

[Docket Nos. 50-424 and 50-425]

Georgia Power Company, et al.; Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 97 to Facility Operating License No. NPF-68 and Amendment No. 75 to Facility Operating License No. NPF-81, issued to the Georgia Power Company, et al., which revised the Technical Specifications, Licenses, Environmental Protection Plans and Antitrust conditions for operation of the Vogtle Electric Generating Plant (the facility), Units 1 and 2, located in Burke County, Georgia. The amendments were effective as of the date of issuance and shall be implemented within 60 days of the date of issuance and upon the official transfer of responsibilities between Georgia Power Company and Southern Nuclear.

The amendments modify the Facility Operating Licenses, Technical Specifications, Environmental Protection Plans, and Antitrust conditions to add Southern Nuclear Operating Company, Inc., as operator of the facility, with exclusive responsibility and control over its physical construction, operation, and maintenance. The Antitrust license conditions divorce Southern Nuclear from marketing or brokering power or energy from the Vogtle plant and holds Georgia Power Company accountable for the actions of its agent, Southern Nuclear, to the extent Southern Nuclear's actions contravene the Vogtle Antitrust license conditions. An Order Approving Southern Nuclear Operating Company, Incorporated, As Exclusive Operator was included along with the issuance of the amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on October 14, 1992 (57 FR 47135). A request for a hearing was filed on

October 22, 1992, by Allen L. Mosbaugh and Marvin B. Hobby.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendments have been issued and made immediately effective and any hearing will be held after issuance.

The Commission has prepared an Environmental Assessment (57 FR 49724), published on November 3, 1992, related to the action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated March 1985.

For further details with respect to the action see (1) the application for amendments dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, (2) Amendment No. 97 to Facility Operating License No. NPF-68 and Amendment No. 75 to Facility Operating License No. NPF-81, and (3) the Commission's related Safety Evaluation and Order. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Director, Division of Reactor Projects—I/II.

Dated at Rockville, Maryland, this 17th day of March 1997.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Project Director II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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[Docket Nos. 50-424 and 50-425]

Georgia Power Company, et al., (Vogtle Electric Generating Plant, Units 1 and 2); Order Approving Southern Nuclear Operating Company, Inc., as Exclusive Operator

I.

Georgia Power Company (GPC), Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the Owners), are the holders of Facility Operating License No. NPF-68 for Vogtle Electric Generating Plant (Vogtle) Unit 1 and Facility Operating License No. NPF-81 for Vogtle Unit 2. These licenses generally authorize GPC to possess, use, and operate—and the other Owners to possess but not operate—the Vogtle facility in accordance with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC). In its capacity as licensed operator, GPC acts for itself and on behalf of the Owners. The Vogtle facility is located in Burke County, Georgia.

II.

By letter dated September 18, 1992, as supplemented by letters dated October 7 (two letters), 15, 23, and November 13, 1992, March 5, May 21, June 14, and December 17, 1993, April 6 and July 27, 1995, and September 11, October 1, December 12, 19, 23 and 30, 1996, GPC requested approval, and amendments to the licenses for Southern Nuclear Operating Company, Inc. (Southern Nuclear), to become the operator of the Vogtle facility, and to have exclusive responsibility and control over its physical construction, operation, and maintenance. Southern Nuclear and GPC are wholly owned subsidiaries of The Southern Company. Southern Nuclear was formed in December 1990 for the purpose of consolidating into a single organization personnel within The Southern Company's electric system engaged in nuclear operation. Southern Nuclear is the exclusive operator of the Joseph M. Farley Nuclear Plant, Units 1 and 2, located near Dothan, Alabama.

On October 14, 1992, the NRC noticed the proposed transfer of operating