

UNITED STATES NUCLEAR REGULATORY COMMISSIONGEORGIA POWER COMPANYOGLETHORPE POWER CORPORATIONMUNICIPAL ELECTRIC AUTHORITY OF GEORGIACITY OF DALTON, GEORGIADOCKET NOS. 50-424 AND 50-425

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-68 and NPF-81 issued to the Georgia Power Company, et al. (the licensee), for operation of the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia.

The proposed amendments supersede previous amendments proposed by the licensee August 31, 1992 (see 57 FR 45084 dated September 30, 1992).

The Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2 Technical Specifications (TS) require, in part, that the diesel generators (DGs) be tested at least once per 18 months, during shutdown, by operating the DGs at specified loads for 24 hours (Surveillance Requirement (SR) 4.8.1.1.2.h.7). Within 5 minutes after completing this 24-hour test, the DGs are to be subjected to another test by simulating a loss of offsite power (LOOP) in conjunction with an engineered safety feature actuation system (ESFAS) test signal and verifying the loading sequence. The DG is to be operated for at least 5 minutes while loaded with the emergency loads (SR 4.8.1.1.2.h.6).

However, if the second test is not successfully completed, the 24-hour test does not have to be repeated. Instead, the DG may be operated at the load specified by SR 4.8.1.1.2.a.5 (6800-7000 kW) for 1 hour or until the DG operating temperature has stabilized, prior to reperforming the LOOP/ESFAS test.

The proposed change would revise TS 4.8.1.1.2.h.7 and its associated footnote ##. The change would remove the requirement to perform the LOOP/ESFAS test within 5 minutes after completing the 24-hour test and substitute the requirement to start the DG in accordance with TS 4.8.1.1.2.a.4 within 5 minutes after the 24-hour test. TS 4.8.1.1.2.a.4 requires that the DGs be verified to start using one of several specified start signals and that the generator achieve specified voltage and frequency within a certain time. The proposed change to footnote ## to TS 4.8.1.1.2.h.7 would require that, if the start after the 24-hour test was unsuccessful, then prior to repeating the start pursuant to SR 4.8.1.1.2.a.4, the DG is to be operated at the load specified by SR 4.8.1.1.2.a.5 "for a minimum of 2 hours." This footnote presently specifies an operating period of "1 hour or until operating temperature has stabilized." As provided in the existing footnote, the 24-hour test would not have to be repeated simply because the subsequent start was unsuccessful.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in

accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. Separating the 24-hour test from the LOOP/ESFAS test and revising footnote ## will have no effect on the initiating events assumed for any existing accident analysis. The basis for the existing requirement is to ensure the hot restart capability of the DGs. The proposed change in requirements will continue to demonstrate that capability, and the DGs will remain able to perform their safety function as assumed in the accident analyses. Should the hot restart test subsequent to the 24-hour test fail, the change to footnote ## will provide additional assurance that the DG has achieved full-load operating temperature prior to repeating the hot restart test. Therefore, the DGs will continue to be able perform their safety function and there will be no effect on the consequences of any existing accident analysis.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change does not introduce any new equipment into the plant or require any existing equipment to be operated in a manner different than that for which it was designed to operate. The proposed change will continue to demonstrate the hot restart capability of the DGs. Therefore, the performance, reliability, or capability of the DGs to perform their design function will not be affected.

The proposed change does not involve a significant reduction in a margin of safety. The basis for the existing requirement is to ensure the hot restart capability of the DGs. The proposed change will continue to ensure that capability, thereby maintaining the margin of safety afforded by the existing surveillance requirements.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied.

Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review & Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By **March 22, 1993**, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are

sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.



If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to David B. Matthews: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy

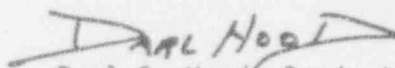
of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Arthur H. Domby, Esquire, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NW., Atlanta, Georgia 30308-2210, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated August 31, 1992, as superseded February 2, 1993, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 11th day of February 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



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