



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 14, 2017

Mr. C. R. Pierce
Regulatory Affairs Director
Southern Nuclear Operating Company, Inc.
P.O. Box 1295 / Bin 038
Birmingham, AL 35201-1295

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2 – REQUEST FOR
ONE-TIME EXCEPTION TO NUCLEAR REACTOR REGULATION OFFICE
INSTRUCTIONS LIC-109, LIC-101, AND LIC-500 ACCEPTANCE REVIEW
CRITERIA (CAC NOS. MF8488 AND MF8489)

Dear Mr. Pierce:

By letter dated January 10, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17010A325), Southern Nuclear Operating Company, Inc. (SNC) submitted a request for a one-time exception to Nuclear Reactor Regulation (NRR) Office Instructions (OIs) LIC-109, "Acceptance Review Procedures," LIC-101, "License Amendment Review Procedures," and LIC-500, "Topical Report Process," acceptance review criteria for Vogtle Electric Generating Plant, Units 1 and 2 (VEGP). The OIs are available in ADAMS at Accession Nos. ML16144A521, ML16061A451, and ML13158A296, respectively. The proposed request asked that the NRC staff accept for review planned requested licensing actions (RLAs) for VEGP that would rely on a topical report that is currently under review by the NRC staff. The planned RLAs would be comprised of a risk-informed license amendment and specific exemption requests by SNC to resolve GSI-191 at VEGP. SNC stated that the topical report that the planned RLAs would rely is WCAP-17788, "Comprehensive Analysis and Test Program for GSI-191 Closure" (ADAMS No. ML15210A667). The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's review of this request.

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations. For license amendment requests and other RLAs, the NRC staff conducts an acceptance review of RLAs to determine whether it provides technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment.

To aid the NRC staff in meeting requirements and performance goals, NRR has established procedures and guidance for the conduct of licensing reviews. For RLAs and topical reports, the procedures and guidance for acceptance reviews are in OIs LIC-109 and LIC-500, respectively. One of the purposes of the acceptance review is to verify that an application reasonably appears to contain sufficient technical information, both in scope and depth, for the

NRC staff to complete the detailed technical review and render, in an appropriate time frame for the associated action, an independent assessment of the proposed action with regard to applicable regulatory requirements and the protection of public health, safety, and security. According to the acceptance review criteria for RLAs, RLAs that are linked to another action that is under NRC staff review should not be accepted unless the licensee has an urgent need and provides a full justification (page D-2 of LIC-109, Rev 2) or rare circumstance exists (page 10 of LIC-109, Rev 2).

In its letter dated January 10, 2017, SNC stated that 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.

The NRC staff has reviewed your request for a one-time exception to the acceptance review criteria and concluded that it would not be appropriate to accept for review the planned RLAs that relies on the unapproved WCAP-17788. There is no apparent urgent need or rare circumstance that would support taking an exception to the acceptance review criteria. Additionally, the review of WCAP-17788 is not near completion, and it would be premature to assume NRC approval of the topical report. Therefore, the NRC staff would be unable to complete an assessment of the planned RLAs independent of the topical report under review in an appropriate time frame.

Despite the NRC staff's denial of the requested exception, the NRC staff is supportive of SNC's effort to avoid delays in the plant-specific resolution of GSI-191. Therefore, the NRC would be supportive of: (1) reviewing a plant-specific submittal that does not rely on WCAP-17788; or (2) the submittal of a technical report, absent WCAP-17788 information, that could be used to prepare a NRC staff evaluation to support a subsequent RLAs submittal. SNC could also choose to wait until completion of the NRC's WCAP-17788 review before submitting the RLAs.

The NRC staff discussed this information with Ryan Joyce and Phil Grissom of your staff on February 14, 2017.

C. Pierce

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If you have any questions, please contact the VEGP Project Manager, Michael Orenak, at (301) 415-3229 or Michael.Orenak@nrc.gov or me at (301) 415-2871 or Michael.Marshall@nrc.gov.

Sincerely,

A handwritten signature in black ink, reading "Michael L. Marshall, Jr." in a cursive style.

Michael L. Marshall, Jr., Senior Project Manager
Plant Licensing Branch 1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-424 and 50-425

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