

NUCLEAR REGULATORY COMMISSION
[Docket Nos. 52-025 and 52-026; NRC-2008-0252]
Vogtle Electric Generating Station,
Units 3 and 4; Southern Nuclear Operating Company;
Change to the Primary Sampling System

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment: issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 10 to Combined Licenses (COL), NPF-91 and NPF-92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia. The amendment requests to modify the Primary Sampling System (PSS) design, including changes to Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 “Containment System” and 2.3.13-1 “Primary Sampling System,” and Subsection 2.3.13, “Primary Sampling System” of the Updated Final Safety Analysis Report (UFSAR). The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**
You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption were submitted by letter dated December 7, 2012 (ADAMS Accession No. ML12346A396). The licensee supplemented this request on January 25, 2013 (ADAMS Accession No. ML13028A267), and March 29, 2013 (ADAMS Accession No. ML13091A056).

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anthony Minarik, Office of New Reactors,
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6185;
email: Anthony.Minarik@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, "Scope and Contents," of Appendix D, "Design Certification Rule for the AP1000," to part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 10 to COLs, NPF-91 and NPF-92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, "Processes for Changes and Departures," Appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought to modify the design of the Primary Sampling System (PSS). As part of this request, the licensee needed to change Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 "Containment System" and 2.3.13-1 "Primary Sampling System," and Subsection 2.3.13, "Primary Sampling System" of the UFSAR. These changes were necessary as part of a design modification which changes the type of valve used as the air return check valve from a check valve to a solenoid-operated valve (SOV); redesigns the PSS inside-containment header; and adds a PSS containment penetration.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4. of

Appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML13150A088.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for Vogtle Units 3 and 4 (COLs NPF-91 and NPF-92). These documents can be found in ADAMS under Accession Nos. ML13150A064 and ML13150A066. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-91 and NPF-92 are available in ADAMS under Accession Nos. ML13150A070 and ML13150A077. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to Vogtle Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated December 7, 2012, and as supplemented by letters dated January 25, 2013, and March 29, 2013, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, Appendix D, Section III.B, as part of license amendment request 12-012R, "Changes to the Primary Sampling System" (LAR 12-012R).

For the reasons set forth in Section 3.1, "Evaluation of Exemption," of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML13150A088, the Commission finds that:

- A. the exemption is authorized by law;
- B. the exemption presents no undue risk to public health and safety;
- C. the exemption is consistent with the common defense and security;
- D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;
- E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and
- F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR part 52, Appendix D, Section III.B, to allow deviations from the certified Design Control Document Tier 1 Section 2.3.13, Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, and Figures 2.2.1-1 and 2.3.13-1, as described in the licensee's request dated December 7, 2012, and as supplemented on January 25, 2013, and March 29, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 10, which is being issued concurrently with this exemption.

3. As explained in Section 3.1, "Evaluation of Exemption," of the NRC staff's Safety Evaluation (ADAMS Accession No. ML13150A088), this exemption meets the eligibility criteria 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 needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of June 19, 2013.

III. License Amendment Request

By letter dated December 7, 2012, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The licensee supplemented this application on January 25, 2013, and March 29, 2013. The proposed amendment would depart from Tier 2 Material previously incorporated into the UFSAR. Additionally, these Tier 2 changes involve changes to Tier 1 Information in the UFSAR, and the proposed amendment would also revise the associated material that has been included in Appendix C of each of the VEGP, Units 3 and 4 COLs. The requested amendment will revise the Tier 2 UFSAR information pertaining to the PSS air return valve, and various Tier 2 tables and sections regarding the PSS design. These Tier 2 changes require modifications to particular Tier 1 information located in Tables 2.2.1-2, 2.3.13-1, and 2.3.13-3, Figures 2.2.1-1 "Containment System" and 2.3.13-1 "Primary Sampling System," and Subsection 2.3.13, "Primary Sampling System" of the UFSAR, as well as the corresponding information in Appendix C. These changes were necessary as part of a design modification which changes the type of valve used as the air return check valve from a check valve to a SOV; redesigns the PSS inside-containment header; and adds a PSS containment penetration.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the *Federal Register* on February 19, 2013 (78 FR 11693). The January 25, 2013 supplement revised the original no significant hazards consideration determination, but this revision was

captured in the February 19, 2013 *Federal Register* Notice. The March 29, 2013 supplement had no effect on the no significant hazards consideration determination, and no comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on December 7, 2012, and supplemented by letters dated January 25, 2013, and March 29, 2013. The exemption and amendment were issued on June 19, 2013 as part of a combined package to the licensee. (ADAMS Accession No. ML13150A052).

Dated at Rockville, Maryland, this 23rd day of July 2013.

For the Nuclear Regulatory Commission.

/RA/

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