

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

In the Matter of	}	
GEORGIA POWER COMPANY	}	
OGLETHORPE POWER CORPORATION	}	Docket No. 50-424
MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA	}	
CITY OF DALTON, GEORGIA	}	
VOGTLE ELECTRIC GENERATING PLANT, UNIT 1)		

EXEMPTION

I.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees), are the holders of Facility Operating License No. NPF-68 issued March 16, 1987, which authorizes full power operation of the Vogtle Electric Generating Plant, Unit 1 (the facility). A superseded license, NPF-61, issued January 16, 1987, authorized licensees to operate the facility at steady-state reactor power levels not in excess of 170 megawatts thermal. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission.

II.

Section 50.71(e)(3)(i) of 10 CFR 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. The above regulation would have required submittal of the UFSAR for Vogtle Unit 1 by January 16, 1989.

By letter dated January 15, 1988, licensees requested an exemption to 10 CFR 50.71(e) which would defer submittal of the UFSAR until one year following issuance of a full power operating license for Vogtle Unit 2 on the basis that the present Final Safety Analysis Report (FSAR) applies to both units. The

FSAR has been updated on May 6, 1987, August 31, 1987, and March 30, 1988, and will continue to be updated to support the licensing of Vogtle Unit 2 and to provide updated information on Vogtle Unit 1. These FSAR revisions essentially satisfy the intent of the regulation, but achieve it in a different format from the one recommended by the staff in a letter to all operating reactor licensees dated December 15, 1980. Because the necessary safety information is provided in each revision, no undue risk would result from the proposed exemption.

III.

The NRC staff has reviewed the licensees' request for an extension of the Vogtle Unit 1 UFSAR submittal until one year following issuance of a full power operating license for Vogtle Unit 2. The extension is needed to eliminate the hardship of maintaining two versions of essentially the same document. The Vogtle Unit 2 full power operating license issuance is estimated to be April 1989. This would result in an extension of approximately 15 months.

On June 22, 1983, the licensees submitted the FSAR for both Vogtle units. From that time until the present, the NRC staff has reviewed the FSAR on the basis that it was for both units; however, since Units 1 and 2 are not receiving operating licenses at the same time, there are two regulations which are not consistent with each other. 10 CFR 50.34 requires the licensees to amend the FSAR in order to keep the information contained therein current, whereas 10 CFR 50.71(e) requires the licensees to submit an entirely new document, an UFSAR, which replaces the existing FSAR. Therefore, in order to comply with these two regulations concurrently, the licensees would have to maintain both the FSAR with amendments and the UFSAR. Maintaining two versions of the same licensing document for each unit would be difficult, could lead to ambiguities and confusion and would serve no useful purpose if the existing FSAR is maintained up-to-date through the licensing of Unit 2.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(i) and (ii) apply to this situation. The requirement of 10 CFR 50.34 to keep the submitted FSAR current is not consistent with the requirement of 10 CFR 50.71(e) to submit an UFSAR, because the FSAR is a combined document for both units. This constitutes the special circumstance described in 10 CFR 50.12(a)(2)(i).

Application of 10 CFR 50.71(e) requirement in this situation for updating the FSAR for Vogtle Unit 1 within two years, in accordance with the format recommended by the staff, is not necessary to achieve the underlying purpose of the rule, which is to ensure that updated information be available in the FSAR. Since the FSAR for both Vogtle Units 1 and 2 has been updated in a different format, on May 6, 1987, August 31, 1987 and March 30, 1988, the extension of time granted herein does not conflict with the intent of the rule. This complies with the intent of the regulation and comports with the special circumstance described in 10 CFR 50.12(a)(2)(ii).

Accordingly, the Commission hereby grants an exemption as described in Section III above from Section 50.71(e)(3)(i) of 10 CFR Part 50 to extend the date for submittal of the updated FSAR for Vogtle Unit 1 until one year following issuance of a full power operating license for Vogtle Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (53 FR 9829).

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Steven A. Varga, Director
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 28th day of April 1988.

*SEE PREVIOUS PAGE FOR CONCURRENCE

LA:PDII-3*
MRood
4/14/88

PM:PDII-3*
JHopkins:pw
4/14/88

OGC-WF*
4/14/88

OM
PD:PDII-3
Acting PD
4/26/88

ADPR/DRPR:NRR
GL:mas
4/26/88

D:DRPR:NRR
S:Varga
4/26/88

April 28, 1988

DOCKET NO. 50-424

MEMORANDUM FOR: Rules and Procedures Branch
Division of Rules and Records
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: Vogtle Electric Generating Plant, Unit 1 (Georgia Power Company)

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for Submission of Views on Antitrust Matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License.
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Other: _____

Office of Nuclear Reactor Regulation

Enclosure:
As stated

Contact: Marilee Rood
Phone: 21487

OFFICE	PD II-3					
SURNAME	MRood					
DATE	4/28/88					