68

Date of Issuance: January 15, 2009



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

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

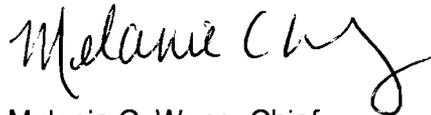
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No.136
License No. NPF-81

1. The U.S. 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 August 12, 2008, 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 Facility Operating License as indicated in the attachment to this license amendment, and paragraph 2.H of Facility Operating License No. NPF-81 is hereby deleted.
3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Melanie C. Wong". The signature is fluid and cursive, with a large, stylized initial "M".

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

Attachment:
Changes to License No. NPF-81

Date of Issuance: January 15, 2009

ATTACHMENT

TO LICENSE AMENDMENT NO. 155

FACILITY OPERATING LICENSE NO. NPF-68

DOCKET NO. 50-424

AND

TO LICENSE AMENDMENT NO. 136

FACILITY OPERATING LICENSE NO. NPF-81

DOCKET NO. 50-425

Replace the following pages of the Licenses 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-68, page 5

License No. NPF-81, page 4

License No. NPF-81, page 5

Insert Pages

License

License No. NPF-68, page 4

License No. NPF-68, page 5

License No. NPF-81, page 4

License No. NPF-81, page 5

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 155 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) Southern Nuclear Operating Company shall be capable of establishing containment hydrogen monitoring within 90 minutes of initiating safety injection following a loss of coolant accident.

(4) DELETED

(5) DELETED

(6) DELETED

(7) DELETED

(8) DELETED

(9) DELETED

(10) Mitigation Strategy License Condition

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

(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
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

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.

- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I 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 conditions specified or incorporated below.

(1) Maximum Power Level

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

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 136 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.

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. 74. The SRs listed below shall be successfully demonstrated prior to the time and condition specified below for each:

- a) DELETED
 - b) DELETED
 - c) SR 3.8.1.20 shall be successfully demonstrated at the first regularly scheduled performance after implementation of this license amendment.
- (3) Southern Nuclear Operating Company shall be capable of establishing containment hydrogen monitoring within 90 minutes of initiating safety injection following a loss of coolant accident.
- (4) Mitigation Strategy License Condition

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

- (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
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel

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.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO

AMENDMENT NO. 155 TO FACILITY OPERATING LICENSE NPF-68

AND

AMENDMENT NO. 136 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 August 12, 2008 to the U.S. Nuclear Regulatory Commission (NRC), (Agencywide Documents Access and Management System (ADAMS) Accession No. ML082260124), Southern Nuclear Operating Company, Inc. (SNC, the licensee), requested changes to the Facility Operating License for the Vogtle Electric Generating Plant, Units 1 and 2 (Vogtle 1 and 2 or VEGP). The amendment deletes Section 2.H of the Facility Operating License, which requires reporting of violations of the requirements in Section 2.C of the Facility Operating License.

2.0 REGULATORY EVALUATION

A section or condition was included in the facility operating licenses issued to some nuclear power plants requiring the licensee to make reports to the NRC regarding violations of other sections of the operating license (typically Section 2.C). A typical license condition reads as follows:

Except as otherwise provided in this license and its appendices, the Licensee 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 24 hours to the NRC Operations Center via the Emergency Notification System with written follow up within thirty days in accordance with the procedures described in 10 CFR 50.73 (Licensee event report system).

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10

CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

3.0 TECHNICAL EVALUATION

Section 2.H of the Facility Operating License requires the licensee to report any violations of the requirements of Section 2.C of the Facility Operating License and defines the method and allowable time periods for such reports. The reporting threshold (i.e., a violation) for some of the conditions included in Section 2.C of the Facility Operating License duplicates those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the Facility Operating License may have different deadlines than those defined in the regulations (following a rule change in 2001). This difference in reporting requirements has led to variations in reporting since many facility operating licenses do not contain the subject condition. For those licensees with a 30-day reporting requirement in the Facility Operating License, the condition has decreased the benefits of the rulemaking. For those cases where the current Facility Operating License requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the Facility Operating License is acceptable.

Some of the conditions addressed in Section 2.C of the Facility Operating License may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirement would not result in a report to the NRC in accordance with 10 CFR 50.72 or 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases, there are reports to other agencies or news releases that would prompt a report to the NRC (in accordance with 10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism. The NRC staff finds that the elimination of Section 2.H of the Facility Operating License will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Georgia State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Date: January 15, 2009

Mr. Tom E. Tynan
 Vice President - Vogtle
 Vogtle Electric Generating Plant
 7821 River Road
 Waynesboro, GA 30830

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2, ISSUANCE OF AMENDMENTS REGARDING REPORTING OF VIOLATIONS OF SECTION 2.C OF OPERATING LICENSES (TAC NOS. MD9487 AND MD9488)

Dear Mr. Tynan:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 155 to Facility Operating License NPF-68 and Amendment No. 136 to Facility Operating License NPF-81 for the Vogtle Electric Generating Plant, Units 1 and 2. The amendments consist of changes to the Facility Operating Licenses (FOLs) in response to your application dated August 12, 2008. Specifically, the amendments delete Section 2.H of the Facility Operating Licenses, which require reporting of violations of the requirements in Section 2.C of the Facility Operating License. This action is associated with a consolidated line item improvement that was noticed in the Federal Register on November 4, 2005 (70 FR 67202).

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Robert E. Martin, Senior 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. 155 to NPF-68
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cc w/encls: See next page

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RidsNrrLASRohrer Resource	RidsOgcRp Resource	RidsNrrDorlDpr Resource

Amendment No.: ML083040416

*memo transmitted SE dated

OFFICE	NRR/LPL2-1/PM	NRR/LPL2-1/LA	OGC	NRR/LPL2-1/BC
NAME	RMartin	GLappert	Waived	MWong
DATE	01/14/09	11/18/08	ML072980233	01 /15/09

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