

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 Turbine Building Structures and Layout**

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting both 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. 7 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 revise the structure and layout of the Turbine Building, which includes changes to Tier 1 information located in Table 3.3-1, "Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building," and security-related Figure 3.3-11B, "Turbine Building General Arrangement Plan at elevation 100'-0'" (NOTE: this figure is withheld from public disclosure because it contains security-related information) 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: 301-287-3442; 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 October 17, 2012 (ADAMS Accession No. ML12296A836). The licensee supplemented this request on January 4, 2013 (ADAMS Accession No. ML13008A234), and February 7, 2013 (ADAMS Accession No. ML13039A329).

- **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. 7 to COLs, NPF-91 and NPF-92, to the licensee. The exemption is required by Paragraph A.4 of Section III, "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 change UFSAR information related to the design and layout of the turbine building. As part of this request, the licensee needed to change the Tier 1 information located in Table 3.3-1 and security-related Figure 3.3-11B of its UFSAR. In Table 3.3-1, these changes described the wall thicknesses and elevations of the Turbine Building due to revising the structure and layout of the building. Tier 1 information in security-related Figure 3.3-11B was revised to reflect the new layout and positioning of structures within the Turbine Building.

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. ML13115A858.

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. ML13115A632 and ML13115A690. 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. ML13115A719 and ML13115A751. 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 Unit 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 October 17, 2012, and as supplemented by letters dated January 4, 2013, and February 7, 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 12-006, "Changes to the Structure and Layout of the Turbine Building" (LAR 12-006).

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. ML13115A858, 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 Tier 1 certification information in Table 3.3-1 and security-related Figure 3.3-11B of the certified Design Control Document, as described in the licensee's request dated October 17, 2012, and as supplemented on January 4, 2013, and February 7, 2013. This exemption is related to, and necessary for the granting of License Amendment No. 7, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, "Environmental Consideration," of the NRC staff's Safety Evaluation (ADAMS Accession No. ML13115A858), 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 May 16, 2013.

III. License Amendment Request

By letter dated October 17, 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 4, 2013, and February 7, 2013. The licensee sought to change Tier 2 information previously incorporated into the UFSAR. Additionally, these Tier 2 changes involved changes to Tier 1 material in the UFSAR, and would 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 Tier 2 UFSAR information related to the design and layout of the Turbine Building detailed in the amendment request. These Tier 2 changes require modifications to particular Tier 1 Information located in Table 3.3-1 and security-related Figure 3.3-11B. These changes were necessary as part of the following layout and structural changes to the Turbine Building: (1) changing the door location on the motor-driven fire pump room in the Turbine Building, (2) clarifying the column line designations for the southwest and southeast walls of the Turbine Building first bay, (3) changing the floor to ceiling heights at three different elevations in the Turbine Building main area, and (4) increasing elevations and wall thicknesses in certain walls of the Turbine Building first bay.

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 December 11, 2012 (77 FR 73684). The supplements 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 October 17, 2012, and supplemented by letters dated January 4, 2013, and February 7, 2013. The exemption and amendment were issued on May 16, 2013 as part of a combined package to the licensee. (ADAMS Accession No. ML13115A424).

Dated at Rockville, Maryland, this 8th day of August 2013.

For the Nuclear Regulatory Commission.

/RA/

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