

Levy Nuclear Plant Units 1 and 2

COL Application

Part 7

Departures and Exemption Requests

Revision 1

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**Levy Nuclear Plant Units 1 and 2
COL Application
Part 7, Departures and Exemptions**

A. STD Departure

This Departure Report includes deviations in the Levy Nuclear Plant, Units 1 and 2 COLA FSAR from the Tier 2 information in the applicable Design Control Document (DCD), pursuant to 10 CFR Part 52, Appendix D, Section VIII and Section X.B.1.

The following Departure is described and evaluated in detail in this report.

<u>Departure Number</u>	<u>Description</u>
STD DEP 1.1-1	Administrative departure for organization and numbering for the FSAR sections

A.1 Departures That Can Be Implemented Without Prior NRC Approval

<u>Departure Number</u>	<u>Description</u>
STD DEP 1.1-1	Administrative departure for organization and numbering for the FSAR sections

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Departure Number: STD DEP 1.1-1

Affected DCD/FSAR Sections: 2.1.1; 2.1.4; 2.2.1; 2.2.4; 2.4.1; 2.4.15; 2.5; 2.5.6; 9.2.11; 9.2.12; 9.2.13; 9.5.1.8; 9.5.1.9; 13.1; 13.1.4; 13.5; 13.5.3; 13.7; 17.5; 17.6; 17.7; 17.8
(Note the affected sections may vary in subsequent COL applications, but the departure is standard).

Summary of Departure:

This FSAR generally follows the AP1000 DCD organization and numbering. Some organization and numbering differences are adopted where necessary to include additional material, such as additional content identified in Regulatory Guide 1.206.

Scope/Extent of Departure:

The renumbered sections and subsections associated with this Departure are identified in the FSAR (at the sections and subsections identified above).

Departure Justification:

An administrative departure is established to identify instances where the renumbering of FSAR sections and subsections is necessary to effectively include content consistent with Regulatory Guide 1.206, as well as NUREG-0800, Standard Review Plan.

Departure Evaluation:

This Departure is an administrative change that affects only section and subsection numbering of the indicated FSAR sections and subsections. Accordingly, it does not:

1. Result in more than a minimal increase in the frequency of occurrence of an accident previously evaluated in the plant-specific DCD;
2. Result in more than a minimal increase in the likelihood of occurrence of a malfunction of a structure, system, or component (SSC) important to safety and previously evaluated in the plant-specific DCD;
3. Result in more than a minimal increase in the consequences of an accident previously evaluated in the plant-specific DCD;
4. Result in more than a minimal increase in the consequences of a malfunction of an SSC important to safety previously evaluated in the plant-specific DCD;
5. Create a possibility for an accident of a different type than any evaluated previously in the plant-specific DCD;
6. Create a possibility for a malfunction of an SSC important to safety with a different result than any evaluated previously in the plant-specific DCD;
7. Result in a design basis limit for a fission product barrier as described in the plant-specific DCD being exceeded or altered; or
8. Result in a departure from a method of evaluation described in the plant-specific DCD used in establishing the design bases or in the safety analyses.

This Departure does not affect resolution of a severe accident issue identified in the plant-specific DCD.

Therefore, this Departure has no safety significance.

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Departure Number: STD DEP 1.1-1 (Continued)

NRC Approval Requirement

This departure does not require NRC approval pursuant to 10 CFR Part 52, Appendix D, Section VIII.B.5.

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A.2 Departures that Require NRC Approval Prior to Implementation

<u>Departure Number</u>	<u>Description</u>
None	

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B. Levy Nuclear Plant, Units 1 and 2 Exemption Requests

Progress Energy Florida, Inc (PEF) requests the following exemptions related to:

1. Not used, and
2. Combined License (COL) Application Organization and Numbering

Discussion and justification for each of these requests is provided in the following pages.

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1) Fitness for Duty Program (FFD) Description (Part 26)

Withdrawn – this exemption is no longer required.

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2) Combined License (COL) Application Organization and Numbering (Part 52, Appendix D)

Applicable Regulation(s): 10 CFR Part 52, Appendix D, Section IV.A.2.a

Specific wording from which exemption is requested:

“IV. Additional Requirements and Restrictions A. An applicant for a combined license that wishes to reference this appendix shall, in addition to complying with the requirements of 10 CFR 52.77, 52.79, and 52.80, comply with the following requirements:

1. Incorporate by reference, as part of its application, this appendix.
2. Include, as part of its application:
 - a. A plant-specific DCD containing the same type of information and using the same organization and numbering as the generic DCD for the AP1000 design, as modified and supplemented by the applicant’s exemptions and departures;”

Pursuant to 10 CFR 52.7 and 52.93 (as amended and promulgated effective Sept. 27, 2007), Progress Energy Florida (PEF) requests an exemption from the requirement of 10 CFR 52, Appendix D, Section IV.A.2.a, to include a plant-specific Design Control Document (DCD) “containing the same type of information and using the same organization and numbering as the generic DCD for the AP1000 design....” While the Levy Nuclear Plant, Units 1 and 2 (LNP 1 and 2) plant-specific DCD (i.e., the final safety analysis report [FSAR]) does contain the same type of information and generally follows the same organization and numbering as the generic DCD for the AP1000 design, some limited sections and subsections of the FSAR (as identified in the departures report as item STD DEP 1.1-1) do not follow the “same organization and numbering as the generic DCD for the AP1000 design.” PEF proposes to provide the plant-specific DCD (i.e., FSAR) with some administrative revisions to the organization and numbering of the AP1000 DCD.

Discussion:

The AP1000 DCD generally has an organization and numbering format that provides text by subject in general conformance with the Standard Review Plans (SRP) in effect at the time the DCD was written. Generally, COL information items are included at the end of a chapter, section, or subsection. In some cases, such as DCD Sections 2.1 and 2.2, the section may consist solely of a short description of topic and the COL information item subsection. This organization and numbering does not allow for the detailed discussion of these topics that is to be included in a complete FSAR section. As such, it is necessary to include numerous additional sections and subsections to fully address the topic as identified in the guidance of Regulatory Guide 1.206 and the applicable SRP. In other cases, the organization and numbering must be modified slightly to allow for inclusion of plant-specific discussions within the appropriate section of the FSAR, such as including an additional water system description in Section 9.2. In these cases, the COL information item discussions are retained at the end of the DCD corresponding chapter, section, or subsection (to maintain the organization), but the numbering may be different.

These differences are well identified in the FSAR as STD DEP 1.1-1 at each location where the departure is taken and are considered to be purely administrative to support a logical construction of the document. Where the departure from the DCD organization and numbering is taken, the revised organization and numbering generally follows the guidance provided in

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Regulatory Guide 1.206 and the applicable SRP. As such, there are no significant departures from the expected organization and numbering of a typical FSAR, and the information is readily identifiable to facilitate NRC review.

In view of the above, we believe that it would be less efficient for both PEF and the NRC to fully comply with the regulation of 10 CFR Part 52, Appendix D, Section IV.A.2.a, that requires strict adherence to the “same organization and numbering as the generic DCD for the AP1000 design.” Accordingly, PEF hereby submits a request for an exemption from the regulations of 10 CFR 52, Appendix D, Section IV.A.2.a, pursuant to 10 CFR 52.7, “Specific Exemptions,” and 10 CFR 52.93, “Exemptions and Variances.”

Granting this request, which is authorized by law, would facilitate the NRC review of the LNP 1 and 2 COL application. For this and other reasons, granting this exemption request will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Moreover, compliance with the current rule would cause undue hardship for PEF and would also be inefficient and burdensome for the NRC staff. That approach would require PEF to prepare, and NRC to review, information with an organization and numbering that is unfamiliar and inconsistent with the current guidance for format and content of a COL application.

Additionally, compliance with Appendix D, Section IV.A.2.a is not necessary to achieve its underlying purpose. Most of the FSAR conforms to the organization and numbering of the referenced DCD. The exceptions are limited and do not lead to confusion regarding the incorporation of the DCD into the FSAR.

For these reasons, PEF requests approval of the requested exemption from current regulations of 10 CFR 52, Appendix D, Section IV.A.2.a, as identified herein and in the application departures report.