



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

February 15, 2023

Ms. Cheryl A. Gayheart  
Regulatory Affairs Director  
Southern Nuclear Operating Co., Inc.  
3535 Colonnade Parkway  
Birmingham, AL 35243

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNIT NOS. 1 AND 2 - ISSUANCE OF AMENDMENTS NOS. 321 AND 266, REGARDING LICENSE AMENDMENT REQUEST TO REVISE THE [NATIONAL FIRE PROTECTION ASSOCIATION] NFPA-805 FIRE PROTECTION PROGRAM (EPID L-2022-LLF-0000)

Dear Ms. Gayheart:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has issued the enclosed Amendment No. 321 to Renewed Facility Operating License No. DPR-57 and Amendment No. 266 to Renewed Facility Operating License No. NPF-5 for the Edwin I. Hatch Nuclear Plant (Hatch), Unit Nos. 1 and 2, respectively. The amendments consist of changes to the Hatch approved fire protection program (FPP) in response to your application dated March 31, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22090A279 [publicly available], and ML22325A278 [non-publicly available]), as supplemented by letters dated August 19, 2022 (ML22231B201) and November 18, 2022 (ML22325A228 [publicly available] and ML22325A229 [non-publicly available]).

The proposed license amendment request (LAR) would revise three modifications as described in LAR Attachment S, Table S-2, "Plant Modifications Committed," and add one new modification to the table referenced in Hatch FPP Transition License Conditions 2.(C)(3)(c) for Unit 1 and 2.(C)(3)(a)(3) for Unit 2.

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

Sincerely,

***/RA/***

Dawnmathews T. Kalathiveetil, Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosures:

1. Amendment No. 321 to DPR-57
2. Amendment No. 266 to NPF-5
3. Safety Evaluation

cc w/encls: Listserv



UNITED STATES  
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

DOCKET NO. 50-321

EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 321  
Renewed License No. DPR-57

1. The Nuclear Regulatory Commission (NRC, the Commission) has found that:
  - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) Renewed Facility Operating License No. DPR-57 filed by 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 March 31, 2022, as supplemented by letters dated August 19, 2022 (ML22231B201) and November 18, 2022, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. DPR-57 is hereby amended to read as follows:
- (2) Technical Specifications
- The Technical Specifications (Appendix A) and the Environmental Protection Plan (Appendix B), as revised through Amendment No. 321, are hereby incorporated in the renewed license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
3. This license amendment is effective as of its date of issuance and shall be implemented by the startup of Unit 1 refueling outage 1R31.

FOR THE NUCLEAR REGULATORY COMMISSION

Michael T. Markley, Chief  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to Renewed Facility  
Operating License No. DPR-57  
and Technical Specifications

Date of Issuance: February 15, 2023

ATTACHMENT TO LICENSE AMENDMENT NO. 321

EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 1

RENEWED FACILITY OPERATING LICENSE NO. DPR-57

DOCKET NO. 50-321

Replace the following pages of the License and the Appendix A Technical Specifications (TSs) 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

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Insert Pages

License

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2. On the basis of the foregoing findings regarding this facility, Facility Operating License No. DPR-57, issued on October 13, 1974, is superseded by Renewed Facility Operating License No. DPR-57, which is hereby issued to Southern Nuclear Operating Company, Inc., and the Owners, to read as follows:
  - A. This renewed license applies to the Edwin I. Hatch Nuclear Plant, Unit No. 1, a direct-cycle, boiling-water reactor and associated equipment (the facility), owned by Georgia Power Company, the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, and operated by Southern Nuclear. The facility is located 11 miles north of Baxley, in Appling County, Georgia, and is described in the Updated Final Safety Analysis Report, as supplemented and amended, and the Environmental Report, as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the following:
    - (1) Southern Nuclear, pursuant to Section 104b of the Act and 10 CFR Part 50, to possess, manage, use, maintain, and operate the facility at the designated location in Appling County, Georgia, in accordance with the procedures and limitations set forth in this renewed license
    - (2) Georgia Power Company, the Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, pursuant to Section 104b of the Act and 10 CFR Part 50, to possess, but not operate, the facility at the designated location in Appling County, Georgia, in accordance with the procedures and limitations set forth in this license
    - (3) Southern Nuclear, pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended
    - (4) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and fission detectors in amounts as required
    - (5) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required, any byproduct, source or special nuclear material, without restriction to chemical or physical form, for sample analysis or instrument calibration, or associated with radioactive apparatus or components.

- (6) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- (C) This renewed license shall be deemed to contain, and is subject to, for the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Section 50.54 of Part 50, and Section 70.32 of Part 70; all applicable provisions of the Act and the rules, regulations, and orders of the Commission now or hereafter in effect; and the additional conditions specified or incorporated below:

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at steady-state reactor core power levels not in excess of 2,804 megawatts thermal.

(2) Technical Specifications

The Technical Specifications (Appendix A) and the Environmental Protection Plan (Appendix B), as revised through Amendment No. 321, are hereby incorporated in the renewed license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

The Surveillance Requirement (SR) contained in the Technical Specifications and listed below, is not required to be performed immediately upon implementation of Amendment No. 195. The SR listed below shall be successfully demonstrated before the time and condition specified:

SR 3.8.1.18 shall be successfully demonstrated at its next regularly scheduled performance.

(3) Fire Protection

Southern Nuclear Operating Company shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c), as specified in the licensee amendment request dated April 4, 2018, supplemented by letters dated May 28, August 9, October 7, and December 13, 2019, and February 5, and March 13, 2020, and license amendment request dated March 31, 2022, supplemented by letter dated November 18, 2022, and as approved in the NRC safety evaluations (SE) dated June 11, 2020 and February 15, 2023. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition or requirement would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

acceptable because the alternative is “adequate for the hazard.” Prior NRC review and approval would not be required for alternatives to four specific sections of NFPA 805, Chapter 3, for which an engineering evaluation demonstrates that the alternative to the Chapter 3 element is adequate for the hazard. A qualified fire protection engineer shall perform the engineering evaluation and conclude that the change has not affected the component, system, procedure, or physical arrangement functionality using a relevant technical requirement or standard. The four specific sections of NFPA 805, Chapter 3, are:

- Fire Alarm and Detection Systems (Section 3.8);
- Automatic and Manual Water-Based Fire Suppression Systems (Section 3.9);
- Gaseous Fire Suppression Systems (Section 3.10); and,
- Passive Fire Protection Features (Section 3.11).

This License Condition does not apply to any demonstration of equivalency under Section 1.7 of NFPA 805.

(2) Fire Protection Program Changes that Have No More than Minimal Risk Impact

Prior NRC review and approval are not required for changes to the licensee’s fire protection program that have been demonstrated to have no more than a minimal risk impact. The licensee may use its screening process as approved in NRC SE dated June 11, 2020, to determine that certain fire protection program changes meet the minimal criterion. The licensee shall ensure that fire protection defense-in-depth and safety margins are maintained when changes are made to the fire protection program.

(c) Transition License Conditions

(1) Before achieving full compliance with 10 CFR 50.48(c), as specified by (2) and (3) below, risk-informed changes to the licensee’s fire protection program may not be made without prior NRC review and approval unless the change has been demonstrated to have no more than a minimal risk impact, as described in (b)(2) above.

(2) The licensee shall implement the modifications described in Attachment 2, Table S-2, “Plant Modifications Committed,” of SNC letter NL-22-0850, dated November 18, 2022, to its facility to complete transition to full compliance with 10 CFR 50.48(c) by the startup of Unit 2 refueling outage 2R27 (spring 2023) and Unit 1 refueling outage 1R31 (spring 2024). The licensee shall maintain appropriate compensatory measures in place until completion of these modifications.



- (3) The licensee shall implement the items as listed in Attachment S2, Table S-3, "Implementation Items," of SNC letter NL-19-1475, dated December 13, 2019, within 365 days after the issuance of the NRC SE. An exception to this statement is for the completion date for Implementation Item IMP-19. This item will be completed for each unit at a time not to exceed 180 days after all modifications for the respective unit (as listed in Attachment 2, Table S-2, "Plant Modifications Committed," of SNC letter NL-22-0850, dated November 18, 2022) are operable.

(4.a) Physical Protection

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 is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.

Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The Southern Nuclear CSP was approved by License Amendment No. 265, as supplemented by a change approved by License Amendment No. 274.

(4.b) Mitigation Strategy License Condition

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



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MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-366

EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 266  
Renewed License No. NPF-5

1. The Nuclear Regulatory Commission (NRC, the Commission) has found that:
  - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) Renewed Facility Operating License No. NPF-5 filed by 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 March 31, 2022, as supplemented by letters dated August 19, 2022 (ML22231B201) and November 18, 2022, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. NPF-5 is hereby amended to read as follows:
- (2) Technical Specifications  
  
The Technical Specifications (Appendix A) and the Environmental Protection Plan (Appendix B), as revised through Amendment No. 266 are hereby incorporated in the renewed license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
3. This license amendment is effective as of its date of issuance and shall be implemented by the startup of Unit 2 refueling outage 2R27.

FOR THE NUCLEAR REGULATORY COMMISSION

Michael T. Markley, Chief  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to Renewed Facility  
Operating License No. NPF-5  
and Technical Specifications

Date of Issuance: February 15, 2023

ATTACHMENT TO LICENSE AMENDMENT NO. 266

EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 2

RENEWED FACILITY OPERATING LICENSE NO. NPF-5

DOCKET NO. 50-366

Replace the following pages of the License and the Appendix A Technical Specifications (TSs) 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

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Insert Pages

License

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- (6) Southern Nuclear, pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- (C) This renewed license shall be deemed to contain, and is subject to, the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Section 50.54 of Part 50, and Section 70.32 of Part 70; all applicable provisions of the Act and the rules, regulations, and orders of the Commission now or hereafter in effect; and the additional conditions<sup>2</sup> specified or incorporated below:

(1) Maximum Power Level

Southern Nuclear is authorized to operate the facility at steady state reactor core power levels not in excess of 2,804 megawatts thermal, in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications (Appendix A) and the Environmental Protection Plan (Appendix B); as revised through Amendment No. 266 are hereby incorporated in the renewed license. Southern Nuclear shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Additional Conditions

The matters specified in the following conditions shall be completed to the satisfaction of the Commission within the stated time periods following the issuance of the renewed license or within the operational restrictions indicated. The removal of these conditions shall be made by an amendment to the license supported by a favorable evaluation by the Commission.

(a) Fire Protection

Southern Nuclear Operating Company shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c), as specified in the licensee amendment request dated April 4, 2018, supplemented by letters dated May 28, August 9, October 7, and December 13, 2019, and February 5, and March 13, 2020, and license amendment request dated March 31, 2022, supplemented by letter dated November 18, 2022, and as approved in the NRC safety evaluations (SE) dated June 11, 2020 and February 15, 2023. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition or requirement would

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<sup>2</sup> The original licensee authorized to possess, use, and operate the facility with Georgia Power Company (GPC). Consequently, certain historical references to GPC remain in certain license conditions.

would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

(1) Risk-Informed Changes that May Be Made Without Prior NRC Approval

A risk assessment of the change must demonstrate that the acceptance criteria below are met. The risk assessment approach, methods, and data shall be acceptable to the NRC and shall be appropriate for the nature and scope of the change being evaluated; be based on the as-built, as-operated, and maintained plant; and reflect the operating experience at the plant. Acceptable methods to assess the risk of the change may include methods that have been used in the peer-reviewed fire PRA model, methods that have been approved by NRC through a plant-specific license amendment or NRC approval of generic methods specifically for use in NFPA 805 risk assessments, or methods that have been demonstrated to bound the risk impact.

- a) Prior NRC review and approval is not required for changes that clearly result in a decrease in risk. The proposed change must also be consistent with the defense-in-depth philosophy and must maintain sufficient safety margins. The change may be implemented following completion of the plant change evaluation.
- b) Prior NRC review and approval is not required for individual changes that result in a risk increase less than  $1 \times 10^{-7}$ /year (yr) for CDF and less than  $1 \times 10^{-8}$ /yr for LERF. The proposed change must also be consistent with the defense-in-depth philosophy and must maintain sufficient safety margins. The change may be implemented following completion of the plant change evaluation.

(2) Other Changes that May Be Made Without Prior NRC Approval

- a) Changes to NFPA 805, Chapter 3, Fundamental Fire Protection Program

Prior NRC review and approval are not required for changes to the NFPA 805, Chapter 3, fundamental fire protection program elements and design requirements for which an engineering evaluation demonstrates that the alternative to the Chapter 3 element is functionally equivalent or adequate for the hazard. The licensee may use an engineering evaluation to demonstrate that a change to an NFPA 805,

licensee's fire protection program may not be made without prior NRC review and approval unless the change has been demonstrated to have no more than a minimal risk impact, as described in (2)(b) above.

- b) The licensee shall implement the modifications described in Attachment 2, Table S-2, "Plant Modifications Committed," of SNC letter NL-22-0850, dated November 18, 2022, to its facility to complete transition to full compliance with 10 CFR 50.48(c) by the startup of Unit 2 refueling outage 2R27 (spring 2023) and Unit 1 refueling outage 1R31 (spring 2024). The licensee shall maintain appropriate compensatory measures in place until completion of these modifications.
- c) The licensee shall implement the items as listed in Attachment S2, Table S-3, "Implementation Items," of SNC letter NL-19-1475, dated December 13, 2019, within 365 days after the issuance of the NRC SE. An exception to this statement is for the completion date for Implementation Item IMP-19. This item will be completed for each unit at a time not to exceed 180 days after all modifications for the respective unit (as listed in Attachment 2, Table S-2, "Plant Modifications Committed," of SNC letter NL-22-0850, dated November 18, 2022) are operable.

(b.1) Physical Protection

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 the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plan is entitled: "Southern Nuclear Operating Company Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," with revisions submitted through May 15, 2006.

Southern Nuclear shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The Southern Nuclear CSP was approved by License Amendment No. 209, as supplemented by a change approved by License Amendment No. 219.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO

AMENDMENT NO. 321 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-57

AND

AMENDMENT NO. 266 TO RENEWED FACILITY OPERATING LICENSE NO. NPF-5

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

EDWIN I. HATCH NUCLEAR PLANT, UNIT NOS. 1 AND 2

DOCKET NOS. 50-321 AND 50-366

1.0 INTRODUCTION

By application dated March 31, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22090A279 [publicly available], and ML22325A278 [non-publicly available]), as supplemented by letters dated August 19, 2022 (ML22231B201), and November 18, 2022 (ML22325A228 [publicly available] and ML22325A229 [non-publicly available]), Southern Nuclear Operating Company (SNC, the licensee) submitted a license amendment request (LAR) to the U.S. Nuclear Regulatory Commission (NRC or the Commission), for the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch), requesting a change to the Hatch approved fire protection program (FPP).

Specifically, the licensee requested to revise 3 modifications as described in LAR Attachment S, Table S-2, "Plant Modifications Committed," and add 1 new modification to the table referenced in the FPP Transition License Conditions 2.(C)(3)(c) for Unit 1 and 2.(C)(3)(a)(3) for Unit 2. The licensee's August 19, 2022 response to the NRC staff's request for confirmatory information (ML22231B201), and supplemental letter dated November 18, 2022, provided additional information that clarified the application, but did not expand the overall scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on July 12, 2022 (87 FR 41360).

2.0 REGULATORY EVALUATION

2.1 Program Description

In the 1990s, the NRC worked with the National Fire Protection Association (NFPA) and industry to develop a risk-informed/performance-based (RI/PB) consensus standard for fire protection. In 2001, the NFPA Standards Council issued NFPA 805, "Performance-Based



Standard for Fire Protection for Light Water Reactor [LWR] Electric Generating Plants,” which describes a methodology for establishing fundamental FPP design requirements and elements, determining required fire protection systems and features, applying PB requirements, and administering fire protection for existing LWRs during operation, decommissioning, and permanent shutdown. It provides for the establishment of a minimum set of fire protection requirements but allows PB or deterministic approaches to be used to meet performance criteria. By letter dated June 11, 2020 (ML20066F592), the NRC staff approved the adoption of NFPA 805 for Hatch.

## 2.2 Licensee’s Proposed Changes

In its LAR dated March 31, 2022, as supplemented, the licensee proposed to revise three modifications as described in LAR Attachment S, Table S-2, “Plant Modifications Committed,” and add one new modification to the same table, as referenced in NFPA 805 Transition License Conditions 2.(C)(3)(c)(3) for Unit 1 and 2.(C)(3)(a)(3)(c) for Unit 2. The licensee also proposed to change the wording regarding the completion date of the plant modifications as described in transition License Conditions 2.C.(3)(c)(2) for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2 and revise the fire protection license conditions to reflect the submittal for this LAR and supplements.

The licensee proposed to revise the following modifications:

1. Table S-2, Item 6 – Coordination between load breakers and feeder breakers
2. Table S-2, Item 7 – Coordination between load breakers and feeder breakers
3. Table S-2, Item 14 – Fire dampers mounted with bolted angle frames

The licensee proposed to add the following new modification:

1. Table S-2, Item 15 – Installation of cable tray covers

The licensee proposed to change the license condition wording from “by the startup of the second refueling outage (for each unit),” to “by the startup of Unit 2 refueling outage 2R27 (spring 2023) and Unit 1 refueling outage 1R31 (spring 2024).”

### 2.2.1 Revised Modifications

#### Modification Items 6 and 7 – Coordination Between Load Breakers and Feeder Breakers

In its submittal dated March 31, 2022, the licensee stated that it determined that additional breaker coordination modifications were required beyond those identified in Attachment S, Table S-2, Items 6 and 7 of SNC letter NL-19-1475, dated December 13, 2019 (ML19351D130). The licensee stated that the additional breaker modifications resolve coordination issues in which a fault on a load breaker could result in the upstream feeder breaker tripping prior to the load breaker tripping.

#### Modification Item 14 – Fire Dampers Mounted with Bolted Angle Frames

In its submittal dated March 31, 2022, the licensee stated that clarification of the modification scope for this item is necessary to identify that performance of fire testing will be utilized to demonstrate that the barrier can withstand the effects of the hazards in the area in accordance with NFPA 805, Section 3.11.3.

The licensee further stated that its PB analysis will also determine if any additional fire damper modifications are required to demonstrate that the barrier can withstand the effects of the hazards in the area.

## 2.2.2 New Modification

### Modification 15 – Installation of Cable Tray Covers

In its submittal dated March 31, 2022, the licensee stated that the fire PRA (FPRA) credits cable tray cover configurations to limit fire growth and that field verifications identified three cable trays where the covers were not installed as required by FPRA evaluations.

## 2.2.3 Revision to Transition License Conditions 2.C.(3) and 2.C.(3)(a)

In its submittal dated March 31, 2022, as supplemented, the licensee proposed to modify its FPP by changing the due date to complete the plant modifications required to be completed per FPP transition License Conditions 2.C.(3)(c)(2) for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2.

The licensee proposed a revision to its FPP transition License Conditions 2.C.(3)(c)(2) for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2, which currently state:

The licensee shall implement the modifications described in Attachment S2, Table S-2, "Plant Modifications Committed," of SNC letter NL-19-1475, dated December 13, 2019, to its facility to complete transition to full compliance with 10 CFR 50.48(c) by the startup of the second refueling outage (for each unit) after issuance of the NRC SE [safety evaluation]. The licensee shall maintain appropriate compensatory measures in place until completion of the modifications.

The current FPP transition license condition wording requires the licensee to complete the NFPA 805 modifications by the startup of the second refueling outage for each unit after issuance of the NRC SE. The licensee is requesting to revise FPP transition License Conditions 2.C.(3)(c)(2) for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2 to state (changes shown in **bold**):

The licensee shall implement the modifications described in Attachment S, Table S-2, "Plant Modifications Committed," of SNC letter **NL-22-0850**, dated **November 18, 2022**, to its facility to complete transition to full compliance with 10 CFR 50.48(c) by the startup **of Unit 2 refueling outage 2R27 (spring 2023) and Unit 1 refueling outage 1R31 (spring 2024)**. The licensee shall maintain appropriate compensatory measures in place until completion of the modifications.

The change to the transition License Conditions 2.C.(3)(c)2 for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2 necessitate further changes in License Conditions 2.C.(3), "Fire Protection," for Unit 1, and 2.C.(3)(a) for Unit 2. These current License Conditions for Hatch state:

Southern Nuclear Operating Company shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c), as specified in the licensee amendment request dated April 4, 2018, supplemented by letters dated May 28, August 9, October 7, and December 13, 2019, and February 5, and March 13, 2020, and as approved

in the NRC safety evaluation (SE) dated June 11, 2020. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition or requirement would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

The LAR proposes revising License Conditions 2.C.(3), "Fire Protection," for Unit 1 and 2.C.(3)(a) for Unit 2 to state (changes shown in bold):

Southern Nuclear Operating Company shall implement and maintain in effect all provisions of the approved fire protection program that comply with 10 CFR 50.48(a) and 10 CFR 50.48(c), as specified in the licensee amendment request dated April 4, 2018, supplemented by letters dated May 28, August 9, October 7, and December 13, 2019, and February 5, and March 13, 2020, **and license amendment request dated March 31, 2022, supplemented by letters dated August 19 and November 18, 2022**, and as approved in the NRC SE dated June 11, 2020 **and February 15, 2023**. Except where NRC approval for changes or deviations is required by 10 CFR 50.48(c), and provided no other regulation, technical specification, license condition or requirement would require prior NRC approval, the licensee may make changes to the fire protection program without prior approval of the Commission if those changes satisfy the provisions set forth in 10 CFR 50.48(a) and 10 CFR 50.48(c), the change does not require a change to a technical specification or a license condition, and the criteria listed below are satisfied.

The change to transition License Conditions 2.C.(3)(c)2 for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2 necessitate further changes in License Conditions 2.C.(3)(c)3 for Unit 1 and 2.C.(3)(a)(3)(c). These current License Conditions for Hatch state:

The licensee shall implement items listed in Attachment S2, Table S-3, "Implementation Items," of SNC letter NL-19-1475, dated December 13, 2019, with 365 days after issuance of the NRC SE. An exception to this statement is for completion date for Implementation Item IMP-19. This item will be completed for each unit at a time not to exceed 180 days after all modifications for the respective unit (as listed in Attachment S-2, Table S-2, "Plant Modifications Committed," of SNC letter NL-19-1475, dated December 13, 2019) are operable.

The LAR proposes revising these License Conditions to state (changes shown in bold):

The licensee shall implement items listed in Attachment S2, Table S-3, "Implementation Items," of SNC letter NL-19-1475, dated December 13, 2019, with 365 days after issuance of the NRC SE. An exception to this statement is for completion date for Implementation Item IMP-19. This item will be completed for each unit at a time not to exceed 180 days after all modifications for the respective unit (as listed in Attachment 2, Table S-2, "Plant Modifications Committed," of SNC letter **NL-22-0850, dated November 18, 2022**) are operable.

## 2.3 Regulatory Requirements

On July 11, 1967, the Atomic Energy Commission (AEC) published for public comment in the Federal Register (32 FR 10213), a revised and expanded set of 70 draft GDC. On February 20 1971, the AEC published in the Federal Register (36 FR 3255) a final rule that added Appendix A (final GDC) to 10 CFR Part 50, which was amended on July 7, 1971 (36 FR 12733) Differences between the 1967 draft GDC and the final GDC included a consolidation from 70 to 64 criteria.

The construction permits of Hatch, Unit 1, and Hatch, Unit 2, were issued on September 30 ,1969, and on December 27, 1972, respectively. Consequently, Hatch, Unit 2, is licensed in conformance with 10 CFR Part 50, Appendix A, "General Design Criteria." Hatch, Unit 1, is licensed in conformance with the 1967 version of 10 CFR Part 50, Appendix A, "General Design Criteria for Nuclear Power Plant Construction Permits" (ADAMS Accession No. ML043310029). Hatch, Unit 1, Final Safety Analysis Report (FSAR), Appendix F, "Conformance To Atomic Energy Commission Criteria," describes the relevant licensing bases for Hatch, Unit 1. The operating license for Hatch, Unit 1, was issued in 1974, and the operating license for Hatch, Unit 2 was issued in 1978.

Section 3.0, "Design of Structures, Components, Equipment, and Systems," of the NRC safety evaluation report related to the operation of Hatch Unit 1, describes the NRC staff's evaluation of the facility's conformance with the GDC for the original facility operating license. Hatch Unit 1 was designed and constructed in accordance with the GDC issued for comment in July of 1967. The NRC safety evaluation report concluded that there was reasonable assurance that the plant met the intent of the GDC published in the FR in 1971.

Section 3.0, "Design of Structures, Components, Equipment, and Systems," of the NRC safety evaluation report (NUREG-0411) related to the operation of Hatch Unit 2, describes the NRC staff's evaluation of the facility's conformance with the GDC for the original facility operating license. Hatch Unit 2 was designed and constructed in accordance with the amended GDC (dated July 7, 1971) and the NRC safety evaluation report concluded that the plant design conformed to the amended criteria.

The following regulations address fire protection:

- Section 50.48, "Fire protection," of 10 CFR provides the NRC requirements for nuclear power plant fire protection. The NRC regulations include specific requirements for requesting approval for an RI/PB FPP based on the provisions of NFPA 805.
- Section 50.48(a)(1) of 10 CFR requires that each holder of an operating license have an FPP that satisfies General Design Criterion (GDC) 3, "Fire Protection," of Appendix A to 10 CFR Part 50, "General Design Criteria for Nuclear Power Plants."
- Section 50.48(c) of 10 CFR incorporates NFPA 805 (2001 Edition) by reference, with certain exceptions, modifications, and supplementation. This regulation establishes the requirements for using an RI/PB FPP in conformance with NFPA 805 as an alternative to the requirements associated with 10 CFR 50.48(b) and Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," to 10 CFR Part 50, or

the specific plant fire protection license condition. The regulation also includes specific requirements for requesting approval for an RI/PB FPP based on the provisions of NFPA 805.

- Paragraph 50.48(c)(3)(i) of 10 CFR states, that: A licensee may maintain a fire protection program that complies with NFPA 805 as an alternative to complying with [10 CFR 50.48(b)] for plants licensed to operate before January 1, 1979, or the fire protection license conditions for plants licensed to operate after January 1, 1979. The licensee shall submit a request to comply with NFPA 805 in the form of an application for license amendment under §50.90. The application must identify any orders and license conditions that must be revised or superseded, and contain any necessary revisions to the plant's technical specifications and the bases thereof. The Director of the Office of Nuclear Reactor Regulation, or a designee of the Director, may approve the application if the Director or designee determines that the licensee has identified orders, license conditions, and the technical specifications that must be revised or superseded, and that any necessary revisions are adequate. Any approval by the Director or the designee must be in the form of a license amendment approving the use of NFPA 805 together with any necessary revisions to the technical specifications.
- Appendix A to 10 CFR Part 50, GDC 3, states, in part, that: Structures, systems, and components [SSCs] important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions. Noncombustible and heat resistant materials shall be used wherever practical throughout the unit, particularly in locations such as the containment and control room.

Pursuant to 10 CFR 50.90, whenever a holder of a license desires to amend the license or permit, an application for an amendment must be filed with the Commission fully describing the changes desired, and following, as far as applicable, the form prescribed for original applications. Accordingly, a licensee who seeks to amend its NFPA 805 authorizations must file an amendment stating, as applicable, the desired changes to orders, license conditions, and technical specifications.

Pursuant to 10 CFR 50.92(a), in determining whether an amendment to a license will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses to the extent applicable and appropriate.

Under 10 CFR 50.40, common standards for issuance of licenses include considerations of the health and safety of the public, and satisfaction of the requirements of the National Environmental Policy Act of 1969 as implemented in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

Under 10 CFR 50.57(a), to issue an operating license, the Commission must find, among other things, that: (1) there is reasonable assurance that the activities authorized by the operating license can be conducted without endangering the health and safety of the public; (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations ; and (3) the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The regulation in 10 CFR 50.32, "Elimination of repetition," states, in part, that "the applicant may incorporate by reference information contained in previous applications, statements or reports filed with the Commission: *Provided*, That such references are clear and specific."

## 2.4 Applicable Codes, Standards, Regulatory Guides, and Other Guidance

The 2001 edition of NFPA 805, specifies the minimum fire protection requirements for existing light water nuclear power plants during all phases of plant operations, including shutdown, degraded conditions, and decommissioning. NFPA 805 was developed to provide a comprehensive RI/PB standard for fire protection. The NFPA 805 Technical Committee on Nuclear Facilities is composed of nuclear plant licensees, the NRC, insurers, equipment manufacturers, and subject matter experts. The standard was developed in accordance with NFPA processes and consisted of technical meetings and reviews of draft documents by committee and industry representatives. The scope of NFPA 805 includes goals related to nuclear safety, radioactive release, life safety, and plant damage/business interruption. The standard addresses fire protection requirements for nuclear plants during all plant operating modes and conditions, including shutdown and decommissioning, which had not been explicitly addressed by previous requirements and guidelines. NFPA 805 became effective on February 9, 2001.

Nuclear Energy Institute (NEI) 04-02 (ML081130188), provides guidance for implementing the requirements of 10 CFR 50.48(c), and represents methods for implementing in whole or in part a RI/PB FPP. This implementing guidance for NFPA 805 has two primary purposes: (1) provide direction and clarification for adopting NFPA 805 as an acceptable approach to fire protection, consistent with 10 CFR 50.48(c); and (2) provide additional supplemental technical guidance and methods for using NFPA 805 and its appendices to demonstrate compliance with fire protection requirements. Although there is a significant amount of detail in NFPA 805 and its appendices, clarification and additional guidance for select issues help ensure consistency and effective utilization of the standard. The NEI 04-02 guidance focuses attention on the RI/PB FPP fire protection goals, objectives, and performance criteria contained in NFPA 805 and the RI/PB tools considered acceptable for demonstrating compliance. Revision 2 of NEI 04-02 incorporates guidance from Regulatory Guide (RG) 1.205 (ML092730314) and approved Frequently Asked Questions (FAQs).

Section 4.2.4.2 of NFPA 805 requires that the "[u]se of fire risk evaluation for the performance-based approach shall consist of an integrated assessment of the acceptability of risk, defense-in-depth, and safety margins."

As a supplement to the definition of defense-in-depth (DID) provided in NFPA 805, Section 1.2, the NRC-endorsed guidance in NEI 04-02, Revision 2, "Guidance for Implementing a Risk-Informed, Performance-Based FPP Under 10 CFR 50.48(c)," April 2008 (ML081130188), Section 5.3.5.2, states, in part, that:

In general, the defense-in-depth requirement is satisfied if the proposed change does not result in a substantial imbalance in:

- Preventing fires from starting
- Detecting fires quickly and extinguishing those that do occur, thereby limiting fire damage.

- Providing adequate level of fire protection for structures, systems and components important to safety so that a fire that is not promptly extinguished will not prevent essential plant safety functions [from] being performed.

Although not a part of the requirements of NFPA 805, NFPA 805, Appendix A, Section A.2.4.4.3, provides the following background related to the meaning of the term “safety margins.”

An example of maintaining sufficient safety margins occurs when the existing calculated margin between the analysis and the performance criteria compensates for the uncertainties associated with the analysis and data. Another way that safety margins are maintained is through the application of codes and standards. Consensus codes and standards are typically designed to ensure such margins exist.

Section 5.3.5.3, “Safety Margins,” of NEI 04-02, Revision 2, lists two specific criteria that should be addressed when considering the impact of plant changes on safety margins:

- Codes and standards or their alternatives accepted for use by the NRC are met, and
- Safety analysis acceptance criteria in the licensing basis (e.g., FSAR [Final Safety Analysis Report], supporting analyses) are met, or provides sufficient margin to account for analysis and data uncertainty.

Revision 1 of RG 1.205, “Risk-Informed, Performance-Based Fire Protection for Existing Light Water Nuclear Power Plants,” December 2009 (ML092730314), provides guidance for use in complying with the requirements that the NRC has promulgated for RI/PB FPPs that comply with 10 CFR 50.48 and the referenced 2001 Edition of the NFPA standard. RG 1.205 sets forth regulatory positions, clarifies the requirements of 10 CFR 50.48(c) and NFPA 805, clarifies the guidance in NEI 04-02, Revision 2, and provides exceptions to the NEI 04-02 guidance where required. Should a conflict occur between NEI 04-02 and RG 1.205, the regulatory positions in RG 1.205 govern.

The letter from Anne Boland, NRC, to Michael D. Schiltz, Nuclear Energy Institute, Recommended Content for LARs that “Seek Changes to License Conditions That Were Established in Amendments to Adopt National Fire Protection Association Standard 805 But Have Yet to be Fully Implemented,” dated March 2, 2016 (ML16015A416) provides guidance regarding the content of license amendment applications related to NFPA 805.

### 3.0 TECHNICAL EVALUATION

In accordance with 10 CFR 50.48(c)(3)(i), the licensee submitted a LAR to revise Hatch fire protection License Conditions 2.C.(3) for Unit 1 and 2.C.(3)(a) for Unit 2.

In its LAR dated March 31, 2022, as supplemented, SNC proposed to modify its NFPA 805 FPP by revising three modifications, and adding one new modification, revising its FPP transition license conditions to clarify the full compliance date for implementation of the remaining modifications, and revising its FPP license conditions to reflect the date of the LAR and any supplements.

As permitted by 10 CFR 50.32, the LAR references methods and approaches used in support of Hatch Amendment Nos. 304 and 249, which the NRC staff approved on June 11, 2020 (ML20066F592). Because the NRC staff has found these methods and approaches acceptable for evaluating changes to the FPP, as described in the NFPA 805 SE, the NRC staff's review in support of this proposed license amendment did not reevaluate the acceptable methods and approaches in the previous amendments.

### 3.1 Revise Modification Items 6, 7, and 14, Add Modification Item 15

In the LAR for Hatch Amendment Nos. 304 and 249, dated April 4, 2018 (ML18096A955), as supplemented, which the NRC staff approved on June 11, 2020 (ML20066F592), SNC requested to adopt NFPA 805, and included Modifications 6 and 7 to address certain breaker coordination issues, and Modification Item 14 to address certain fire damper issues. In the LAR dated March 31, 2022, as supplemented, SNC proposed to revise the descriptions of the modifications to describe the issues and proposed modifications more accurately. The licensee also proposed to add a new Modification Item 15 to install cable tray covers in the Unit 1 cable spread room. The licensee included the bases for the proposed changes in its LAR.

#### 3.1.1 Basis for Proposed Changes

For Modification Items 6 and 7, the licensee stated that it determined that additional breaker coordination modifications were required beyond those identified previously and that the additional breaker modifications resolve coordination issues in which a fault on a load breaker could result in the upstream feeder breaker tripping prior to the load breaker tripping.

For Modification Item 14, the licensee stated that clarification of the modification scope is necessary to identify that performance of fire testing will be utilized to demonstrate that the barrier can withstand the effects of the hazards in the area in accordance with NFPA 805, Section 3.11.3. The licensee further stated that a PB analysis will also determine if any additional fire damper modifications are required to demonstrate that the barrier can withstand the effects of the hazards in the area.

For Modification Item 15, the licensee stated that its FPRA credits cable tray cover configurations to limit fire growth and that field verifications identified three cable trays where the covers were not installed as required by its FPRA evaluations.

#### 3.1.2 NRC Staff Evaluation

In accordance with 10 CFR 50.48(c)(3)(i), the licensee submitted a LAR to revise modification items 6, 7, and 14, and add modification item 15 to its LAR Attachment S, Table S-2 "Plant Modifications Committed". The NRC staff reviewed the information provided in the LAR and 10 CFR 50.48(c) and RG 1.205, to determine if the licensee's proposed changes are acceptable.

The NRC staff finds that the plant-specific list of modifications identified by the licensee as necessary to complete the transition to its new fire protection licensing basis is included in Attachment 2 (Updated Attachment S, Table S-1, "Plant Modifications Completed," and Table S-2 "Plant Modifications Committed") of its letter dated November 18, 2022, which is referenced in transition License Conditions 2.C.(3)(c)2 for Unit 1 and 2.C.(3)(a)(2)(b) for Unit 2.



The NRC staff finds that the licensee's proposed changes are acceptable because the proposed changes do not support a fire risk evaluation and the modifications continue to be included in a plant-specific list which is referenced in the license conditions and follows the guidance of RG 1.205.

### 3.2 Change to the Completion Date for the Remaining Plant Modifications

In its LAR dated March 31, 2022, as supplemented, SNC requested a change to the wording regarding the due date to implement the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c).

#### 3.2.1 Licensee's Technical Bases for Requested Change

In its LAR dated March 31, 2022, as supplemented, SNC stated that to avoid confusion over the required implementation period, the words "the second refueling outage (for each unit) after issuance of the NRC SE" are changed to explicitly state the refueling outage for each unit. The licensee further stated that SNC is not requesting to change the implementation period as part of this proposed change.

#### 3.2.2 NRC Staff Evaluation

In accordance with 10 CFR 50.48(c)(3)(i), the licensee submitted a LAR to revise its NFPA 805 License Conditions 2.C.(3)(c)(2) for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2. The NRC staff reviewed the information provided in the LAR and 10 CFR 50.48(c) and RG 1.205, Section 2.1, to determine if the licensee's proposed change to the wording regarding the due date to complete the remaining modifications is acceptable.

Section 50.48(c) of 10 CFR does not mandate a specific schedule for implementing a FPP that meets NFPA 805. RG 1.205 provides guidance stating that licensees should include an implementation schedule with their request to adopt an FPP based on NFPA 805.

RG 1.205 states that for changes that involve acceptance of an existing unapproved condition (i.e., a noncompliance), appropriate compensatory measures should be established and should remain in place until either the plant is modified to achieve compliance, or the condition is found acceptable. RG 1.205 includes additional guidance that states that acceptance of the as-found condition may be the result of either the NRC's review and approval, or the self-approval process, according to the licensee's fire protection license condition. The sample license condition in RG 1.205 states, in part, that the licensee shall maintain appropriate compensatory measures in place until completion of the modifications.

The NRC staff finds that the change in wording regarding the due date from "by the startup of the second refueling outage (for each unit)," to "by the startup of Unit 2 refueling outage 2R27 (spring 2023) and Unit 1 refueling outage 1R31 (spring 2024)," is acceptable because the license amendment will continue to include license conditions imposing the use of NFPA 805, together with an implementation schedule that follows the guidance of RG 1.205. The fire protection transition license conditions will remain in effect during this period, including maintaining compensatory measures until all the NFPA 805 modifications are completed, which follows the guidance of RG 1.205.

### 3.3 NRC Staff Conclusion

The NRC staff reviewed the licensee's LAR to revise three modifications, add one modification, and revise its modification completion date related to the RI/PB FPP in accordance with the requirements of 10 CFR 50.48(c) and NFPA 805. The NRC staff also reviewed the licensee's proposed changes to revise the fire protection license conditions to reflect the date of this LAR and any supplements.

The NRC staff finds that the licensee's proposed changes to modification items 6, 7, 14, and 15 are acceptable because the proposed changes are requested by a license amendment, the proposed changes do not support a fire risk evaluation, and the modifications are included in a plant-specific list which is referenced in the license conditions and follows the guidance of RG 1.205.

The NRC staff concludes that the licensee's LAR provides the appropriate license conditions that must be revised because of the proposed changes, and that the revisions are adequate, thereby, satisfying the requirements of 10 CFR 50.48(c)(3)(i).

The NRC staff concludes that the changes to License Conditions 2.C.(3)(c)2 for Unit 1 and 2.C.(3)(a)(3)(b) for Unit 2 to add the associated references for this LAR are administrative in nature because they are added to document the history of submittals and subsequent safety evaluations and adding them does not change any requirements of the license condition. Therefore, the NRC staff finds these changes to be acceptable.

Implementation of the RI/PB FPP under 10 CFR 50.48(c) must be in accordance with the fire protection license condition, which identifies the list of modifications and implementation items that must be completed to support the NRC staff's conclusion and establishes a date by which full compliance with 10 CFR 50.48(c) must be achieved. Before the licensee can fully implement the transition to a FPP based on NFPA 805 and apply the new fire protection license condition to its full extent, the modifications and implementation items must be completed within the timeframe specified.

### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the State of Georgia official was notified of the proposed issuance of the amendment on January 5, 2023. The State official confirmed the State of Georgia had no comments on January 5, 2023.

### 5.0 ENVIRONMENTAL CONSIDERATION

The amendments change requirements with respect to the installation or use of facility components located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure.

The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration on July 12, 2022 (87 FR 41360), and there has been no public comment on such finding. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

## 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) there is reasonable assurance that 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.

Principal Contributor: Charles Moulton

Date: February 15, 2023

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNIT NOS. 1 AND 2 - ISSUANCE OF AMENDMENTS NOS. 321 AND 266, REGARDING LICENSE AMENDMENT REQUEST TO REVISE THE [NATIONAL FIRE PROTECTION ASSOCIATION] NFPA-805 FIRE PROTECTION PROGRAM (EPID L-2022-LLF-0000) DATED FEBRUARY 15, 2023

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DATE	12/20/2022	12/30/2022	12/06/2022
OFFICE	OGC - NLO	NRR/DORL/LPL2-1/BC	NRR/DORL/LPL2-1/PM
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DATE	01/18/2023	02/15/2023	02/15/2023

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