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Docket Nos. 50-424  
50-425

LCV-1191

US Nuclear Regulatory Commission  
ATTN.: Document Control Desk  
Washington, DC 20555

**VOGTLE ELECTRIC GENERATING PLANT  
REQUEST FOR LICENSE AMENDMENT  
REMOVAL/MODIFICATION OF OBSOLETE CONDITIONS**

Ladies and Gentlemen:

In accordance with the provisions of 10 CFR 50.90, Southern Nuclear Operating Company (SNC) hereby requests changes to Facility Operating License Nos. NPF-68 and NPF-81 for the Vogtle Electric Generating Plant Units 1 and 2, respectively. The proposed changes either delete or modify existing license conditions which have been completed or are otherwise no longer in effect.

The basis for the proposed license changes is provided in Enclosure 1. The supporting significant hazards evaluation pursuant to 10 CFR 50.92 is provided in Enclosure 2. Based upon the analysis provided, SNC has determined the proposed changes to the Unit 1 and Unit 2 Operating Licenses do not involve a significant hazards consideration as defined by 10 CFR 50.92. Enclosure 3 provides the marked-up license pages.

In accordance with the requirements of 10 CFR 50.91, a copy of this letter and all applicable enclosures will be sent to the designated State official of the Environmental Protection Division of the Georgia Department of Natural Resources.

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Mr. J. B. Beasley, Jr. states that he is Vice President of Southern Nuclear Operating Company and 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.

SOUTHERN NUCLEAR OPERATING COMPANY

By: J. B. Beasley, Jr.  
J. B. Beasley, Jr.

Sworn to and subscribed before me this 15<sup>th</sup> day of October 1998

Jail McConico Byrd  
Notary Public

Commissioner Expiration Date: MY COMMISSION EXPIRES AUG. 10, 1999

JAM

Enclosures:

1. Basis for Change Request
2. 10 CFR 50.92 Evaluation
3. Operating License Markups

xc: Southern Nuclear Operating Company  
Mr. J. T. Gasser  
Mr. M. Sheibani  
SNC Document Management

U. S. Nuclear Regulatory Commission  
Mr. L. A. Reyes, Regional Administrator  
Mr. D. H. Jaffe, Senior Project Manager, NRR  
Mr. John Zeiler, Senior Resident Inspector, Vogtle

State of Georgia  
Mr. L. C. Barrett, Commissioner - Department of Natural Resources

**ENCLOSURE 1**  
**VOGTLE ELECTRIC GENERATING PLANT**  
**REQUEST FOR LICENSE AMENDMENT**  
**REMOVAL/MODIFICATION OF OBSOLETE CONDITIONS**  
**BASIS FOR CHANGE REQUEST**

Vogtle Electric Generating Plant Unit 1 Facility Operating License No. NPF-68 was issued on March 16, 1987, and Unit 2 Operating License No. NPF-81 was issued on March 31, 1989. The licenses were issued with certain conditions containing either various activities to be completed by specified dates or reporting requirements which are now obsolete. Also, certain surveillance requirements (SRs) added or modified at the time of Improved Technical Specification (ITS) implementation were not performed at that time, but were listed in the Operating License as license conditions. These conditions, with the exception of Unit 2 SR 3.8.1.20, are now obsolete due to the completion of required activities. The purpose of this submittal is to delete these items from the Units 1 and 2 Operating Licenses. Each proposed change and the justification for the change are addressed below.

**VOGTLE UNIT 1**

**Proposed Change to License Condition 2.C.(2)**

The SRs listed in this condition were added at the time of ITS implementation, but were not performed at the time of ITS implementation for the reasons given. These surveillances are proposed for deletion from the operating license.

**Justification for Change**

The Improved Technical Specifications (ITS) for Plant Vogtle were implemented at mid-cycle with the unit operating. The SRs listed in this section were more restrictive than the original TS SRs that they replaced, and/or could not be performed at power. Therefore, while these SRs and their Frequencies were incorporated into the ITS, they were not required to be performed at the time of ITS implementation, but were listed in the operating license with specific due dates as a license condition. All SRs in this condition have since been performed in accordance with the schedule set forth in the condition, and are presently being performed in accordance with Technical Specification requirements. Therefore, these SRs are proposed for deletion from the operating license.

**Proposed Change to License Condition 2.C.(3)**

This license condition specifies that changes made to the Initial Test Program described in Section 14 of the FSAR be reported under 10 CFR 50.59(b) within one month of such change. This condition is proposed for deletion.

**Justification for Change**

This requirement is obsolete since the initial test program is complete and the unit is operating. This condition may be deleted from the operating license.

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**Proposed Change to License Condition 2.C.(4)**

This condition states that in the event the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR 50.54 (s) (2) will apply. This condition is proposed for deletion.

**Justification for Change**

The governmental entities responsible for offsite emergency response are in compliance with the Federal Emergency Management Agency's final rule, 44 CFR Part 350. Vogtle Unit 1 SSER 4, Section 13.3.4, states "on the basis of the review of Revision 7 of the Vogtle EP and the FEMA reports on offsite emergency planning, the staff concludes that onsite and offsite emergency plans and preparedness provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." This compliance is reaffirmed every two years during the plant's NRC/FEMA evaluated emergency exercise. This license condition is obsolete and may be removed from the operating license.

**Proposed Change to License Condition 2.C.(5)**

This condition requires GPC to submit a revised plant-specific steam generator tube rupture analysis for NRC review by March 1, 1988. This condition is proposed for deletion.

**Justification for Change**

By letter dated February 29, 1988, Georgia Power Company submitted the results of the steam generator tube rupture analysis for Vogtle Units 1 and 2. The NRC staff notified GPC that it had reviewed and approved this analysis by letter dated November 15, 1988. The requirements of this license condition have been met; therefore, the condition may be removed from the operating license.

**Proposed Change to License Condition 2.C.(7)**

This condition requires the submittal of three reports to demonstrate compliance with certain NUREG 0737 items. The reports are (a) NUREG-0737, Item II.F.2, reactor vessel level instrumentation system (RVLIS), due June 1, 1987; (b) supplemental report on safety parameter display system (SPDS), due March 1, 1988; and (c) supplemental summary report on the detailed control room design review (DCRDR), due March 1, 1988. This condition is proposed for deletion.

**Justification for Change**

By letter dated May 29, 1987 GPC provided the implementation report on the Unit 1 RVLIS to the NRC, in compliance with the condition.

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By letter dated February 29, 1988, GPC provided to the NRC the available information concerning the SPDS. Additional information was provided in letters dated June 15, 1988 and dated March 10, 1989. By letter dated July 5, 1989, GPC certified that the VEGP - Unit 1 SPDS meets the criteria of Supplement 1 to NUREG-0737, taking into account the information provided in NUREG-1342.

GPC provided the NRC the supplemental summary report on the DCRDR by letter dated February 29, 1988. By letter dated August 8, 1990, the NRC provided GPC a safety evaluation report which concluded that the Vogtle DCRDR satisfies all requirements of Supplement 1 to NUREG-0737.

All requirements contained in this license condition have been met; therefore, the condition may be deleted from the operating license.

**Proposed Change to License Condition 2.C.(8)**

This condition requires GPC to either replace the zinc coating on the diesel fuel storage tanks by startup following the first refueling, or provide to the NRC an acceptable justification by March 1, 1988, that the existing tank coating would not affect diesel operability or reliability. This condition is proposed for deletion.

**Justification for Change**

GPC provided technical information supporting justification of the existing tank coating by letters dated July 13, September 30, and October 15, 1987. The NRC notified GPC by letter dated October 15, 1987 that it accepted the justification and that the license condition was satisfactorily resolved. The requirements of this condition have been met; therefore, the condition may be removed from the operating license.

**Proposed Change to License Condition 2.C.(9)**

This condition requires a modification to the ventilation exhaust of the alternate radwaste facility prior to startup following the first refueling. This condition is proposed for deletion.

**Justification for Change**

By letter dated October 11, 1988, GPC notified the NRC that the requirements of this license condition had been completed. By letter dated November 21, 1988, the NRC staff informed GPC that they had reviewed the submittal and had no questions. The requirements contained in this condition have been met; therefore, the condition may be deleted.

**Proposed Change to License Condition 2.D.**

This section grants three exemptions to Vogtle Unit 1. One of these is an exemption from 10 CFR 50.34 (b) (2) (i) as it pertains to GDC 2, 61, and 62 of Appendix A to 10 CFR 50 for the spent fuel pool racks for the time period before the racks contain irradiated fuel. This exemption allowed Unit 1 to load fuel

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and initiate operation while the seismic adequacy of the racks was being verified. This exemption is no longer in effect and is proposed for deletion from the Unit 1 operating license. The other two exemptions contained in this condition remain in effect.

**Justification for Change**

GPC provided information concerning the seismic adequacy of the spent fuel racks by letters dated January 21, May 22, July 20, and September 29, 1987. By letter dated November 20, 1987, the NRC staff notified GPC that it had completed its review of the spent fuel rack design and had concluded that the racks were acceptable to meet the appropriate regulations. The staff further stated that the scheduler exemption was no longer required and GPC may store irradiated fuel in the racks. The requirements associated with this exemption have been met; it may therefore be deleted from the operating license.

**Proposed Change to License Condition 2.H.**

This section states, "Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, 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 followup within 30 days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e)." This condition is proposed for deletion from the operating license.

**Justification for Change**

In response to Information Notice 97-43, Southern Nuclear reviewed each condition of the Vogtle operating licenses and found this license condition to be ambiguous due to differences between the condition and current reporting requirements. Current regulations require the NRC to be notified of reportable events within one hour, four hours, or thirty days, depending on severity. A one- or four-hour reporting requirement is typically reserved for issues of high NRC importance, as evidenced by the NRC's reporting requirements contained in 10 CFR 50.72 and 50.73. 10 CFR 50.72 describes the immediate notification requirements for operating nuclear power reactors. 10 CFR 50.72(b)(1)(ii) requires one hour reports for events or conditions during operation that result in the plant being in a seriously degraded or unanalyzed condition that significantly compromises plant safety, or a condition not covered by a plant's operating or emergency procedures. The regulation contemplates reports on matters to which the NRC must respond quickly or which have immediate regulatory significance that compromises the protection of public health and safety. The events and conditions which trigger a one hour report clearly have major potential or actual safety significance. 10 CFR 50.73 describes the Licensee Event Report (LER) system. This system requires licensees to report within thirty days certain operational events and plant conditions which could affect the safe operation of the plant, but which do not have the potential for immediate degradation of the protection of public health and safety.

Thus, with its twenty-four hour reporting requirement, License Condition 2.C could imply that relatively insignificant issues (e.g. missed TS surveillance) should be afforded regulatory significance comparable to those much more serious events reportable under 10 CFR 50.72.

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Southern Nuclear, upon further review, believes that this license condition is unnecessary. The items contained in Section 2.C are associated with startup and early plant operations, and have been fulfilled and proposed for deletion, with the exception of 2.C.(1), maximum power level, and 2.C.(2), Technical Specifications (TS) and Environmental Protection Plan. Reporting requirements should no longer be applicable to the items which have been fulfilled or are no longer applicable. Violations associated with exceeding the maximum power level, the TS, and Environmental Protection Plan are dispositioned in accordance with 10 CFR 50.72 and/or 50.73.

Since NRC reporting requirements are governed by regulations such as 10 CFR 50.72 and 50.73, the requirements contained in this license condition are considered redundant and unnecessary. This license condition is not necessary to keep the NRC cognizant of the significant events occurring at Plant Vogtle, and is proposed for deletion from the operating license.

## **VOGTLE UNIT 2**

### **Proposed Change to License Condition 2.C.(2)**

The SRs listed in this condition were added at the time of ITS implementation, but were not performed at the time of ITS implementation for the reasons given. With the exception of SR 3.8.1.20, these surveillances are proposed for deletion from the operating license.

### **Justification for Change**

The Improved Technical Specifications (ITS) for Plant Vogtle were implemented at mid-cycle with the unit operating. The SRs listed in this section were more restrictive than the original TS SRs they replaced. Therefore, while these SRs and their frequencies were incorporated into the ITS, they were not required to be performed at the time of ITS implementation, but were listed in the operating license with specific due dates as a license condition.

With the exception of SR 3.8.1.20, which has a 10-year frequency and is due in the Fall of 1999, all SRs in this condition have been performed in accordance with the schedule set forth in the condition and are presently being performed in accordance with Technical Specification requirements. Therefore, these SRs are proposed for deletion from the operating license. SR 3.8.1.20 will be performed according to its normal schedule; therefore, this SR is retained at this time in Unit 2 License Condition 2.C.(2).

### **Proposed Change to License Condition 2.D.**

This section grants three exemptions to Vogtle Unit 2. One of these is an exemption from the schedule requirements of 10 CFR 50.33 (k) (1) related to the availability of funds for decommissioning the facility. This exemption allowed the submission of the Unit 2 decommissioning funding report called for by 10 CFR 50.33(k) and 50.75(b) to be delayed until July 26, 1990. This exemption is no longer in effect

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and is proposed for deletion from the Unit 2 operating license. The other two exemptions contained in this condition remain in effect.

**Justification for Change**

The Vogtle Electric Generating Plant Nuclear Decommissioning Funding Plan was submitted to the NRC by letter dated July 25, 1990, in accordance with the schedule set forth in Section 22.5 of Supplemental Safety Evaluation Report 8, as required by the license condition. The requirement contained in this exemption has been met; it is therefore determined that the exemption is no longer in effect and may be deleted from the operating license.

**Proposed Change to License Condition 2.H.**

This condition is proposed for deletion. See the discussion of the corresponding Unit 1 license condition above.



**ENCLOSURE 2**  
**REQUEST FOR LICENSE AMENDMENT**  
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**10 CFR 50.92 NO SIGNIFICANT HAZARDS EVALUATION**

In 10 CFR 50.92, the NRC provides the following standards to be used in determining the existence of a significant hazards consideration:

...a proposed amendment to an operating license for a facility licensed under 50.21(b) or 50.22 for a testing facility involves no significant hazards consideration if 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 an accident of a new and different kind from any previously evaluated; or (3) Involve a significant reduction in a margin of safety.

Southern Nuclear has reviewed the proposed license amendment request and determined its adoption does not involve a significant hazards consideration. In support of this determination, an evaluation of each 10 CFR 50.92 standard follows.

1. *The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.*

The proposed changes either remove or modify provisions in the VEGP Unit 1 and 2 Operating Licenses that have been completed or are otherwise obsolete. Each proposed change is summarized below:

- Certain Surveillance Requirements (SRs) that were either added or modified at the time of Improved Technical Specifications (ITS) implementation were listed in the Operating Licenses with a schedule for performance. With the exception of Unit 2 SR 3.8.1.20, all SRs are deleted from the Operating Licenses, because they have since been performed according to schedule, and will henceforth be performed in accordance with the Technical Specifications.
- A condition concerning changes to the Unit 1 initial test program is deleted due to the completion of the program.
- A condition related to FEMA procedures and the emergency plan is deleted from the Unit 1 license due to the obsolescence of the condition.
- Conditions requiring the submission of Unit 1 reports concerning the steam generator tube rupture analysis, the reactor vessel level instrumentation system, the safety parameter display system, the detailed control room design review, and the zinc coating of the diesel fuel storage tanks are deleted due to completion of the required activities.

- A condition requiring modification of the Unit 1 ventilation exhaust of the alternate radwaste facility is deleted due to completion of the required activity.
- An exemption related to the seismic adequacy of the Unit 1 spent fuel racks is deleted because the required actions are completed and the exemption has been determined to be no longer in effect.
- A condition in both the Unit 1 and Unit 2 licenses containing reporting requirements for other license conditions is deleted due to ambiguities between the requirements in the license condition and those published in NRC regulations and because these requirements are not necessary.
- A schedular exemption for the Unit 2 decommissioning funding report is deleted because the report was submitted as required and the exemption is no longer in effect.

The proposed changes discussed above are strictly administrative/editorial and do not affect the operation or function of any plant system, component, or structure. Therefore, the proposed changes do not increase the probability of occurrence or the consequences of a previously evaluated accident.

2. *The proposed changes do not create the possibility of a new and different type of accident from any previously evaluated.*

The proposed administrative/editorial changes do not alter the operation of any plant system or equipment and do not introduce a new mode of operation. Each requirement contained in the license conditions proposed for deletion has either been completed or is obsolete. Since these parts of the license are no longer applicable, deletion of these items does not provide the potential for an accident to be created. Thus, the proposed changes cannot create a new accident initiating mechanism, and do not create the possibility of a new and different type of accident from any previously evaluated.

3. *The proposed changes do not involve a significant reduction in the margin of safety.*

The license conditions proposed for deletion are obsolete and each requirement has been completed. Since the proposed changes are strictly administrative/editorial and do not involve any physical or procedural changes to the plant, the margin of safety, as defined in the bases for any Technical Specification is not affected by the proposed changes.

**ENCLOSURE 3**  
**VOGTLE ELECTRIC GENERATING PLANT**  
**REQUEST FOR LICENSE AMENDMENT:**  
**MODIFICATION/REMOVAL OF OBSOLETE CONDITIONS**

**OPERATING LICENSE MARKUPS**

**FACILITY OPERATING LICENSE  
NO. NPF-68**

**VOGTLE UNIT 1**