

[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.*

[FR Doc. 97-7334 Filed 3-21-97; 8:45 am]

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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

authority and amendments and published in the **Federal Register** a Proposed Finding of No Significant Hazards Consideration and Opportunity for Hearing (57 FR 47135). By letter dated October 22, 1992, attorneys for two former employees of GPC filed with the NRC a "Petition To Intervene and Request For Hearing Of Allen L. Mosbaugh and Marvin B. Hobby" in opposition to the proposed action. Mr. Mosbaugh was admitted as a party with an issue regarding GPC character. Hearings were completed, but prior to a decision being issued, GPC and the Intervenor reached a settlement. The hearing Board dismissed the contention and terminated the proceeding.

### III.

Pursuant to 10 CFR 50.80(a), the transfer, assignment, or disposal of any right under a license is subject to the NRC's written consent. On the basis of information provided by GPC and other information before the Commission, it is determined that the proposed transfer of authority under the Vogtle licenses to the extent Southern Nuclear becomes the operator of the Vogtle facility with exclusive responsibility and control over its physical construction, operation, and maintenance, subject to the conditions set forth herein, is consistent with applicable provisions of law, regulations, and orders issued by the Commission, and Southern Nuclear is qualified to hold the licenses to the extent described above. These findings are supported by a Safety Evaluation dated March 17, 1997, which contains a final no significant hazards consideration determination.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 30, 1996, which iterated commitments made in a licensee letter dated February 1, 1995, with respect to an enforcement action related to the Vogtle facility that, the Southern Nuclear employee who formerly served as the Vogtle General Manager through August 1990, will not hold a line management position involving NRC licensed activities at GPC and Southern Nuclear plants until the NRC is provided prior written notice and the individual has satisfactorily completed certain management training. That commitment is accordingly confirmed in this Order for Vogtle.

### IV.

Accordingly, pursuant to Sections 103, 104b, 105, 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2133, 2134, 2135, 2201(b), 2201(o), and 2234, and 10 CFR

50.80, *It is hereby ordered* that the request that Southern Nuclear be permitted to become the operator of the Vogtle facility and to have exclusive responsibility and control over the physical construction, operation, and maintenance of the facility, discussed above, is approved subject to the following conditions:

(1) The Southern Nuclear employee who formerly served as the General Manager-Vogtle through August 1990, will not hold a line management position at Vogtle until:

(a) Satisfactory completion of training in management communications and responsibilities; and,

(b) Written notice is provided to the NRC sixty (60) days prior to his assignment to such a position; and,

(2) If Southern Nuclear does not assume responsibility and control over physical construction, operation and maintenance of the facility within 60 days of the date of this Order, this Order shall become null and void. However, upon written application and for good cause shown, this date may be extended.

Pursuant to 10 CFR 51.35, an Environmental Assessment was prepared and published in the **Federal Register** on November 3, 1992 (57 FR 49724). As required by 10 CFR 51.32, this assessment documents the Commission's determination that this action will have no significant impact on the quality of the human environment and nothing has occurred since its publication to alter this finding.

This Order is effective upon issuance.

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

For the Nuclear Regulatory Commission.

**Frank J. Miraglia, Jr.,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-7335 Filed 3-21-97; 8:45 am]

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[Docket Nos. 50-321 and 50-366]

### **Georgia Power Company, et al. (Edwin I. Hatch Nuclear 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. DRP-57 for Edwin I. Hatch Nuclear Plant (Hatch) Unit 1 and Facility Operating License

No. NPF-5 for Hatch Unit 2. These licenses generally authorize GPC to possess, use, and operate—and the other Owners to possess but not operate—the Hatch facility in accordance with 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 Hatch facility is located in Appling County, Georgia.

#### II

By letter dated September 18, 1992, as supplemented October 6, 8, 15, 23, and November 13 and 20, 1992, March 5, May 24, June 10, and December 20, 1993, April 6 and July 28, 1995, and September 11, October 1, December 13, 19, and 23, 1996, GPC requested approval, and amendments to the licenses for Southern Nuclear Operating Company, Inc. (Southern Nuclear), to become the operator of the Hatch 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.

#### III

Pursuant to 10 CFR 50.80(a), the transfer, assignment, or disposal of any right under a license is subject to the NRC's written consent. On the basis of information provided by GPC and other information before the Commission, it is determined that the proposed transfer of authority under the Hatch licenses to the extent Southern Nuclear becomes the operator of the Hatch facility with exclusive responsibility and control over its physical construction, operation, and maintenance, subject to the conditions set forth herein, is consistent with applicable provisions of law, regulations, and orders issued by the Commission, and Southern Nuclear is qualified to hold the licenses to the extent described above. These findings are supported by a Safety Evaluation, dated March 17, 1997.

The staff has evaluated the application and relied on GPC and Southern Nuclear commitments in a letter dated December 23, 1996, which iterated commitments made in a licensee letter dated February 1, 1995,