



Southern Nuclear  
Operating Company, Inc.  
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December 19, 2022

ND-22-0894  
10 CFR 50.90

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

Vogtle Electric Generating Plant Units 3 and 4  
Docket Nos.: 52-025 & 52-026

Subject: License Amendment Request for Technical Specification SR 3.0.3 for  
Never-Performed Surveillances (LAR-22-005)

Ladies and Gentlemen:

Pursuant to 10 CFR 52.98(c) and in accordance with 10 CFR 50.90, Southern Nuclear Operating Company (SNC) requests an amendment to the combined licenses (COLs) for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 (License Numbers NPF-91 and NPF-92, respectively). The license amendment request (LAR) proposes changes to COL Appendix A, Technical Specifications (TS) Surveillance Requirement (SR) 3.0.3 and the associated TS Bases to allow application of SR 3.0.3 when a Surveillance has not been previously performed and to clarify the application of SR 3.0.3. These changes are consistent with NRC approved changes reflected in Technical Specification Task Force (TSTF) traveler TSTF-529, "Clarify Use and Application Rules," for SR 3.0.3.

The Enclosure provides the description, technical evaluation, regulatory evaluation (including the Significant Hazards Consideration Determination) and environmental considerations for the proposed changes.

Attachments 1 and 2 provide markups depicting the requested changes and final typed changes, respectively, to the VEGP Units 3 and 4 TS.

Attachment 3 provides the changes to the VEGP Units 3 and 4 TS Bases document.

This letter contains no regulatory commitments. This letter has been reviewed and determined not to contain security-related information.

SNC requests NRC staff review and approval of this LAR no later than 12 months from acceptance. Delayed approval of this license amendment could put the plant at increased risk of a TS required shutdown upon discovery of a TS Surveillance that had not previously been documented as having been performed. SNC expects to implement the proposed amendment within 30 days of approval of the LAR.

In accordance with 10 CFR 50.91, SNC is notifying the State of Georgia by transmitting a copy of this letter and its enclosure to the designated State Official.

Should you have any questions, please contact Amy Chamberlain at (205) 992-6361.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 19<sup>th</sup> of December 2022.

Respectfully submitted,



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Amy C. Chamberlain  
Licensing Manager  
Southern Nuclear Operating Company

Enclosure: Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Request for License Amendment: Technical Specification SR 3.0.3 for Never-Performed Surveillances (LAR-22-005)

Attachments:

- 1 Technical Specification Marked-up Pages
- 2 Revised Technical Specification Pages
- 3 Technical Specification Bases Marked-up Pages

cc:

Regional Administrator, Region II  
VPO Project Manager  
Senior Resident Inspector – Vogtle 3 & 4  
Director, Environmental Protection Division - State of Georgia  
Document Services RTYPE: VND.LI.L00  
File AR.01.02.06

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**  
**License Amendment Request for**  
**Technical Specification SR 3.0.3 for Never Performed Surveillances**

**Enclosure**

**Basis for Proposed Change**

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- 5 REGULATORY ANALYSIS
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**ATTACHMENTS:**

- 1 Technical Specification Page Markups
- 2 Retyped Technical Specification Pages
- 3 Technical Specification Bases Page Markups

## **1 SUMMARY DESCRIPTION**

Pursuant to 10 CFR 52.98(c) and in accordance with 10 CFR 50.90, Southern Nuclear Operating Company (SNC) hereby requests an amendment to Combined License (COL) Nos. NPF-91 and NPF-92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4, respectively. The proposed change would revise COL Appendix A, Technical Specifications (TS). These changes are consistent with a portion of NRC approved changes reflected in Technical Specification Task Force (TSTF) traveler TSTF-529, "Clarify Use and Application Rules."

## **2 PROPOSED CHANGES**

TS Surveillance Requirement (SR) 3.0.3 and the associated SR 3.0.3 Bases are revised to allow application of SR 3.0.3 when a Surveillance has not been previously performed and to clarify the application of SR 3.0.3.

The proposed change includes changes to the TS Bases. The proposed TS Bases changes are consistent with those presented in TSTF-529, except for revising discussions of "relay contacts" (which are not applicable to the VEGP Units 3 and 4 Protection and Safety Monitoring System design) to "component actuations."

## **3 BACKGROUND**

In January and February 2009, the Technical Specifications Task Force and NRC met to discuss questions and possible ambiguities on the application of the Improved Standard Technical Specifications (ISTS). The topics for discussion were gathered from both the NRC and the industry. In all, ten areas of ambiguity were discussed. In almost all cases, the TSTF and the NRC reached agreement on the application of the ISTS or agreed on a process to reach agreement.

The TSTF agreed to prepare a TSTF Traveler for NRC review to document areas of agreement in the TS and Bases, and present proposed resolutions for the remaining areas under question. The TSTF queried the industry and identified several areas in Section 1.3, LCO 3.0 and SR 3.0 that would benefit from clarification. These clarifications are generally minor or editorial, but routinely generate questions from licensee and NRC staff and are, therefore, worthy of correction.

For this license amendment request, SNC is proposing changes reflecting one of the topics from the NRC approved changes reflected in TSTF-529, "Clarify Use and Application Rules"; that is the change to SR 3.0.3 to address never-performed Surveillances. The remaining topics are under review for a potential future license amendment request.

#### 4 TECHNICAL ANALYSIS

SR 3.0.3 is an exception to the requirement that a Surveillance be performed within the specified Frequency. SR 3.0.3 states, "If it is discovered that a Surveillance was not performed..." SR 3.0.3 is not an exception to the requirement for SRs to be met<sup>1</sup> during the Modes or other specified conditions in the Applicability. This is a key consideration in the application of SR 3.0.3.

In December 2008, the NRC issued a response to Task Interface Agreement (TIA) 2008-004, "Evaluation of Application of Technical Specification (TS) 4.0.3, 'Surveillance Requirement Applicability,' At Pilgrim" (NRC ADAMS Accession No. ML083660174). The Pilgrim TS 4.0.3 is similar to STS SR 3.0.3 (*which aligns with the VEGP Units 3 and 4 SR 3.0.3*). In the TIA response, the NRC took the position that a missed SR is different than an SR that was never performed, and that SR 3.0.3 is not applicable to SRs that have never been performed.

Information is added to SR 3.0.3 and the SR 3.0.3 Bases to address the NRC's position on the application of SR 3.0.3 and to allow SR 3.0.3 to be applied, when appropriate, to missed Surveillances that have never been performed. SR 3.0.3 is revised to state:

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. *The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed.* A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

The SR 3.0.3 Bases are revised to discuss the SR 3.0.3 addition as follows (note, changes from TSTF-529 Bases are shown in order to reflect VEGP plant-specific design differences):

*SR 3.0.3 is only applicable if there is a reasonable expectation the associated equipment is OPERABLE or that variables are within limits, and it is expected that the Surveillance will be met when performed. Many factors should be considered, such as the period of time since the Surveillance was last performed, or whether the Surveillance, or a portion thereof, has ever been performed, and any other indications, tests, or activities that might support the expectation that the Surveillance will be met when performed. An example of the use of SR 3.0.3 would be an actuated component relay contact that was not tested as required in accordance with a particular SR, but previous successful performances of the SR included the actuated component relay contact; the adjacent, physically connected relay contacts were tested during the SR performance; the subject actuated component relay contact has been tested by another SR; or historical actuation operation of the subject component relay contact has been successful. It is not sufficient to infer the*

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<sup>1</sup> The terms "met" and "performed" are defined in Section 1.4, "Use and Application, Frequency" of the ISTS. It states: "The use of 'met' or 'performed' in these instances conveys specific meanings. A Surveillance is 'met' only when the acceptance criteria are satisfied. Known failure of the requirements of a Surveillance, even without a Surveillance specifically being 'performed,' constitutes a Surveillance not 'met.' 'Performance' refers only to the requirement to specifically determine the ability to meet the acceptance criteria."

*behavior of the associated equipment from the performance of similar equipment. The rigor of determining whether there is a reasonable expectation a Surveillance will be met when performed should increase based on the length of time since the last performance of the Surveillance. If the Surveillance has been performed recently, a review of the Surveillance history and equipment performance may be sufficient to support a reasonable expectation that the Surveillance will be met when performed. For Surveillances that have not been performed for a long period or that have never been performed, a rigorous evaluation based on objective evidence should provide a high degree of confidence that the equipment is OPERABLE. The evaluation should be documented in sufficient detail to allow a knowledgeable individual to understand the basis for the determination.*

The concept of "reasonable expectation" is discussed in NRC Inspection Manual Chapter 0326, Section 06.04, that states (note that the citation and quote are updated from that shown in TSTF-529 to reflect the 09/30/2019 revision to Inspection Manual Chapter 0326):

The concept of presumption of operability and reasonable assurance of operability are distinct concepts. Inspectors should recognize that licensees may use the nomenclature 'reasonable expectation' vice 'reasonable assurance' regarding their standard. An operability determination should be based on the reasonable assurance, from the evidence collected, that the SSC is capable of performing its specified safety function(s). Reasonable assurance does not mean absolute assurance that the SSC is operable. The SSC may be considered operable when there is evidence that the possibility of failure of an SSC has increased, but not to the point of eroding confidence in the reasonable assurance that the SSC remains operable. The supporting basis for the reasonable assurance of SSC operability should provide a high degree of confidence that the SSC remains operable..

The standard of "reasonable expectation" is also appropriate for the question of whether a licensee may apply SR 3.0.3 to an SR that has not been performed within its specified Frequency. In both cases the question to be addressed is whether the associated equipment is believed to be Operable or that variables are within limits. If the licensee has a reasonable expectation (a high standard) that performance of the SR will confirm that the equipment is Operable or a variable to be verified is within limits, then SR 3.0.3 may be applied to the SR that has not been performed. If the licensee does not have this reasonable expectation, then under SR 3.0.1 the SR is not met and the associated LCO is not met.

The proposed change to SR 3.0.3 is consistent with the intent of SR 3.0.3 as stated in GL 87-09. It states:

It is overly conservative to assume that systems or components are inoperable when a surveillance has not been performed because the vast majority of surveillances do in fact demonstrate that systems or components are operable. When a surveillance is missed, it is primarily a question of operability that has not been verified by the performance of a Surveillance Requirement.

The SR 3.0.3 Bases discuss determining whether there is a reasonable expectation that the SR will be met when performed. In particular, the Bases discuss the case of an SR that has

never been performed or has not been performed for a long time, such that establishing a reasonable expectation that the SR is met is more difficult. The proposed change to SR 3.0.3 and the discussion in the SR 3.0.3 Bases address the NRC's position by providing guidance to licensees on application of SR 3.0.3 in such circumstances.

The proposed changes clarify and expand the intent of SR 3.0.3 and the associated Bases will increase clarity and allow consistent application of the TS.

## **5 REGULATORY ANALYSIS**

### **5.1 No Significant Hazards Consideration Analysis**

Southern Nuclear Operating Company (SNC) is requesting an amendment to Combined License (COL) Nos. NPF-91 and NPF-92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4, respectively. The license amendment request (LAR) proposes changes to COL Appendix A, Technical Specifications (TS) Surveillance Requirement (SR) 3.0.3 and the associated SR 3.0.3 Bases to clarify the TS usage rules of SR 3.0.3, allowing application of SR 3.0.3 when an SR has not been previously performed.

SNC has evaluated whether or not a significant hazards consideration is involved with the proposed change by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

#### **5.1.1 Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?**

Response: No.

The proposed change to SR 3.0.3 has no effect on the requirement for systems to be operable and has no effect on the application of TS actions. The proposed change to SR 3.0.3 states that the allowance may only be used when there is a reasonable expectation the Surveillance will be met when performed. Since the proposed changes does not significantly affect system operability, the proposed change will have no significant effect on the initiating events for accidents previously evaluated and will have no significant effect on the ability of the systems to mitigate accidents previously evaluated.

#### **5.1.2 Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?**

Response: No.

The proposed change to the TS usage rules does not affect the design or function of any plant systems. The proposed change does not change the operability requirements for plant systems or the actions taken when plant systems are not operable.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

**5.1.3 Does the proposed amendment involve a significant reduction in a margin of safety?**

Response: No.

The proposed change clarifies the application of SR 3.0.3 to allow application of SR 3.0.3 when an SR has not been previously performed if there is reasonable expectation that the SR will be met when performed. This expands the use of SR 3.0.3 while ensuring the affected system is capable of performing its safety function. As a result, plant safety is either improved or unaffected.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

Based on the above, it is concluded that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

**5.2 Applicable Regulatory Requirements/Criteria**

Title 10 of the Code of Federal Regulations, Paragraph 50.36, requires TS and describes limiting conditions for operation and SRs. The proposed change clarifies the implementation of the TS required by 10 CFR 50.36.

Based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

**6 ENVIRONMENTAL CONSIDERATION**

A review has determined that the proposed change would change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, or would change an inspection or surveillance requirement. However, the proposed change does not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed change meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed change.

**7 REFERENCES**

- 7.1 NRC Inspection Manual, Chapter 0326, "Operability Determinations."
- 7.2 Generic Letter 87-09, "Sections 3.0 And 4.0 of Standard Tech Specs on Limiting Conditions For Operation And Surveillance Requirements," dated June 6, 1987.

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**  
**License Amendment Request for**  
**Technical Specification SR 3.0.3 for Never Performed Surveillances**

**Attachment 1**  
**Technical Specification Marked Up Pages**

**Insertions Denoted by Blue Underline**

(Attachment 1 consists of two pages, including this cover page.)

### Technical Specification SR 3.0.3

#### SR 3.0.3

If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, which ever is greater. This delay period is permitted to allow performance of the Surveillance. The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**  
**License Amendment Request for**  
**Technical Specification SR 3.0.3 for Never Performed Surveillances**

**Attachment 2**  
**Technical Specification Revised Pages**

(Attachment 2 consists of two pages, including this cover page.)

### 3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

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SR 3.0.1                      SRs shall be met during the MODES or other specified conditions in the Applicability of individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the surveillance or between performances of the Surveillance, shall be a failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

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SR 3.0.2                      The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as “once”, the above interval extension does not apply.

If a Completion Time requires periodic performance on a “once per...” basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

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SR 3.0.3                      If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, which ever is greater. This delay period is permitted to allow performance of the Surveillance. The delay period is only applicable when there is a reasonable expectation the surveillance will be met when performed. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period, and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

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**Vogle Electric Generating Plant (VEGP) Units 3 and 4**  
**License Amendment Request for**  
**Technical Specification SR 3.0.3 for Never Performed Surveillances**

**Attachment 3**  
**Technical Specification Bases Marked Up Pages**

**Insertions Denoted by Blue**  
**Differences from TSTF-529 Bases show with Double Underline and ~~Strikethrough~~**  
**Omitted text is identified by three asterisks ( \* \* \* )**

(Attachment 3 consists of two pages, including this cover page.)

### Technical Specifications Bases B 3.0.3

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#### BASES

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The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform  
\* \* \*

SR 3.0.3 is only applicable if there is a reasonable expectation the associated equipment is OPERABLE or that variables are within limits, and it is expected that the Surveillance will be met when performed. Many factors should be considered, such as the period of time since the Surveillance was last performed, or whether the Surveillance, or a portion thereof, has ever been performed, and any other indications, tests, or activities that might support the expectation that the Surveillance will be met when performed. An example of the use of SR 3.0.3 would be an actuated component ~~relay contact~~ that was not tested as required in accordance with a particular SR, but previous successful performances of the SR included the actuated component ~~relay contact~~; ~~the adjacent, physically connected relay contacts were tested during the SR performance~~; the subject actuated component ~~relay contact~~ has been tested by another SR; or historical actuation ~~operation~~ of the subject component ~~relay contact~~ has been successful. It is not sufficient to infer the behavior of the associated equipment from the performance of similar equipment. The rigor of determining whether there is a reasonable expectation a Surveillance will be met when performed should increase based on the length of time since the last performance of the Surveillance. If the Surveillance has been performed recently, a review of the Surveillance history and equipment performance may be sufficient to support a reasonable expectation that the Surveillance will be met when performed. For Surveillances that have not been performed for a long period or that have never been performed, a rigorous evaluation based on objective evidence should provide a high degree of confidence that the equipment is OPERABLE. The evaluation should be documented in sufficient detail to allow a knowledgeable individual to understand the basis for the determination.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by SR 3.0.3 is  
\* \* \*