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Docket Nos.: 50-321 50-348 50-424
50-366 50-364 50-425

NL-19-0801
10 CFR 50.12
10 CFR 50.54(a)(3)
10 CFR 50.71(e)(4)

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

Joseph M. Farley Nuclear Plant – Units 1 and 2
Edwin I. Hatch Nuclear Plant – Units 1 and 2
Vogtle Electric Generating Plant – Units 1 and 2
Quality Assurance Topical Report Submittal
Request for Scheduler Exemption – 10 CFR 50.54(a)(3)

Ladies and Gentlemen:

In accordance with the requirements of 10 CFR 50.12(a), Southern Nuclear Operating Company (SNC) requests a scheduler exemption from the requirements of 10 CFR 50.54(a)(3) for submitting periodic Quality Assurance Topical Report (QATR) changes that do not reduce commitments. SNC is requesting that this scheduler exemption apply to each of the plants identified in this letter. Specifically, 10 CFR 50.54(a)(3) stipulates that changes to the QATR that do not reduce commitments shall be submitted in accordance with the schedule requirements specified in 10 CFR 50.71 (e)(4). This specific requirement states that changes "must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months."

SNC has a common QATR for the plants identified in this letter. Since SNC is responsible for the operation of multiple plants, and there are several plant refueling outages each year, submitting changes to the common QATR in accordance with the schedule described in 10 CFR 50.71 (e)(4) creates a significant administrative and regulatory burden. Additionally, the annual requirement also increases the regulatory burden for SNC since the rule allows for submittals that do not exceed 24 months from the previous submittal. As an alternative, SNC is requesting that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. SNC considers this proposed schedule for submitting QATR changes to be an acceptable alternative for satisfying the requirements of 10 CFR 50.54(a)(3). Further details supporting the 10 CFR 50.12(a) exemption request are provided in the enclosure to this letter.

SNC requests approval of this exemption by November 30, 2020.

This letter contains no NRC commitments. If you have any questions, please contact Jamie Coleman at 205.992.6611.

Respectfully submitted,



Cheryl A. Gayheart
Regulatory Affairs Director

CAG/TLE/sm

Enclosure: Request for Scheduling Exemption for QATR Submittal

cc: Regional Administrator, Region II
NRR Project Manager – Farley, Hatch, Vogtle 1 & 2
Senior Resident Inspector – Farley, Hatch, Vogtle 1 & 2
Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and
Safeguards
Director, Alabama Office of Radiation Control
Director, Environmental Protection Division – State of Georgia

RType: CGA02.001

**Joseph M. Farley Nuclear Plant – Units 1 and 2
Edwin I. Hatch Nuclear Plant – Units 1 and 2
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Quality Assurance Topical Report Submittal
Request for Scheduler Exemption – 10 CFR 50.54(a)(3)**

Enclosure

Request for Scheduler Exemption for QATR Submittal

SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 50.12(a)(1), Southern Nuclear Operating Company (SNC), is requesting U.S. Nuclear Regulatory Commission (NRC) approval of a permanent exemption from the requirements of 10 CFR 50.54(a)(3) for submitting periodic Quality Assurance Topical Report (QATR) changes that do not reduce commitments. 10 CFR 50.12(a)(1) stipulates the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

SNC is requesting this exemption for the plants identified below. SNC requests approval of this exemption by November 30, 2020.

SNC Docket Numbers

Docket Nos.:	<u>Farley</u>	<u>Hatch</u>	<u>Vogtle</u>
Part 50 Unit 1	50-348	50-321	50-424
Part 50 Unit 2	50-364	50-366	50-425

BASIS FOR EXEMPTION REQUEST

10 CFR 50.54(a)(3) requires that: "...changes to the quality assurance program description that do not reduce the commitments must be submitted to the NRC in accordance with the requirements of 10 CFR 50.71(e)." Specifically, the schedule for submitting QATR changes is described in 10 CFR 50.71(e)(4) and stipulates that changes, "...must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months." The underlying intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment are periodically submitted to the NRC to allow the NRC staff to provide regulatory oversight of changes to a licensee's quality assurance program, and to ensure that the changes are consistent with the regulations. This proposed exemption only extends the reporting period and does not exceed the time period between successive updates established by 10 CFR 50.71(e).

SNC's quality assurance program, described in the Quality Assurance Topical Report (QATR), is common to the six plants requesting the exemption. Compliance with 10 CFR 50.54(a)(3) would require these changes to be submitted annually or after a refueling outage for each of SNC's plants. Since SNC is responsible for the operation of multiple plants, and there can be several plant refueling outages each year, submitting changes to the common QATR in accordance with the refueling schedule described in 10 CFR 50.71(e)(4) creates a significant administrative and regulatory burden.

SNC is requesting that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. Allowing the exemption would maintain a routine submittal schedule for the SNC QATR without undue regulatory burden. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

Changes to the common QATR (i.e., Version 21.0) that do not reduce commitments were last submitted to the NRC by letter dated June 24, 2019 (ADAMS Accession No. ML19175A078). During the interim period while the exemption is considered, SNC may periodically submit

revisions to the common QATR, as necessary, in order to satisfy the requirements of 10 CFR 50.54(a)(3) for the plants identified above.

The primary intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment are periodically submitted to the NRC. Because the intent of the rule is not to increase regulatory burden for a multi-plant common QATR by requiring updates to the common QATR annually or within six months after each respective plant's refueling outage, this exemption request qualifies under 10 CFR 50.12(a)(2)(ii).

(a) The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—

(2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever—

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

SPECIAL CIRCUMSTANCES

According to 10 CFR 50.12(a)(2)(ii), special circumstances exist when compliance is not necessary to achieve the underlying purpose of the rule. SNC maintains a common QATR for the plants identified above. Since the underlying intent of the regulation is to ensure that QATR changes that do not reduce the level of commitment are periodically submitted to the NRC, and the required schedule (per 10 CFR 50.71(e)) allows for 24 months between periodic submittals, processing more frequent changes to the common QATR is not an effective or efficient allocation of resources nor is it necessary to achieve the purpose of the rule.

JUSTIFICATION FOR THE EXEMPTION

In accordance with 10 CFR 50.12(a)(1), the NRC may grant exemptions from certain requirements of the 10 CFR 50 regulations that are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

1. This exemption request is authorized by law:

In accordance with 10 CFR 50.12, the NRC may grant an exemption from the requirements of 10 CFR 50, if the exemption is authorized by law. The proposed exemption is authorized by law in that no other prohibition of law exists to preclude the activities which would be authorized by the exemption. The proposed exemption will continue to serve the underlying purpose of the regulation. The underlying purpose of the rule is to ensure that licensees periodically provide updates of their QATRs to the NRC. As required by 10 CFR 50.54(a)(3), QATR updates shall be submitted in accordance with the schedule in 10 CFR 50.71(e)(2), i.e., annually or within six months following each refueling outage provided the interval between successive updates does not exceed 24 months. Submitting updates to the common SNC QATR every 24 months and not exceeding 24 months between successive updates continues to meet the intent of the regulation from the perspective of regulatory burden reduction.

Therefore, this exemption request is authorized by law.

2. This exemption request will not present an undue risk to the public health and safety:

The common QATR is the highest tiered document that assigns major functional responsibilities for all those planned and systematic actions necessary to provide adequate confidence that structures, systems, and components will perform satisfactorily in service for plants owned and operated by SNC. The proposed exemption will not alter the manner in which changes to the common QATR are evaluated in order to ensure that there is no reduction in commitment. Changes to the common QATR will be reviewed through the existing applicable administrative and programmatic control processes to ensure that QATR changes are properly evaluated and implemented. The methods and procedures used to evaluate changes to the common QATR are not changed or modified. 10 CFR 50.54(a)(3) requires licensees to provide their QATRs periodically (per 10 CFR 50.71(e)) to assure that the NRC has the latest material developed. In that regulation, the NRC has determined that an update frequency not exceeding 24 months between successive updates to be acceptable for periodic submissions of the QATR. The proposed exemption provides an equivalent level of protection to the existing requirements.

Therefore, this exemption request will not present an undue risk to the public health and safety.

3. This exemption request is consistent with the common defense and security:

This exemption requests NRC approval to permit periodic updates of the common SNC QATR to be submitted every 24 months, not to exceed 24 months from the previous submittal. Therefore, the regulatory requirement that an update be submitted annually or within six months following each plant's refueling outage would not be retained. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

The common defense and security are not affected by this exemption request.

ENVIRONMENTAL ASSESSMENT

SNC has determined that the requested exemption meets the categorical exclusion provision in 10 CFR 51.22(c)(25). Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of 10 CFR Chapter I (which includes 10 CFR 50.54(a)(3)) is an action that is a categorical exclusion. SNC's determination that all of the criteria for this categorical exclusion are met is as follows:

10 CFR 51.22(c)(25)(i): There is no significant hazards consideration.

Analysis: The criteria for determining whether an action involves a significant hazards consideration are found in 10 CFR 50.92. The proposed action involves only a schedule change regarding the submission of an update to the QATR. It does not adversely affect plant equipment, operation, or procedures. Therefore, there are no significant hazard considerations because granting the exemption would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

10 CFR 51.22(c)(25)(ii): There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

Analysis: The proposed action involves only a schedule change, which is administrative in nature, and does not involve any changes in the types or significant increase in the amounts of any effluents that may be released offsite.

Enclosure to NL-19-0801
Request for Scheduler Exemption for QATR Submittal

10 CFR 51.22(c)(25)(iii): There is no significant increase in individual or cumulative public or occupational radiation exposure.

Analysis: Since the proposed action involves only a schedule change, which is administrative in nature, it does not contribute to any significant increase in occupational or public radiation exposure.

10 CFR 51.22(c)(25)(iv): There is no significant construction impact.

Analysis: Since the proposed action involves only a schedule change, which is administrative in nature, it does not involve any construction impact.

10 CFR 51.22(c)(25)(v): There is no significant increase in the potential for or consequences from radiological accidents.

Analysis: The proposed action involves only a schedule change, which is administrative in nature and does not impact the potential for or consequences from accidents.

10 CFR 51.22(c)(25)(vi)(G): The requirements from which the exemption is sought involve scheduling requirements.

Analysis: The proposed action involves scheduling requirements and other requirements of an administrative, managerial, or organizational nature because it is associated with the submittal schedule requirements contained in 10 CFR 50.54(a)(3) which stipulate that revisions to the QATR must be filed in accordance with 10 CFR 50.71(e)(4), i.e., annually or six months after each refueling outage provided the interval between successive updates does not exceed 24 months.

Based on the above, SNC proposes that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with this exemption request.

PRECEDENT

The NRC has previously granted a permanent scheduler exemption from 10 CFR 50.54(a)(3) for the common Exelon Generation QATR.

Submittal: Letter from P. B. Cowan (Exelon) to Document Control Desk (NRC), dated December 14, 2005 (ADAMS Accession No. ML053560230).

Approval: Letter from K. N. Jabbour (NRC) to C. M. Crane (Exelon), dated June 27, 2016, (ADAMS Accession No. ML061430246).

CONCLUSION

SNC considers that submitting changes to the common QATR that do not reduce commitments on a 24-month calendar schedule, not to exceed 24 months from the previous submittal, is an acceptable method for satisfying the requirements of 10 CFR 50.54(a)(3) for Farley, Hatch and Vogtle stations. As demonstrated above, SNC considers that the requested exemptions comply with the criteria in 10 CFR 50.12. Specifically, the requested exemptions are allowed by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Additionally, special circumstances exist in that application of the requirements is not necessary to achieve the underlying purpose of the rule. There are no adverse environmental impacts associated with this request for exemption.