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ATTN: Document Control Desk
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Edwin I. Hatch Nuclear Plant – Units 1 and 2
Request for Exemption from 10 CFR 50.71(e)(4)
Final Safety Analysis Report Update Schedule

Ladies and Gentlemen:

In accordance with the requirements of 10 CFR 50.12(a), Southern Nuclear Operating Company (SNC) hereby requests an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Reports (UFSARs) for the Edwin I. Hatch Nuclear Plant (HNP) – Units 1 and 2. Specifically, this exemption request is associated with the schedule requirements contained in 10 CFR 50.71(e)(4) which stipulate that revisions to the UFSAR “must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months.”

The requested exemption provided in the enclosure to this letter will allow periodic updates of the HNP UFSARs (both units) by August 31 of every even-numbered year (i.e., not exceeding 24 months between successive updates). SNC last submitted both UFSARs via letter dated September 26, 2019 and intends to submit again in August or September of 2020. If this exemption is granted, subsequent submittals would be by August 31, 2022 (i.e., no submittal in 2021) and then every two years thereafter. Therefore, the regulatory requirement that an update be submitted within six months following each unit’s refueling outage would not be retained.

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 January 31, 2021.

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 Exemption from Schedule for Hatch UFSAR Submittal

cc: Regional Administrator, Region II
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Senior Resident Inspector – Hatch 1 & 2
Director, Environmental Protection Division – State of Georgia
INPO Emergency Management Manager

RType: CHA02.004

**Edwin I. Hatch Nuclear Plant – Units 1 and 2
Request for Exemption from 10 CFR 50.71(e)(4)
Final Safety Analysis Report Update Schedule**

Enclosure

Request for Exemption from Schedule for Hatch UFSAR 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 50.71(e)(4) for submission of revisions to the Updated Final Safety Analysis Reports (UFSARs) for the Edwin I. Hatch Nuclear Plant (HNP) – Units 1 and 2.

SNC requests that the due date for submittal of HNP Unit 1 and Unit 2 UFSARs be August 31 of every even-numbered year. This will correspond to approximately six months after the end of a typical HNP Unit 1 refueling outage, which typically commences in early February of each even-numbered year. However, SNC would like to set the due date as August 31 of each even-numbered year regardless of future refueling outage schedules. Setting such a date will ensure that no successive update will exceed 24 months since the last submittal (notwithstanding that for practical or business reasons SNC may choose to submit earlier in the month of August in some years).

SNC is requesting this exemption for HNP Unit 1 (Docket Number 50-321) and Unit 2 (Docket Number 50-366). SNC requests approval of this exemption by January 31, 2021.

BASIS FOR EXEMPTION REQUEST

10 CFR 50.12(a)(1) stipulates that 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.

10 CFR 50.71(e)(4) requires that, in regard to UFSARs, "subsequent revisions 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 UFSAR revisions are periodically submitted to the NRC to allow the NRC staff to provide regulatory oversight of changes to a licensee's safety analysis report, and to ensure that any changes are consistent with regulations. This proposed exemption only extends the reporting period and does not allow SNC to exceed the maximum time period (i.e., 24 months) between successive updates as established by 10 CFR 50.71(e)(4).

HNP is a two-unit plant, with each unit having its own UFSAR. However, the Unit 1 UFSAR extensively references the Unit 2 UFSAR. For example, Chapter 14.0, Safety Analysis, of the Unit 1 UFSAR references, in entirety, Chapter 15 of the Unit 2 UFSAR. Therefore, the Unit 1 UFSAR cannot stand alone and the two UFSARs effectively function as a common UFSAR. For this reason, and the fact that submitting both UFSARs together helps ensure SNC never challenges the requirement that "the interval between successive updates does not exceed 24 months," SNC will continue to submit both UFSARs together.

Compliance with 10 CFR 50.51(e)(4) requires SNC to submit the UFSARs annually or six months after a refueling outage for each Unit 1 and Unit 2. Unit 1 currently refuels in February of each

even-numbered year, while Unit 2 refuels in February of each odd-numbered year. SNC has been filing both UFSARs together in a single submittal every August or September, depending on length of that year's refueling outage, to maintain the requirement to file UFSAR revisions "6 months after each refueling outage".

The current HNP UFSAR submittal schedule does not allow for SNC to benefit (i.e., gain relief from annual UFSAR submittals) from the rule change that was published in the Federal Register on August 31, 1992 (57 FR 39358) and became effective on October 1, 1992, and remains effective today, which was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. As written, the burden reduction can only be realized by single-unit facilities, which is not the case for HNP.

In the Summary and Analysis of Public Comments accompanying the 10 CFR 50.71(e)(4) rule change (57 FR 39355), the NRC indicated that the final rule did not address multiple-unit facilities sharing a common UFSAR. However, one commenter suggested that a licensee of a multiple-unit facility should designate the refueling schedule of one of the units to establish the schedule for revision of the common UFSAR. In response to that comment, the NRC stated that for "multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis."

SNC is requesting that revisions to the two UFSARs be submitted together on a 24-month calendar schedule by setting a specific due date of August 31 of every even-numbered year. Allowing the exemption would maintain a routine submittal schedule for the HNP UFSARs without undue regulatory burden. The proposed exemption provides an equivalent level of protection to the existing regulation and should be considered acceptable.

The latest UFSAR revision (i.e., Revision 37) was submitted to the NRC by letter dated September 26, 2019 (ADAMS Accession No. ML19282B793). During the interim period while the exemption is considered, SNC intends to submit Revision 38 no later than September 30, 2020. If this exemption is granted, subsequent submittals would be by August 31, 2022 (i.e., no submittal in 2021) and then every two years thereafter.

The primary intent of the regulation is to ensure that UFSAR revisions, including documents incorporated by reference into the UFSAR, are periodically submitted to the NRC. Because the intent of the rule is not to increase regulatory burden for a multi-plant common UFSAR by requiring revisions to the UFSAR annually or within six months after each respective plant's refueling outage, and strict application of the rule's requirement to file UFSAR revisions "6 months after each refueling outage" is not necessary to achieve the underlying purpose of the rule, this exemption request qualifies under 10 CFR 50.12(a)(2)(ii).

10 CFR 50.12(a)(2) states, in part:

- (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.

In summary, allowing the exemption would maintain the HNP UFSAR submittal within 24 months of the last revision and would not exceed a 24-month interval for the related submission of the 10 CFR 50.59 summary report. If this exemption is granted, it would align HNP regarding UFSAR submittal with a single-unit boiling water reactor (BWR) having a 24-month fuel cycle. Thus, the proposed exemption provides an equivalent level of protection to the existing regulation and should be found acceptable.

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. Because the underlying intent of the rule is to ensure that UFSAR revisions are periodically submitted to the NRC, and the required schedule (per 10 CFR 50.71(e)(4)) allows for a maximum of 24 months between periodic submittals, processing more frequent revisions to the common UFSAR, including all documents incorporated by reference, is not an effective or efficient allocation of resources nor is it necessary to achieve the underlying 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 file revisions of their UFSARs, including all documents incorporated by reference in the UFSAR, to the NRC. As required by 10 CFR 50.71(e)(4), UFSAR revisions shall be submitted annually or within six months following each refueling outage provided the interval between successive updates does not exceed 24 months. Submitting updates to HNP's functionally common UFSAR every 24 months and not exceeding 24 months between successive updates continues to meet the intent of the regulation.

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 UFSAR provides a description of the plant and, per the Supplementary Information for the FSAR update rule, serves as a "reference document to be used for recurring safety analyses performed by licensees, the Commission, and other interested parties." The UFSAR is used by the NRC in its regulatory oversight of a nuclear power plant, including its use as a reference for evaluating license amendment requests and in the preparation for and conduct of inspection activities. For licensees, portions of the UFSAR are used as a reference in evaluating changes to the facility and procedures under the 10 CFR 50.59 change process. The UFSAR also serves to provide the general public a description of the plant and its operation.

The proposed exemption will not alter the manner in which changes to UFSAR are evaluated in that changes to the UFSAR will continue to be reviewed through the existing applicable administrative and programmatic control processes to ensure that UFSAR changes are properly evaluated and implemented. The methods and procedures used to evaluate changes to the UFSAR are not changed or modified. 10 CFR 50.71(e)(4) requires licensees to file their UFSARs periodically 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 revisions to be acceptable for periodic submissions of the UFSAR. 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 submittal of the functionally common HNP UFSAR on August 31 of every even-numbered year, thus not exceeding 24 months between successive submittals. Therefore, the regulatory requirement that a revision 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.

Therefore, 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 50.71(e)(4)) is an action that is a categorical exclusion provided that all of the criteria for a categorical exclusion are met. 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 revisions to the UFSAR. 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.

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

Analysis: Because 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: Because 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 of an administrative, managerial, or organizational nature because it is associated with the submittal schedule requirements contained in 10 CFR 50.71(e)(4) which stipulate that revisions to the UFSAR must be filed annually or six months after each refueling outage provided the interval between successive updates does not exceed 24 months.

Based on the above, SNC asserts 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 numerous exemptions for multi-unit sites allowing submittal of a common UFSAR six months after a selected unit's refueling outage, including SNC's

Joseph M. Farley Nuclear Plant (FNP) (ADAMS Accession No. ML03130216) and Vogtle Electric Generating Plant (VEGP) (ADAMS Accession No. ML012410088). These exemptions allow the common UFSARs for FNP and VEGP to be submitted on average every 18 months due to their 18-month fuel cycles.

CONCLUSION

SNC considers that submitting revisions to HNP Unit 1 and Unit 2 UFSARs together by August 31 of every even-numbered year, not to exceed 24 months from the previous submittal, is an acceptable method for satisfying the intent of 10 CFR 50.71(e)(4). As demonstrated above, SNC considers that the requested exemption complies with the criteria in 10 CFR 50.12. Specifically, the requested exemption is allowed by law, will not present an undue risk to the public health and safety, and is 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.