



[7590-01-P]

**NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 52-025 and 52-026; NRC-2008-0252]**

**Southern Nuclear Operating Company, Inc.**

**Vogtle Electric Generating Plant, Units 3 and 4;**

**Consolidation of Structural Building Inspections, Tests, Analyses, and  
Acceptance Criteria**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 167 for Unit 3 and No. 165 for Unit 4 to Combined Licenses (COLs), NPF-91 and NPF-92. The COLs were issued to Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on November 15, 2019.

**ADDRESSES:** Please refer to Docket ID **NRC-2008-0252** when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2008-0252**. Address questions about NRC Docket IDs in Regulations.gov to Jennifer Borges; telephone: 301-287-9127; e-mail: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated March 29, 2019, revised by letter dated October 10, 2019, and available in ADAMS under Accession No. ML19088A274.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Billy Gleaves, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5848; e-mail: [Bill.Gleaves@nrc.gov](mailto:Bill.Gleaves@nrc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The NRC is issuing VEGP Units 3 and 4 License Amendment Nos. 167 and 165 to COLs NPF 91 and NPF-92 and is granting an exemption from Tier 1 information in the generic DCD for the AP1000 design. The AP1000 design is incorporated by reference in appendix D, "Design Certification Rule for the AP1000," to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR). The exemption, granted pursuant to Paragraph A.4 of Section VIII, "Processes for Changes and Departures," of 10 CFR part 52, appendix D, allows the licensee to depart from the Tier 1 information. With the requested amendment, SNC sought proposed changes that would revise the COLs to address certain duplicative building- and structure-related Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and to include certain as-built thickness deviations in the reconciliation and thickness reports described in ITAAC acceptance criteria of the VEGP Units 3 and 4 COL Appendix C (and plant-specific Tier 1 information). The requested amendment proposes changes in the form of departures from the current VEGP Units 3 and 4 to plant-specific Tier 1 and corresponding changes to COL Appendix C.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The safety evaluation is available in ADAMS under Accession No. ML19164A271.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to SNC for VEGP Units 3 and 4 (COLs NPF-91 and NPF-92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML19164A265 and ML19164A266, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-91 and NPF-92 are available in ADAMS under Accession Nos. ML19164A267 and ML19164A269, respectively. A summary of the amendment documents is provided in Section III of this document.

## **II. Exemption**

Reproduced below is the exemption document issued to VEGP Units 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In an application dated March 29, 2019, revised October 10, 2019, SNC requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 19-005, "Consolidation of Structural Building ITAAC."

For the reasons set forth in Section 3.2 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML19164A271, the Commission finds that:

- A. the exemption is authorized by law;
- B. the exemption presents no undue risk to public health and safety;
- C. the exemption is consistent with the common defense and security;
- D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

- E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and
- F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information as described in the licensee's request dated March 29, 2019, revised October 10, 2019. This exemption is related to, and necessary for the granting of License Amendment No. 167 [for Unit 3 and No. 165 for Unit 4] which is being issued concurrently with this exemption.

3. As explained in Section 3.2 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML19164A271), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

- 4. This exemption is effective as of the date of its issuance.

### **III. License Amendment Request**

By letter dated March 29, 2019, revised October 10, 2019, (ADAMS Accession Nos. ML19088A274 and ML19284C424), SNC requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The proposed amendment is described in Section I of this *Federal Register* notice.

The Commission has determined for these amendments that the application 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 amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the *Federal Register* on May 20, 2019 (84 FR 22907). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

#### **IV. Conclusion**

Using the reasons set forth in the safety evaluation, the staff granted the exemption and issued the amendment that SNC requested on March 29, 2019 and revised October 10, 2019.

The exemption and amendment were issued to SNC on November 15, 2019, as part of a combined package (ADAMS Package Accession No. ML19164A263).

Dated at Rockville, Maryland, this 16<sup>th</sup> day of December 2019.

For the Nuclear Regulatory Commission.

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Vogtle Project Office,  
Office of Nuclear Reactor Regulation.

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