



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

August 27, 2019

Mr. Brian H. Whitley, Director  
Regulatory Affairs  
Southern Nuclear Operating Company, Inc.  
3535 Colonnade Parkway  
BIN N-226-EC  
Birmingham, AL 35243

SUBJECT: RESPONSE TO SOUTHERN NUCLEAR OPERATING COMPANY'S REQUEST  
FOR APPROVAL TO APPLY NUCLEAR ENERGY INSTITUTE GUIDANCE  
(NEI 98-03) TO THE PLANT-SPECIFIC DESIGN CONTROL DOCUMENT

Dear Mr. Whitley:

By letter dated April 11, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19101A306), Southern Nuclear Operating Company (SNC) requested U.S. Nuclear Regulatory Commission (NRC) approval to apply NRC-endorsed guidance provided in Nuclear Energy Institute (NEI) 98-03, Revision 1, "Guidelines for Updating Final Safety Analysis Reports" (ADAMS Accession No. ML003779028), when updating plant-specific Design Control Document (DCD) Tier 2 information contained in the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 Updated Final Safety Analysis Report (UFSAR).

In general, NEI 98-03, Revision 1, was developed for use with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 licensees to address lessons learned from the Millstone experience and other initiatives related to UFSARs. The objective was to ensure that UFSARs are updated to reflect changes to design bases and to reflect the effects of other analyses performed since original licensing that should have been included under 10 CFR 50.71(e).

As discussed with your staff during public meetings, the NRC staff believes that SNC can accomplish its stated objectives by using the information provided in NEI 96-07, Appendix C, "Guideline for Implementation of Change Processes for New Nuclear Power Plants Licensed Under 10 CFR Part 52." NEI 96-07, Appendix C (ADAMS Accession No. ML14091A739), remains acceptable for use by licensees subject to the clarifications to NEI 96-07, Revision 1, Section 4.3.8 and Section 4.3.5 described in RG 1.187, Revision 1, "Guideline for Implementation of 10 CFR 50.59 'Changes, Tests, and Experiments'" (May 2019) (ADAMS Accession No. ML17195A655). As described in Appendix C to NEI 96-07, 10 CFR 52.98 specifies the change process to be used under a Part 52 combined license. In accordance with 10 CFR 52.98, changes to or departures from information within the scope of a referenced certified design are subject to the applicable change process in Section VIII of the applicable appendix to 10 CFR Part 52 (Part 52, Appendix D, Section VIII for VEGP Units 3 and 4). The guidance in NEI 96-07, Appendix C defines screening as the process for determining whether a

proposed activity requires a 10 CFR 50.59 or Section VIII.B.5 evaluation to be performed. It goes on to state that screening may be considered a simplified evaluation for the purposes of meeting the requirements of Section VIII.B.5.a. This guidance also defines both “change” and “departure.”

As allowed by this guidance, SNC could augment their current screening process by including a simplified evaluation or screening process. The staff believes this could include, for example, steps to verify information is Tier 2 and that the modification is solely a minor administrative or format revision that could not be considered a change or a departure as defined in Appendix C to NEI 96-07. If a proposed modification is not a change or departure as defined in Section VIII of the design certification rule, no further evaluation is needed. Using such a process, the licensee does need to ensure that 10 CFR 50.59, 10 CFR 50.71, and 10 CFR Part 52, Appendix D, Section VIII continue to be met.

If you have any questions, please contact Chandu Patel at (301) 415-3025 or [Chandu.Patel@nrc.gov](mailto:Chandu.Patel@nrc.gov).

Sincerely,

*/RA/*

Anna Bradford, Acting Director  
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and Environmental Analysis  
Office of New Reactors

Docket Nos.: 52-025  
52-026

SUBJECT: RESPONSE TO SOUTHERN NUCLEAR OPERATING COMPANY'S REQUEST  
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DATED: August 27, 2019

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Vogtle Units 3 & 4 Mailing List

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