

Georgia Power Company  
40 Inverness Center Parkway  
Post Office Box 1295  
Birmingham, Alabama 35201  
Telephone 205 877-7279

J. T. Beckham, Jr.  
Vice President - Nuclear  
Hatch Project



HL-3032  
004346

November 17, 1992

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

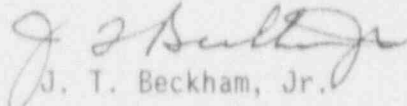
PLANT HATCH - UNITS 1, 2  
NRC DOCKETS 50-321, 50-366  
OPERATING LICENSES DPR-57, NPF-5  
NPDES PERMIT TRANSFER

Gentlemen:

Please find enclosed a copy of a letter dated October 27, 1992, submitted to the Georgia Department of Natural Resources, Environmental Protection Division of November 4, 1992, requesting automatic transfer of the Plant Hatch NPDES Permit (No. GA. 0004120) from Georgia Power Company to Southern Nuclear Operating Company upon the proposed assumption of Plant Hatch operational responsibility by Southern Nuclear Operating Company. The permit transfer has been requested in conjunction with the proposed amendments to the Plant Hatch Operating Licenses which would change the operator of the facility from Georgia Power Company to Southern Nuclear Operating Company.

Should you have any questions, please contact this office.

Sincerely,

  
J. T. Beckham, Jr.

LPD/cr

Enclosure

cc: (See next page.)

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PDR ADDOCK 05000321  
P PDR

COPI 1/1

U.S. Nuclear Regulatory Commission  
November 17, 1992  
Page Two

cc: Georgia Power Company  
Mr. H. L. Sumner, General Manager - Nuclear Plant  
NORMS

U.S. Nuclear Regulatory Commission, Washington, D.C.  
Mr. K. Jabbour, Licensing Project Manager - Hatch

U.S. Nuclear Regulatory Commission, Region II  
Mr. S. D. Ebner, Regional Administrator  
Mr. L. D. Wert, Senior Resident Inspector - Hatch

State of Georgia  
Mr. J. D. Tanner, Commissioner, Department of Natural Resources

ENCLOSURE TO HL-3032

Georgia Power Company  
333 Piedmont Avenue  
Atlanta, Georgia 30308  
Telephone 404 526-6526

Mailing Address  
Post Office Box 4545  
Atlanta, Georgia 30302

C. M. Hobson  
Manager  
Environmental Affairs



October 27, 1992

Mr. Harold Reheis  
Director Environmental Protection Division  
205 Butler Street, S.E.  
Atlanta, Georgia 30334

Re: Transfer of NPDES Permits for Plant Vogtle and Plant Hatch from  
Georgia Power Company to Southern Nuclear Operating Company

Dear Mr. Reheis:

Georgia Power Company ("Georgia Power") and Southern Nuclear Operating Company ("Southern Nuclear") are currently in the process of obtaining governmental and other approvals necessary to permit Southern Nuclear to operate Vogtle Electric Generating Plant ("Plant Vogtle"), located in Burke County, Georgia, and Edwin I. Hatch Nuclear Plant ("Plant Hatch"), located in Appling County, Georgia. As part of this process of obtaining the requisite approvals, Georgia Power proposes to "automatically" transfer its NPDES permits for Plant Vogtle (Permit No. GA0026786) and Plant Hatch (Permit No. GA0004120) ("NPDES Permits" or "Permits") to Southern Nuclear in accordance with the Georgia Department of Natural Resources Environmental Protection Division ("EPD") Rule 391-3-6-.06(15)(b) and the provisions of the Permits. As will be discussed in more detail below, such transfer of the NPDES Permits to Southern Nuclear would be contingent upon Georgia Power's receipt of the requisite governmental and other approvals of the proposed assumption by Southern Nuclear of the operation of Plant Vogtle and Plant Hatch. I will promptly notify you of Georgia Power's receipt of such approvals.


Your review of this requested transfer might be facilitated by some brief background information regarding the plan for Southern Nuclear to assume the responsibility for operating Plant Vogtle and Plant Hatch. Like Georgia Power, Southern Nuclear is a wholly owned subsidiary of The Southern Company. Presently, Southern Nuclear provides services in support of Georgia Power's operation of Plant Vogtle and Plant Hatch. Through a restructuring and reassignment of Georgia Power personnel into Southern Nuclear's existing organization, Southern Nuclear's role will be increased from a support function to responsibility for the entire operation of Plant Vogtle and Plant Hatch. In operating Plant Vogtle and Plant

Mr. Harold Reheis  
Director Environmental Protection Division  
Page 2

Hatch, Southern Nuclear will act pursuant to an agreement with Georgia Power, which acts as agent for the other co-owners of the nuclear plants (Oglethorpe Power Corporation, Municipal Electric Authority of Georgia and City of Dalton, Georgia). Southern Nuclear will have no ownership interest in the nuclear plants, and the co-owners will continue to be the owners of Plant Vogtle and Plant Hatch. To implement this plan, Georgia Power must obtain Nuclear Regulatory Commission ("NRC") approval of the proposed amendments to the facility operating licenses for Plant Vogtle and Plant Hatch authorizing Southern Nuclear to operate the respective nuclear plants. Additionally, Georgia Power must acquire all other approvals necessary to permit Southern Nuclear to operate Plant Vogtle and Plant Hatch, such as the transfer to Southern Nuclear of environmental permits like the NPDES Permits.

Automatic transfer under Rule 391-3-6-.06(15)(b) is the appropriate mode under Chapter 391-3-6 for transferring the NPDES Permits to Southern Nuclear, because no change or proposed change in process or waste water characteristics or change or potential change in circumstances affecting the conditions or restrictions prescribed by the NPDES Permits will be attendant Southern Nuclear's assumption of the operation of the nuclear plants, and, therefore, no such changes will be attendant this requested transfer of the Permits. No change in the conditions or restrictions prescribed by the NPDES Permits is either requested or required. The only change attendant this requested transfer of the Permits will be the change in The Southern Company subsidiary holding the Permits. Georgia Power interprets Chapter 391-3-6 to permit the automatic transfer under Rule 391-3-6-.06(15)(b) without public notice and comment.

As required by Rule 391-3-6-.06(15)(b), accompanying this notification letter is an agreement executed between Georgia Power and Southern Nuclear which specifies the effective date of the transfer to Southern Nuclear of the NPDES Permits, and the rights and responsibilities arising under the Permits, and which contains an acknowledgement by the parties that Georgia Power will remain responsible for any and all permit violations occurring prior to the effective date while Southern Nuclear will become responsible for any and all permit violations occurring on or after the effective date. Since Southern Nuclear cannot commence its operation of Plant Vogtle and Plant Hatch prior to Georgia Power's receipt of the requisite NRC and other approvals, the NPDES Permits cannot be transferred to Southern Nuclear prior to the receipt of such approvals. The accompanying agreement therefore provides that the transfer of the NPDES Permits will become effective upon the later of (1) commencement by Southern Nuclear of its operation of the nuclear plants following receipt of such NRC and other approvals or (2) thirty (30) days after EPD's receipt of this letter and the accompanying agreement. Based on Rule 391-3-6-.06(15)(b)(3), it is Georgia Power's understanding that the NPDES Permits will automatically

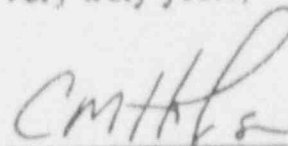
Georgia Power 

Mr. Harold Reheis  
Director Environmental Protection Division  
Page 3

transfer to Southern Nuclear on the appropriate above mentioned effective date provided EPD does not otherwise notify Georgia Power within the thirty (30) day period following EPD's receipt of this letter and accompanying agreement.

Please do not hesitate to call me at (404) 526-7778 should you have any questions regarding this requested transfer of the NPDES permits.

Very truly yours,



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C. M. Hobson  
Environmental Affairs  
Georgia Power Company

AGREEMENT FOR TRANSFER OF NPDES PERMITS

This Agreement is entered into this 26 day of October, 1992 by and between Georgia Power Company and Southern Nuclear Operating Company in order to facilitate the transfer from Georgia Power to Southern Nuclear of the State of Georgia Department of Natural Resources Environmental Protection Division ("EPD") NPDES Permits for Vogtle Electric Generating Plant (Permit No. GA0026786) and Edwin I. Hatch Nuclear Plant (Permit No. GA0004120) ("NPDES Permits" or "Permits"). The parties shall submit this Agreement to the Director of EPD in compliance with the automatic transfer provisions of EPD Rule 391-3-6-.06(15)(b).

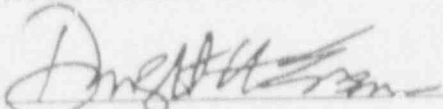
Such transfer of the NPDES Permits is contingent upon the parties' receipt of all necessary Nuclear Regulatory Commission ("NRC") and other approvals of the proposed assumption by Southern Nuclear of the operation of Vogtle Electric Generating Plant and Edwin I. Hatch Nuclear Plant. Such transfer of the NPDES Permits shall become effective upon the later of (1) Southern Nuclear's commencement of operation of the nuclear plants following receipt of the requisite NRC and other approvals or (2) thirty (30) days after EPD's receipt of this Agreement and the accompanying permit transfer notice letter in compliance with EPD Rule 391-3-6-.06(15)(b); provided EPD does not otherwise notify Georgia Power within the thirty (30) day period following EPD's receipt of this Agreement and accompanying notice letter.

Upon the effective transfer of the NPDES Permits, Georgia Power shall relinquish to Southern Nuclear the NPDES Permits, and all rights and authorities arising under the Permits. Georgia Power acknowledges that, prior to the effective transfer of the NPDES Permits, it shall be responsible for ensuring that Vogtle Electric Generating Plant and Edwin I. Hatch Nuclear Plant operate in accordance with the respective NPDES Permits and all

conditions therein, and Georgia Power further acknowledges that it shall be liable for any and all violations of the NPDES Permits occurring prior to the effective transfer of the Permits. Upon the effective transfer of the NPDES Permits, Southern Nuclear shall be responsible for ensuring that Vogtle Electric Generating Plant and Edwin I. Hatch Nuclear Plant operate in accordance with the respective NPDES Permits and all conditions therein. Southern Nuclear acknowledges that it shall be liable for any and all violations of the NPDES Permits which occur on or after the effective transfer of the Permits.

The parties hereto have entered into this Agreement as evidenced below by the signatures of their duly authorized representatives.

GEORGIA POWER COMPANY

By: 

Title: EVP

Date: 11/4/92

SOUTHERN NUCLEAR OPERATING  
COMPANY

By: W. S. Hairston III

Title: EVP

Date: 10/26/92