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ND-14-xxxx

10 CFR §§ 50.12, 50.90, 52.3, 52.7, 52.63,
and 10 CFR Part 52, Appendix. D, § VIII

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

In re:

Vogtle Electric Generating Plant Unit 3
Docket 52-025
Combined License Number NPF-91

Vogtle Electric Generating Plant Unit 4
Docket 52-026
Combined License Number NPF-92

Supplement to
Request for Exemption and License Amendment regarding
Changes to Tier 2* Information (LAR 14-008s)

Ladies and Gentlemen:

Southern Nuclear Operating Company ("Southern Nuclear" or "Licensee"), the licensee for Vogtle Electric Generating Plant ("VEGP") Units 3 and 4, previously requested an amendment and exemption to Combined License ("COL") Numbers NPF-91 and NPF-92 to apply the existing departure evaluation process for Tier 2 changes to Tier 2* changes. This request was Southern Nuclear's letter ND-14-1165 dated August 7, 2014.

This letter and its attachments supplement the prior amendment and exemption request. Enclosure 3 provides Southern Nuclear's Regulatory Evaluation for the LAR. Enclosure 4 is a revised license condition that has the same effect as the initially proposed license condition, but is more succinct and clear.

This letter and its enclosures contain no regulatory commitments. In accordance with 10 CFR 50.91, SNC is notifying the State of Georgia by transmitting a copy of this letter and its enclosures to the designated State Official. Should you have any questions, please contact Brian Meadors at (205) 992-7331.

Mr. Brian H. Whitley states that: he is the Regulatory Affairs Director of Southern Nuclear Operating Company; he is authorized to execute this oath on behalf of Southern Nuclear Operating Company; and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

B. H. Whitley

Sworn to and subscribed before me this _____ day of August, 2014

Notary Public: _____

My commission expires: _____

BHW/CBM/kms

Enclosure 3: Regulatory Analysis for Exemption and License Amendment Request for
Changes to Tier 2* Information (LAR 14-008s)

Enclosure 4: Proposed License Mark-ups supporting LAR 14-008s

cc:

Southern Nuclear Operating Company / Georgia Power Company

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File AR.01.02.06

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Enclosure 3

**Vogtle Electric Generating Plant Unit 3
Docket 52-025
Combined License Number NPF-91**

**Vogtle Electric Generating Plant Unit 4
Docket 52-026
Combined License Number NPF-92**

**Regulatory Analysis for
Request for Exemption and License Amendment regarding
Changes to Tier 2* Information (LAR-14-008s)**

(4 pages, including this cover page)

6.0 Regulatory Evaluation

6.1 Applicable Regulatory Requirements/Criteria

10 CFR 52, Appendix D, Section VIII.B.6 specifies the change process for Tier 2* information, requiring NRC approval (through a license amendment) for changes to Tier 2* information. Under SNC's proposed exemption and license condition, site-specific changes to Tier 2* information that meet the criteria set out in Section VIII.B.5.b for proposed Tier 2 changes would not require a license amendment.

10 CFR 52, Appendix D, Section VIII.B.5 specifies the change process for Tier 2 information and requires a license amendment for a departure from Tier 2 when it would: (1) Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the plant-specific DCD; (2) Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component (SSC) important to safety and previously evaluated in the plant-specific DCD; (3) Result in more than a minimal increase in the consequences of an accident previously evaluated in the plant-specific DCD; (4) Result in more than a minimal increase in the consequences of a malfunction of an SSC important to safety previously evaluated in the plant-specific DCD; (5) Create a possibility for an accident of a different type than any evaluated previously in the plant-specific DCD; (6) Create a possibility for a malfunction of an SSC important to safety with a different result than any evaluated previously in the plant-specific DCD; (7) Result in a design basis limit for a fission product barrier as described in the plant-specific DCD being exceeded or altered; or (8) Result in a departure from a method of evaluation described in the plant-specific DCD used in establishing the design bases or in the safety analyses. Under SNC's proposed exemption and license condition, departures from Tier 2* information that meet the criteria for Tier 2 information in Section VIII.B.5 would not require a license amendment.

10 CFR 52, Appendix D, Section II.F defines Tier 2* as "the portion of Tier 2 information . . . which is subject to the change process in Section VIII.B.6 of this appendix" Under SNC's proposed exemption, site-specific changes to Tier 2* information that meet the requirements in VIII.B.5 would be exempted from the existing change control process in Section VIII.B.6.

10 CFR 52.98(c)(1) provides that "[c]hanges to or departures from information within the scope of [a] referenced design certification rule are subject to the applicable change processes in that rule." Under SNC's proposed exemption, site-specific changes to or departures from Tier 2* information that meet the criteria in Section VIII.B.5 will not be subject to the change process for Tier 2* information in Section VIII.B.6.

6.2 Precedent

NRC has long used screenings and evaluations as a regulatory tool, e.g., 10 CFR 50.59. The change process for Tier 2 information has been effective at ensuring that changes that would result in more than a minimal impact to safety require a license amendment. Southern Nuclear proposes to use the same departure evaluation process for changes to Tier 2*. Southern Nuclear's proposal is consistent with the statement in NRC's

Principles of Good Regulation, "Regulatory activities should be consistent with the degree of risk reduction they achieve."

6.3 Significant Hazards Consideration

The requested license amendment would amend, for Southern Nuclear's Vogtle Plants 3 and 4 only, Combined License (COL) Numbers NPF-91 (Unit 3) and NPF-92 (Unit 4), the change control process for changes to Tier 2* information.

An evaluation to determine whether or not a significant hazards consideration is involved with the proposed amendment was completed by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

6.3.1 Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would add a license condition that establishes a departure evaluation process to determine whether site-specific changes to Tier 2* information would have more than a minimal impact to safety. Only if the change would have no more than a minimal impact to safety would Southern Nuclear be permitted to make the change without a license amendment. One consideration in the departure evaluation process is whether the change would result in any increase in the frequency of occurrence of an accident previously evaluated. Another consideration is whether the change would result in any increase in the consequences of an accident previously evaluated. Thus, the departure evaluation process itself ensures that the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. If the change would result in more than a minimal increase, then the departure evaluation process would not permit the change without NRC approval through a license amendment.

The proposed amendment does not modify the design, construction, or operation of any plant structures, systems, or components (SSC), nor does it change any procedures or method of control for any SSCs. Because the proposed amendment does not change the design, construction, or operation of any SSCs, it does not adversely affect any design function as described in the Updated Final Safety Analysis Report.

Therefore, the proposed amendment does not affect the probability of an accident previously evaluated. Similarly, because the proposed amendment does not alter the design or operation of the nuclear plant or any plant SSCs, the proposed amendment does not represent a change to the radiological effects of an accident, and therefore, does not involve an increase in the consequences of an accident previously evaluated.

6.3.2 Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would add a license condition that establishes a departure evaluation process allowing site-specific changes to Tier 2* information when the

changes have no more than a minimal impact to safety. One consideration in the proposed departure evaluation process is whether the change would create a possibility for an accident of a different type than any evaluated previously. If it would, then the change would not be permitted without NRC approval.

The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the addition of a new departure evaluation process.

Because the proposed amendment only adds a new departure evaluation process and does not change the design, construction, or operation of the nuclear plant or any plant operations, the amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated.

6.3.3 Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment would add a license condition that establishes a departure evaluation process allowing site-specific changes to Tier 2* information when the changes have no more than a minimal impact to safety.

The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the addition of a new departure evaluation process.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

6.3.4 Significant Hazards Consideration Conclusions

Based on the considerations discussed above, (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 amendment will not be inimical to the common defense and security or to the health and safety of the public. The above evaluations demonstrate that the requested changes can be accommodated without an increase in the probability or consequences of an accident previously evaluated, without creating the possibility of a new or different kind of accident from any accident previously evaluated, and without a significant reduction in a margin of safety.

Having arrived at negative declarations with regard to the criteria of 10 CFR 50.92, this assessment determined that the requested change does not involve a Significant Hazards Consideration.

Additional regulatory analysis for the requested exemption is set forth at § 4 (and its subparts) in Enclosure 1 to the original request, ND-14-1165, dated August 7, 2014.

Southern Nuclear Operating Company

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Enclosure 4

**Vogtle Electric Generating Plant Unit 3
Docket 52-025
Combined License Number NPF-91**

**Vogtle Electric Generating Plant Unit 4
Docket 52-026
Combined License Number NPF-92**

**Mark-ups for
Request for Exemption and License Amendment regarding
Changes to Tier 2* Information (LAR-14-008s)**

Page 4 of each COL would be replaced by the following pages 4-1 and 4-2

(3 pages, including this cover page)

- D. The license is subject to, and SNC shall comply with, the conditions specified and incorporated below:

(1) Changes ~~during Construction~~ and Departures

- (a) SNC may request use of a preliminary amendment request (PAR) process, for license amendments, at any time before a Commission finding under 10 CFR 52.103(g). To use the PAR process, SNC shall submit a written request to the Office of New Reactors (NRO) in accordance with COL-ISG-025, "Changes during Construction under Part 52."
- (b) Before NRO's issuance of a written PAR notification, SNC shall submit the license amendment request (LAR). Thereafter, NRO will issue a written PAR notification, setting forth whether SNC may proceed in accordance with the PAR, LAR, and COL-ISG-025. If SNC elects to proceed and the LAR is subsequently denied, SNC shall return the facility to its current licensing basis.
- (c) All Tier 2* information shall be treated as if it were Tier 2 information, including the processes for Changes and Departures. The Licensee is exempt from 10 CFR 52, Appendix D, Section VIII.B.6. Changes to Tier 2* information shall be controlled and evaluated using the processes for Tier 2 as set forth at 10 CFR, Appendix D, Section VIII.B.5.

(2) Pre-operational Testing

- (a) SNC shall perform the design-specific pre-operational tests identified below:
 - 1. In-Containment Refueling Water Storage Tank (IRWST) Heatup Test (first plant test as identified in AP1000 Design Control Document (DCD), Rev. 19, Section 14.2.9.1.3 Item (h));
 - 2. Pressurizer Surge Line Stratification Evaluation (first plant test as identified in AP1000 DCD, Rev. 19, Section 14.2.9.1.7 Item (d));
 - 3. Reactor Vessel Internals Vibration Testing (first plant test as identified in AP1000 DCD, Rev. 19, Section 14.2.9.1.9);
 - 4. Core Makeup Tank Heated Recirculation Tests (first three plants test as identified in AP1000 DCD, Rev. 19, Section 14.2.9.1.3 Items (k) and (w)); and
 - 5. Automatic Depressurization System Blowdown Test (first three plants test as identified in AP1000 DCD, Rev. 19, Section 14.2.9.1.3 Item (s)).

- (b) SNC shall review and evaluate the results of the tests identified in Section 2.D.(2)(a) of this license and confirm that these test results are within the range of acceptable values predicted or

