



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

March 6, 2001

Mr. H. L. Sumner, Jr.  
Vice President - Nuclear  
Hatch Project  
Southern Nuclear Operating  
Company, Inc.  
Post Office Box 1295  
Birmingham, Alabama 35201-1295

SUBJECT: EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2 RE: ISSUANCE OF  
AMENDMENTS (TAC NOS. MB0511 AND MB0512)

Dear Mr. Sumner:

The Nuclear Regulatory Commission has issued the enclosed Amendment No. 224 to Facility Operating License DPR-57 and Amendment No. 165 to Facility Operating License NPF-5 for the Edwin I. Hatch Nuclear Plant, Units 1 and 2. The amendments consist of changes to the Technical Specifications in response to your application dated November 3, 2000, as supplemented February 1, 2001.

The amendments revise Technical Specification 5.5.11, "Technical Specification Bases Control Program," to provide consistency with the changes to 10 CFR 50.59 which were published in the *Federal Register* (64 FR 53582) on October 4, 1999.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. N. Olshan", is written over a circular stamp or seal.

Leonard N. Olshan, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

Enclosures:

1. Amendment No. 224 to DPR-57
2. Amendment No. 165 to NPF-5
3. Safety Evaluation

cc w/encls: See next page

March 6, 2001

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

Sincerely,

/RA/

Leonard N. Olshan, Senior Project Manager, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-321 and 50-366

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NAME	LOlshan	CHawes	MBanerjee	
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MUNICIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

DOCKET NO. 50-321

EDWIN I. HATCH NUCLEAR PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 224  
License No. DPR-57

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit 1 (the facility) 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 November 3, 2000, as supplemented February 1, 2001, 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 Facility Operating License No. DPR-57 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 224, are hereby incorporated in the 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 within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*Maitri Bg.*

Maitri Banerjee, Acting Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
Technical Specification  
Changes

Date of Issuance: March 6, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 224

FACILITY OPERATING LICENSE NO. DPR-57

DOCKET NO. 50-321

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Insert

5.0-16

5.0-16

## 5.5 Programs and Manuals

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### 5.5.10 Safety Function Determination Program (SFDP) (continued)

A loss of safety function exists when, assuming no concurrent single failure, a safety function assumed in the accident analysis cannot be performed. For the purpose of this program, a loss of safety function may exist when a support system is inoperable, and:

- a. A required system redundant to system(s) supported by the inoperable support system is also inoperable; or
- b. A required system redundant to system(s) in turn supported by the inoperable supported system is also inoperable; or
- c. A required system redundant to support system(s) for the supported systems (a) and (b) above is also inoperable.

The SFDP identifies where a loss of safety function exists. If a loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

### 5.5.11 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
  1. A change in the TS incorporated in the license; or
  2. A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.

(continued)



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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. 50-366

EDWIN I. HATCH NUCLEAR PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 165  
License No. NPF-5

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment to the Edwin I. Hatch Nuclear Plant, Unit 2 (the facility) 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 November 3, 2000, as supplemented February 1, 2001, 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.

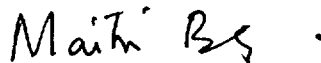
2. Accordingly, the license is hereby amended by page changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-5 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 165 are hereby incorporated in the 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 within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Maitri Banerjee, Acting Chief, Section 1  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
Technical Specification  
Changes

Date of Issuance: March 6, 2001



ATTACHMENT TO LICENSE AMENDMENT NO. 165

FACILITY OPERATING LICENSE NO. NPF-5

DOCKET NO. 50-366

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contain vertical lines indicating the areas of change.

Remove

Insert

5.0-16

5.0-16

## 5.5 Programs and Manuals

---

### 5.5.10 Safety Function Determination Program (SFDP) (continued)

A loss of safety function exists when, assuming no concurrent single failure, a safety function assumed in the accident analysis cannot be performed. For the purpose of this program, a loss of safety function may exist when a support system is inoperable, and:

- a. A required system redundant to system(s) supported by the inoperable support system is also inoperable; or
- b. A required system redundant to system(s) in turn supported by the inoperable supported system is also inoperable; or
- c. A required system redundant to support system(s) for the supported systems (a) and (b) above is also inoperable.

The SFDP identifies where a loss of safety function exists. If a loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

### 5.5.11 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
  1. A change in the TS incorporated in the license; or
  2. A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.

(continued)



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 224 TO FACILITY OPERATING LICENSE DPR-57  
AND AMENDMENT NO. 165 TO FACILITY OPERATING LICENSE NPF-5  
SOUTHERN NUCLEAR OPERATING COMPANY, INC., ET AL.  
EDWIN I. HATCH NUCLEAR PLANT, UNITS 1 AND 2  
DOCKET NOS. 50-321 AND 50-366

1.0 INTRODUCTION

By letter dated November 3, 2000, as supplemented February 1, 2001, Southern Nuclear Operating Company, Inc. (Southern Nuclear, the licensee), et al., proposed license amendments to change the Technical Specifications (TS) for the Edwin I. Hatch Nuclear Plant, Units 1 and 2. The proposed changes would revise TS 5.5.11, "Technical Specification Bases Control Program," to provide consistency with the changes to 10 CFR 50.59 which were published in the *Federal Register* (64 FR 53582) on October 4, 1999. The February 1, 2001, letter provided clarifying information that did not change the scope of the November 3, 2000, application nor the initial proposed no significant hazards consideration determination.

2.0 BACKGROUND

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior Nuclear Regulatory Commission (NRC) approval.

In 1999, the NRC revised the regulation (64 Fed. Reg. 53582 (October 4, 1999)) controlling changes, tests and experiments performed by nuclear plant licensees. The rule changes clarified the specific types of changes, tests, and experiments conducted at a licensed facility that require evaluation, and revised the criteria that licensees must use to determine when NRC approval is needed before such changes, tests or experiments can be implemented. The final rule also added definitions for terms that have been subject to differing interpretations, and reorganizes the rule language for clarity. Proposed changes, tests and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

The Bases Control Program required by TS 5.5.11 allows the licensee to make changes to the Bases without NRC approval provided the changes do not involve a change to the updated final safety analysis report (FSAR) or Bases that involves an "unreviewed safety question" as

defined in 10 CFR 50.59. With the revisions to 10 CFR 50.59, the definition of "unreviewed safety question" was eliminated. Therefore, the TS should be revised consistent with the revision to 10 CFR 50.59.

### 3.0 EVALUATION

Technical Specification 5.5.11, "Technical Specifications (TS) Bases Control Program," requires a program for processing changes to the Bases of the Technical Specifications.

TS 5.5.11.b currently states: "Licensees may make changes to the Bases without prior NRC approval provided the changes do not involve either of the following:

1. a change in the TS incorporated in the license; or
2. a change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59."

TS 5.5.11.b is revised to state: "Licensees may make changes to the Bases without prior NRC approval provided the changes do not require either of the following:

1. a change in the TS incorporated in the license; or
2. a change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59."

The Commission's Final Rule, dated October 4, 1999, on the revision of 10 CFR 50.59 affects the wording of the "Technical Specification Bases Control Program." In that revision, the Commission removed the term "unreviewed safety question." The amendment merely removes this phrase from the TS, while retaining the citation of 10 CFR 50.59. The revised 10 CFR 50.59 continues to provide appropriate and adequate control of changes to TS Bases. The staff has reviewed the licensee's submittals that cited the Commission's final rule dated October 4, 1999, revising 10 CFR 50.59. Therefore, the staff concludes that this amendment request is acceptable. In addition, the staff's review finds that the proposed amendment request is consistent with TSTF-364, Revision 0 which was approved by the staff in a letter dated June 16, 2000, to Mr. James Davis, Director Operations Department - Nuclear Energy Institute.

### 4.0 STATE CONSULTATION

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

### 5.0 ENVIRONMENTAL CONSIDERATION

These amendments relate to changes in recordkeeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (65 FR 77925). Accordingly, these amendments meet the eligibility

criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of these 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) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: L. Olshan

Date: March 6, 2001

Edwin I. Hatch Nuclear Plant

cc:

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