

JAN 10 2017

Docket Nos.: 50-424
50-425

NL-16-2710

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

Vogtle Electric Generating Plant – Units 1 and 2
Request for One-Time Exception to LIC-109, LIC-101, and LIC-500 Acceptance Review Criteria

Ladies and Gentlemen:

The Office of Nuclear Reactor Regulation (NRR) Office Instructions No. LIC-109, Revision 1, *Acceptance Review Procedures*, provides guidance to the NRR staff for determining the acceptability of an application for an amendment to a license. One of the criteria listed in LIC-109, Revision 1 is that a requested licensing action (RLA) cannot cite any unapproved guidance. To address Generic Safety Issue (GSI-191) in a timely manner, Southern Nuclear Operating Company (SNC) requests a one-time exception to this LIC-109 acceptance criteria. This exception would allow the reliance of WCAP-17788, "Comprehensive Analysis and Test Program for GSI-191 Closure," for the Vogtle Electric Generating Plant (VEGP) Units 1 and 2 prior to this report being approved by the Nuclear Regulatory Commission (NRC). WCAP-17788 is used to establish the acceptance limits for fiber in the reactor vessel, and thus comprises only a small part of the SNC response. NRR Office Instructions No. LIC-101, Revision 4, *License Amendment Review Procedures*, and LIC-500, Revision 5, *Topical Report Process*, also discuss that topical reports (such as WCAP-17788) are to be approved by the NRC prior to being implemented by reference as the technical basis for a licensee action. SNC therefore requests a one-time exception for this specific requirement in these two other NRR Office Instructions.

SNC intends to submit their RLA to resolve GSI-191 (including an updated response to Generic Letter 2004-02, a license amendment request to use a risk-informed methodology for the emergency core cooling systems (ECCS) acceptance criteria, and specific exemption requests) during March or April of 2017. Due to delays during the review process for WCAP-17788, NRC approval is not expected until the third or fourth quarter of 2017. As discussed in a public meeting held November 29, 2016, this delay creates issues for SNC's submittal.

Due to the voluminous nature of WCAP-17788, incorporating the relied-upon information from the 6 volume WCAP-17788 into SNC's submittal is not practical. This would create unnecessary work for the NRC staff and potentially introduce further delay in the approval of this report due to the unnecessary expenditure of resources. The NRC would basically be writing two Safety Evaluation Reports for this methodology: one for the actual WCAP-17788, and another for SNC's application. For these reasons, this was not the preferred approach of the NRC staff in attendance of the November 29, 2016 public meeting.

Waiting until WCAP-17788 is formally approved prior to SNC submitting their RLA is undesirable and/or impractical for the following reasons:

1. SNC delaying their submittal will ultimately delay resolution to this outstanding generic safety issue. Beneficial plant modifications (e.g. modified sump strainer heights) dependent upon NRC approval of this RLA will be unnecessarily delayed.
2. Delaying the SNC submittal for six or more months creates a personnel resource issue, as personnel resources are reassigned to other tasks and may not be able to reinvest themselves back into the GSI-191 project once the topical report is approved.

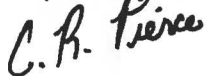
Lastly, allowing a one-time exception to the aforementioned NRR Office Instructions is beneficial for the following reasons:

1. Accepting the SNC submittal for review prior to the WCAP-17788 being approved would allow the NRC to see the implementation of the methodology with plant data, possibly increasing the efficiency of the review and acceptance.
2. Most of the technical review of the SNC submittal, including the entire risk-informed portion, does not directly involve this topical report methodology. Therefore, the NRC staff will be able to perform much of their review of SNC's submittal in parallel with the review of the methodology.

For these reasons, this one-time waiver to the NRC acceptance criteria was discussed favorably at the November 29, 2016 public meeting.

So that SNC can proceed with their submittal (including review by the appropriate SNC management committees) it is respectfully requested that the NRC grant this waiver in writing by February 10, 2017.

Respectfully submitted,



C. R. Pierce
Regulatory Affairs Director

CRP/RMJ

cc: Southern Nuclear Operating Company
Mr. S. E. Kuczynski, Chairman, President & CEO
Mr. D. G. Bost, Executive Vice President & Chief Nuclear Officer
Mr. D. R. Madison, Vice President – Fleet Operations
Mr. M. D. Meier, Vice President – Regulatory Affairs
Mr. B. K. Taber, Vice President – Vogtle 1 & 2
Mr. B. J. Adams, Vice President – Engineering
Mr. D. D. Sutton, Regulatory Affairs Manager – Vogtle 1 & 2
RType: CVC7000

U. S. Nuclear Regulatory Commission
Ms. C. Haney, Regional Administrator
Mr. M. D. Orenak, NRR Project Manager – Vogtle 1 & 2
Mr. E. T. Coffman, Senior Resident Inspector – Vogtle 1 & 2