November 29, 2012

Mr. B. L. Ivey, Vice President
Regulatory Affairs
Southern Nuclear Operating Company, Inc.
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SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 – AN ALTERNATIVE TO THE REQUIREMENTS OF THE ASME CODE SECTION III REGARDING THE CODE CERTIFICATION MARK AND CODE SYMBOL STAMP (TAC NO.RP9431)

Dear Mr. Ivey:

By letter dated October 16, 2012, Southern Nuclear Operating Company (SNC or the licensee) submitted an alternative for Vogtle Electric Generating Plant (VEGP), Units 3 and 4 to the Nuclear Regulatory Commission (NRC) that would allow the licensee to apply either the Certification Mark or the Code Symbol Stamp as specified in the ASME *Boiler and Pressure Vessel Code* (hereinafter referred to as the "Code"), Section III to all ASME Code, Section III, Division 1, Class 1, 2, 3, CS (core support structures) and MC (metal containment) components, parts, appurtenances, piping subassemblies, tubular product welded with filler metal, and installation under an "N"-Type Certificate (N, NA, NPT, or NV).

Specifically, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.55a(a)(3)(i), the licensee submitted a request to use an alternative for VEGP Units 3 and 4 that would allow the licensee to apply either the Code Section III Certification Mark or the ASME Code Symbol Stamp to ASME Code Class 1, 2, 3, CS and MC components, parts, appurtenances and other items. In the 2011 Addenda to the 2010 Edition of the ASME Code, Section III, as clarified by the accompanying errata (Record Number 12-857) with an effective date of September 5, 2012, the use of ASME Certification Marks is considered equivalent to the Code Symbol Stamps of editions and addenda earlier than the 2011 Addenda to the 2010 Edition of the ASME Code which are incorporated by reference in paragraph 10 CFR 50.55a(b)(1).

The NRC staff has reviewed the subject request and concludes that the licensee has demonstrated that the proposed alternative provides an acceptable level of quality and safety. Therefore, the NRC staff authorizes the proposed alternative to apply either the ASME Certification Mark or the Code Symbol Stamp to ASME Code Class 1, 2 and 3 components, parts, appurtenances and other items pursuant to 10 CFR 50.55a (a)(3)(i) for VEGP, Units 3 and 4 until the 2011 Addenda to the 2012 Edition of the ASME Code, Section III is incorporated by reference into 10 CFR 50.55a.

However, the NRC is not authorizing the proposed alternative for ASME Code Class MC components, parts, appurtenances, and other items and class core support (CS) structures because 10 CFR 50.55a(a)(3) provides for the use of alternatives to ASME Code Class 1, 2 and 3 requirements only (i.e., ASME Code, Section III, Subsections NB, NC, ND, and the general requirements in Subsection NCA as they apply to those subsections). Subsections NE and NG of Section III that specify rules for Class MC components and core support structures, respectively, are approved for use, but not mandated by 10 CFR 50.55a. Because subsections NE and NG of the ASME Code, Section III are not mandated by 10 CFR 50.55a, the licensee may use the design change process specified in 10 CFR Part 52, Appendix D, Section VIII.B.5 to make changes to the general requirements in Subsection NCA of the ASME Code, Section III as they apply to Subsections NE and NG of the ASME Code, Section III based on the NRC conclusion that the ASME Certification Mark and the ASME Code Symbol Stamp are equivalent.

If you have any questions, please contact Ravindra Joshi, Project Manager, at (301) 415-6191 or Ravindra.Joshi@NRC.gov.

Sincerely,

/RA/

Lawrence J. Burkhart, Acting Chief
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-025
52-026

Enclosure:
Safety Evaluation

cc: See next page

The NRC staff has reviewed the subject request and concludes that the licensee has demonstrated that the proposed alternative provides an acceptable level of quality and safety. Therefore, the NRC staff authorizes the proposed alternative to apply either the ASME Certification Mark or the Code Symbol Stamp to ASME Code Class 1, 2 and 3 components, parts, appurtenances and other items pursuant to 10 CFR 50.55a (a)(3)(i) for VEGP, Units 3 and 4 until the 2011 Addenda to the 2012 Edition of the ASME Code, Section III is incorporated by reference into 10 CFR 50.55a.

However, the NRC is not authorizing the proposed alternative for ASME Code Class MC components, parts, appurtenances, and other items and class core support (CS) structures because 10 CFR 50.55a(a)(3) provides for the use of alternatives to ASME Code Class 1, 2 and 3 requirements only (i.e., ASME Code, Section III, Subsections NB, NC, ND, and the general requirements in Subsection NCA as they apply to those subsections). Subsections NE and NG of Section III that specify rules for Class MC components and core support structures, respectively, are approved for use, but not mandated by 10 CFR 50.55a. Because subsections NE and NG of the ASME Code, Section III are not mandated by 10 CFR 50.55a, the licensee may use the design change process specified in 10 CFR Part 52, Appendix D, Section VIII.B.5 to make changes to the general requirements in Subsection NCA of the ASME Code, Section III as they apply to Subsections NE and NG of the ASME Code, Section III based on the NRC conclusion that the ASME Certification Mark and the ASME Code Symbol Stamp are equivalent.

If you have any questions, please contact Ravindra Joshi, Project Manager, at (301) 415-6191 or Ravindra.Joshi@NRC.gov.

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Docket Nos.: 52-025
52-026

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SAFETY EVALUATION BY THE OFFICE OF NEW REACTORS

RELATED TO REQUEST FOR AN ALTERNATIVE

TO APPLYING THE ASME CODE SYMBOL STAMP OR CERTIFICATION MARK

FOR

SOUTHERN NUCLEAR OPERATING COMPANY, INC

GEORGIA POWER COMPANY

OGLETHORPE POWER COMPANY

MUNCIPAL ELECTRIC AUTHORITY OF GEORGIA

CITY OF DALTON, GEORGIA

VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4

DOCKET NOS. 52-025 AND 52-026

1.0 INTRODUCTION

By letter dated October 16, 2012, Southern Nuclear Operating Company (SNC or "the licensee"), submitted an alternative for Vogtle Electric Generating Plant (VEGP), Units 3 and 4, that would allow the licensee to apply either the Certification Mark or the Code Symbol Stamp as specified in the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (the Code), Section III to all ASME Code, Section III, Division 1, Class 1, 2, 3, CS (core support structures) and MC (metal containment) components, parts, appurtenances, piping subassemblies, tubular products welded with filler metal, and installations under an "N"-type Certificate (N, NA, NPT, or NV). The proposed alternative is needed so that the licensee and its vendors, fabricators, and installers that presently hold either the current ASME Code Symbol Stamp or the new ASME Certification Mark can use them interchangeably.

The regulations in Section 50.55a(b)(1) of Title 10 of the *Code of Federal Regulations* (10 CFR) currently incorporates by reference the ASME Code, Section III up to and including 2008 Addenda to the 2007 Edition. The ASME Certification Mark is specified in the 2011 Addenda to the 2010 Edition of the ASME Code, Section III (as clarified by the accompanying errata sheet, Record Number 12-857, with an effective date of September 5, 2012). The proposed alternative would allow the use of either the ASME Certification Mark in the 2011 Addenda to the 2010 Edition of the ASME Code, Section III (as clarified by the accompanying errata sheet) or the ASME Code Symbol Stamps currently incorporated by reference in earlier editions and addenda of the ASME Code. The ASME considers the use of its Certification Marks specified in the 2011 Addenda to the 2010 Edition of the ASME Code, Section III (as clarified by the accompanying

errata sheet) to be equivalent to ASME Code Symbol Stamps specified in earlier editions and addenda of the ASME Code, Section III.

2.0 REGULATORY EVALUATION

The regulations in 10 CFR 50.55a requires that components of nuclear power plants must meet the requirements of the ASME Code, except where alternatives to the requirements of paragraphs (c), (d), (e), (f), (g) and (h) of 10 CFR 50.55a have been authorized by the Commission pursuant to paragraphs (a)(3)(i) or (a)(3)(ii) of 10 CFR 50.55a. In proposing alternatives, the licensee must demonstrate that: (1) the proposed alternatives provide an acceptable level of quality and safety, or (2) compliance would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety. Section 50.55a allows the Commission to authorize alternatives upon making the necessary findings.

In its letter dated October 16, 2012, SNC has determined that the use of the ASME Code Certification Mark will not be in compliance with paragraphs (c), (d), and (e) of 10 CFR 50.55a, because the ASME Certification Mark specified in the 2011 Addenda to the 2010 Edition of the ASME Code is not currently incorporated by reference in 10 CFR 50.55a(b). Pursuant to 10 CFR 50.55a(a)(3)(i), the licensee requested the NRC to authorize application of either the ASME Code Symbol Stamp or the ASME Certification Mark, which are considered equivalent by the ASME.

3.0 EVALUATION OF THE ALTERNATIVE

3.1 Items for Which an Alternative is Requested:

The scope of the alternative includes all ASME Code, Section III, Division 1, Class 1, 2, 3 and MC components, parts, appurtenances, piping subassemblies, tubular products welded with filler metal and installations under an “N” type Certificate (N, NA, NPT or NV) and core support structures.

3.2 Code Requirement

The regulations in 10 CFR 50.55a paragraphs (c), (d), and (e) require that Quality Groups A, B and C components must meet the requirements in Section III of the ASME Code for components classified as ASME Code Class 1, 2 and 3, respectively. As indicated in Section 5.2 of the licensee’s Updated Final Safety Analysis Report (UFSAR) plant-specific DCD (Design Control Document), the baseline used for evaluations to support the safety analysis report and the Design Certification is the ASME Code, Section III, 1998 Edition, 2000 Addenda. This edition and addenda of the ASME Code requires the use of a Code Symbol Stamp to certify compliance with the ASME Code as specified in Section NCA-8000. However, in the 2011 Addenda to the 2010 Edition of the ASME Code, Section III, the “N” type Code Symbol Stamps were replaced with a new Certification Mark. Because the ASME Code Symbol Stamps are the property of ASME, a letter was issued by ASME to all certificate holders stating that all Code Symbol Stamps must be returned to ASME by January 1, 2013, and replaced with the new Certification Marks. However, the NRC has not yet required the use of the ASME Certification Mark and still requires the use of the ASME Code Symbol Stamps since the 2011 Addenda to the 2010 Edition of Code has not yet been incorporated by reference into 10 CFR 50.55a.

The NRC staff is currently in the process of developing an amended rule to 10 CFR 50.55a that would incorporate by reference the aforementioned ASME Code edition and addenda.

3.3 Proposed Alternative

Until that time that the aforementioned ASME Code edition and addenda is incorporated by reference into 10 CFR 50.55a, the licensee proposes to use either the ASME Code Symbol Stamps of editions and addenda earlier than the 2011 Addenda to the 2010 Edition of the ASME Code which are currently incorporated by reference in 10 CFR 50.55a or the ASME Certification Marks with the appropriate certification designators and class designators as specified in the 2011 Addenda to the 2010 Edition of Section III to the ASME Code (including the errata sheet). The use of the appropriate certification designators and class designators is specified in errata sheet (ASME Code record number 12-857, "Errata to correct NCA-8211(b) and Figure NCA-8212-1 to include "Designator").

3.4 Basis for the Alternative

In the 2011 Addenda to the 2010 Edition of the ASME Code, Section III, the ASME Code Symbol Stamps were replaced with a new ASME Certification Mark. It was the intent of the ASME that the Certification Mark would be used in conjunction with a "certification designator" and a "class designator" to indicate the applicability of the certification. However, the requirement to include the "certification designator" was inadvertently left out of subparagraph NCA-8211(b) in the 2011 Addenda to the 2010 Edition, and the requirement to include the "certification designator" and the "class designator" was also inadvertently left out of Figure NCA-8212-1 in the 2011 Addenda to the 2010 Edition. These omissions were corrected as errata that were approved at the August 2012 ASME Code, Section III Standards Committee meeting as ASME Code Record Number 12-857, "Errata to correct NCA-8211(b) and Figure NCA-8212-1 to include Designator."

ASME developed the new single-product Certification Mark to replace the ASME Code Symbol Stamps in order to streamline the ASME Code symbol-marking processes and to reduce trade-marking costs incurred by ASME. The ASME Certification Mark (with the certification designator and class designator) contains the same information as and is equivalent to the ASME Code Symbol Stamp previously required. This change applies only to the graphic image that is mechanically stenciled on a component nameplate to indicate that construction is in accordance with ASME Code rules. There are no changes to any technical or quality requirements in the ASME Code resulting from the transition to the ASME Certification Mark.

3.5 Staff Evaluation

Paragraphs (c), (d), and (e) of 10 CFR 50.55a states that Quality Groups A (reactor coolant pressure boundary), B and C components must meet the requirements specified for Class 1, 2 and 3 components, respectively, in Section III of the ASME Code. Subsections NB, NC and ND in ASME Code, Section III, provide requirements for the design and construction of Class 1, 2 and 3 components, respectively. Subsection NCA in ASME Code, Section III, provides general requirements that are applicable to these three classes of components.

10 CFR 50.55a(b)(1) currently only incorporates by reference the use of Section III of the ASME Code, which includes the 1963 Edition through 1973 Winter Addenda, and the 1974 Edition (Division 1) through the 2008 Addenda (Division 1). These editions and addenda of the ASME

Code incorporated by reference in 10 CFR 50.55a(b)(1) provides requirements in paragraph NCA-8000 of Section III to the ASME Code for applying a Code Symbol Stamp once the ASME Code requirements are met and authorized by the Authorized Nuclear Inspector. The 2011 Addenda to the 2010 Edition of the ASME Code was changed to apply a Certification Mark in lieu of a Code Symbol Stamp. However, since the 2011 Addenda to the 2010 Edition of the ASME Code is not currently incorporated by reference in 10 CFR 50.55a(b)(1), the use of the ASME Certification Mark is not authorized under 10 CFR 50.55a(b).

In its letter dated October 16, 2012, the licensee provided justification that the Code Symbol Stamp and Certification Mark are equivalent. The licensee noted that ASME developed the new single-product Certification Mark to replace the ASME Code Symbol Stamp for streamlining trade-marking and application processes. During this development of the Certification Mark, the ASME inadvertently omitted the requirement to include the "certification designator" from paragraph NCA-8211(b) in the 2011 Addenda to the 2010 Edition, and the requirement to include the "certification designator" and the "class designator" was inadvertently omitted from Figure NCA-8212-1 in the 2011 Addenda to the 2010 Edition. These omissions were corrected in an errata (ASME Code Record Number 12-857, "Errata to correct NCA - 8211(b) and Figure NCA-8212-1 to include Designator," with an effective date of September 5, 2012). The licensee also stated in its letter dated October 16, 2012, that only the graphic image mechanically stenciled on a component nameplate was changed. No other changes to any technical or quality requirements in the ASME Code were changed. The staff finds that the same administrative and technical requirements in the ASME Code still apply whether a Certification Mark or a Code Symbol Stamp is applied. Therefore, the ASME Certification Mark and Code Symbol Stamp are equivalent with respect to their certification of compliance with the ASME Code and no other administrative or technical requirements were made with respect to the transition to the ASME Certification Mark.

In addition, ASME submitted a letter to the NRC dated August 17, 2012, which stated ASME's position that the new ASME Certification Mark is equivalent to the ASME Code Symbol Stamp. In a letter from the NRC dated October 2, 2012, the NRC acknowledged that the Certification Mark and Code Symbol Stamp are equivalent. In addition, the NRC stated in its letter that licensees may request an alternative to the ASME Code requirements concerning the use of the Certification Mark in lieu of the Code Symbol Stamp. Accordingly, the staff finds that the licensee's proposed alternative to use a Certification Mark or a Code Symbol Stamp interchangeably until the 2011 Addenda to the 2010 Edition of the ASME Code, Section III is incorporated by reference into 10 CFR 50.55a provides an acceptable level of quality and safety.

It should be noted that the NRC may not authorize the proposed alternative for ASME Code Class MC components, parts, appurtenances, and other items and class core support (CS) structures because 10 CFR 50.55a(a)(3) provides for the use of alternatives to ASME Code Class 1, 2 and 3 requirements only (i.e., ASME Code, Section III, Subsections NB, NC, ND, and the general requirements in Subsection NCA as they apply to those subsections). Subsections NE and NG of Section III that specify rules for Class MC components and core support structures, respectively, are approved for use, but not mandated by 10 CFR 50.55a. Because Subsections NE and NG of the ASME Code, Section III are not mandated by 10 CFR 50.55a, the licensee may use the design change process specified in 10 CFR Part 52, Appendix D, Section VIII.B.5 to make changes to the general requirements in Subsection NCA of the ASME Code, Section III as they apply to Subsections NE and NG of the ASME Code, Section III based

on the NRC conclusion that the ASME Certification Mark and the ASME Code Symbol Stamp are equivalent.

In summary, the NRC staff finds that the licensee's proposed alternative to use Certification Marks specified in ASME Code, Section III, paragraph NCA-8200 in the 2011 Addenda to the 2010 Edition (as clarified by errata, ASME Code Record Number 12-857, "Errata to correct NCA - 8211(b) and Figure NCA-8212-1 to include Designator," with an effective date of September 5, 2012) provides an acceptable level of quality and safety. This finding is based on the fact that the use of Certification Marks is equivalent to the use of Code Symbol Stamps in previous editions and addenda of the ASME Code incorporated by reference in 10 CFR 50.55a. Therefore, the application of either the ASME Code Symbol Stamp or the ASME Certification Mark may be used as part of this alternative until the 2011 Addenda to the 2010 Edition of the ASME Code, Section III is incorporated by reference into 10 CFR 50.55a.

4.0 CONCLUSION

The staff concludes that the proposed alternative to the requirements of paragraphs (c), (d), and (e) of 10 CFR 50.55a is authorized for the VEGP, Units 3 and 4 on the basis that the use of ASME Certification Mark specified in the 2011 Addenda to the 2010 Edition of the ASME Code, Section III, paragraph NCA-8200 with certification designators and class designators specified in ASME Code Record Number 12-857 Errata for all ASME Code Class 1, 2 and 3 components, parts, appurtenances, and other items provides an acceptable level of quality and safety pursuant to 10 CFR 50.55a(a)(3)(i). The licensee's proposed alternative provides reasonable assurance that ASME Code components will meet the requirements of ASME Code, Section III, because the use of either the Code Symbol Stamp or Certification Mark are considered equivalent. This alternative is authorized until the 2011 Addenda to the 2010 Edition of the ASME Code Section III is incorporated by reference into 10 CFR 50.55a. In addition, this alternative does not preclude the use of ASME Code Symbol Stamps as currently required by the editions and addenda of the ASME Code incorporated by reference in 10 CFR 50.55a. All other requirements of the ASME Code, Section III, for which an alternative has not been specifically requested and authorized, remain applicable, including third-party review by the Authorized Nuclear Inspector.

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