

June 15, 2018

Docket Nos.: 52-025  
52-026

ND-18-0754  
10 CFR 50.90

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

**Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4  
Request for License Amendment:  
Changes to Construction Fitness-for-Duty (FFD) Commitments (LAR-18-018)**

Ladies and Gentlemen:

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 requested amendment would revise commitments related to the construction fitness-for-duty (FFD) program described in the VEGP 3 and 4 Updated Final Safety Analysis Report (UFSAR). The change would involve the creation of a new type of FFD Authorization (FFDA) that would allow construction workers temporary access to the construction site pending completion of all pre-access FFD requirements but prior to assignment to work on safety- or security-related structures, systems, and components (SSCs).

Specifically, SNC proposes to take an exception to its current commitment to Regulatory Guide (RG) 5.84, *Fitness-for-Duty Programs at New Reactor Construction Sites* [ADAMS Accession Number ML15083A412]. RG 5.84 endorses NEI 06-06, *Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites*, (April 2013) [ADAMS Accession Number ML13093A340]. The proposed exception would modify NEI 06-06 guidance to allow for a temporary access authorization for construction workers under 10 CFR Part 26, Subpart K. Changes to NEI 06-06 commitments would be identified in UFSAR Section 13.7, *Fitness for Duty*, and documented in UFSAR Appendix 1A, *Conformance with Regulatory Guides*. Because the proposed exceptions from NEI 06-06 are considered a reduction in commitment, the proposed changes require prior NRC approval.

Enclosure 1 provides the description, technical evaluation, regulatory evaluation (including the Significant Hazards Consideration Determination) and environmental considerations for the proposed changes.

Enclosure 2 identifies the requested changes and provides markups depicting the requested changes to the VEGP Units 3 and 4 licensing basis documents.

SNC also expects to seek a No Objection determination from the NRC Staff by submittal of a Preliminary Amendment Request (PAR) following this LAR submittal. The No Objection determination is necessary to gain efficiencies related to non-safety-related and non-security-related construction activities at the VEGP 3 and 4 site.

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


SNC requests NRC staff approval of the requested license amendment by September 14, 2018, to support continued construction of non-safety- and non-security-related SSCs. Delayed approval of this license amendment could result in a significant loss of efficiency related to construction activities involving non-safety- and non-security-related SSCs. SNC expects to implement this proposed amendment within 30 days of approval of the requested changes.

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

Should you have any questions, please contact Wesley A. Sparkman at (205) 992-5061.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 15<sup>th</sup> of June 2018.

Respectfully submitted,



Amy G. Aughtman  
Director, Licensing  
Southern Nuclear Operating Company

- Enclosures
- 1) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Request for License Amendment Regarding Changes to Construction Fitness-for-Duty (FFD) Commitments (LAR-18-018)
  - 2) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Proposed Changes to Licensing Basis Documents (LAR-18-018)

cc:

Southern Nuclear Operating Company / Georgia Power Company

Mr. S. E. Kuczynski (w/o enclosures)

Mr. D. G. Bost (w/o enclosures)

Mr. M. D. Meier (w/o enclosures)

Mr. D. H. Jones (w/o enclosures)

Mr. J. B. Klecha

Mr. G. Chick

Mr. D. L. McKinney (w/o enclosures)

Mr. T. W. Yelverton (w/o enclosures)

Mr. B. H. Whitley

Ms. C. A. Gayheart

Mr. C. R. Pierce

Ms. A. G. Aughtman

Mr. D. L. Fulton

Mr. M. J. Yox

Mr. J. Tupik

Mr. W. A. Sparkman

Ms. A. C. Chamberlain

Ms. A. L. Pugh

Mr. F. J. Redwanz

Document Services RTYPE: VND.LI.L00

File AR.01.02.06

Nuclear Regulatory Commission

Mr. W. Jones (w/o enclosures)

Ms. J. Dixon-Herrity

Mr. C. Patel

Ms. J. M. Heisserer

Mr. B. Kemker

Mr. G. Khouri

Ms. S. Temple

Mr. F. Brown

Mr. T.E. Chandler

Ms. P. Braxton

Mr. T. Brimfield

Mr. C. J. Even

Mr. A. Lerch

State of Georgia

Mr. R. Dunn

Oglethorpe Power Corporation

Mr. M. W. Price

Mr. K. T. Haynes

Ms. A. Whaley

Municipal Electric Authority of Georgia

Mr. J. E. Fuller  
Mr. S. M. Jackson

Dalton Utilities

Mr. T. Bundros

Westinghouse Electric Company, LLC

Mr. L. Oriani (w/o enclosures)  
Mr. G. Koucheravy (w/o enclosures)  
Mr. M. Corletti  
Mr. M. L. Clyde  
Ms. L. Iller  
Mr. D. Hawkins  
Mr. J. Coward

Other

Mr. S. W. Kline, Bechtel Power Corporation  
Ms. L. A. Matis, Tetra Tech NUS, Inc.  
Dr. W. R. Jacobs, Jr., Ph.D., GDS Associates, Inc.  
Mr. S. Roetger, Georgia Public Service Commission  
Ms. S. W. Kernizan, Georgia Public Service Commission  
Mr. K. C. Greene, Troutman Sanders  
Mr. S. Blanton, Balch Bingham  
Mr. R. Grumbir, APOG  
NDDocumentinBox@duke-energy.com, Duke Energy  
Mr. S. Franzone, Florida Power & Light

**Southern Nuclear Operating Company**

**ND-18-0754**

**Enclosure 1**

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**

**Request for License Amendment Regarding**

**Changes to Construction Fitness-for-Duty (FFD) Commitments**

**(LAR-18-018)**

(This Enclosure consists of 15 pages, including this cover page)

ND-18-0754

Enclosure 1

Request for License Amendment Regarding Changes to Construction Fitness-for-Duty (FFD)  
Commitments (LAR-18-018)

### **Table of Contents**

1. SUMMARY DESCRIPTION
2. DETAILED DESCRIPTION
3. TECHNICAL EVALUATION
4. REGULATORY EVALUATION
  - 4.1. Applicable Regulatory Requirements/Criteria
  - 4.2. Precedent
  - 4.3. Significant Hazards Consideration
  - 4.4. Conclusions
5. ENVIRONMENTAL CONSIDERATIONS
6. REFERENCES

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.

## 1. SUMMARY DESCRIPTION

The proposed changes would revise the Combined Licenses (COLs) in regard to commitments described in the VEGP 3 and 4 Updated Final Safety Analysis Report (UFSAR) related to fitness-for-duty (FFD) requirements for construction workers defined in 10 CFR 26.4(f) who are subject to Part 26, Subpart K (“Subpart K workers”).

SNC proposes to take an exception to its current commitment to Regulatory Guide (RG) 5.84, *Fitness-for-Duty Programs at New Reactor Construction Sites*, Revision 0, [ADAMS Accession Number ML15083A412]. RG 5.84 endorses Nuclear Energy Institute (NEI) guidance NEI 06-06, *Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites*, (April 2013) [ADAMS Accession Number ML13093A340]. The exception would modify NEI 06-06 guidance to allow for temporary, pre-assignment<sup>1</sup> access authorization for individuals defined in 10 CFR 26.4(f) who are subject to an FFD program that meets the requirements of 10 CFR Part 26, Subpart K. Exceptions to NEI 06-06 commitments noted in UFSAR Section 13.7, *Fitness for Duty*, would be documented in UFSAR, Appendix 1A, *Conformance with Regulatory Guides*.

## 2. DETAILED DESCRIPTION

As described in UFSAR Section 13.7, *Fitness for Duty*, the construction FFD program is consistent with NEI 06-06, Revision 6. NEI 06-06 establishes FFD program requirements for new plant construction sites that meet the requirements of 10 CFR Part 26. 10 CFR 26.4(f) requires that individuals who construct or direct the construction of safety- or security-related structures, systems, and components (SSCs) shall be subject to an FFD program that meets Subpart K of 10 CFR Part 26. 10 CFR 26.405 states that individuals identified in 10 CFR 26.4(f) shall be subject to drug and alcohol testing under the following condition: “Pre-assignment. Before assignment to construct or direct the construction of safety- or security-related SSCs.”

NEI 06-06 provides guidance to meet the requirements of Part 26 for construction workers by establishing a fitness-for-duty authorization (FFDA) that is granted after the worker has completed all elements of the construction worker FFDA. These elements include signing a consent form, completing identity verification, passing a pre-assignment drug and alcohol test, and receiving training on FFD policies, sanctions, and FFD program expectations. Because results of the pre-assignment drug testing may take several days, construction workers are prevented from gaining FFDA, even when their work would be limited to non safety- or non security-related SSCs (i.e., pre-assignment). As a result, SNC is requesting an amendment to take an exception to the

---

<sup>1</sup> “Pre-assignment” means “Before assignment to construct or direct the construction of safety- or security-related [structures, systems and components] SSCs.”

FFD program requirements contained in NEI 06-06 to allow for a “Limited FFDA” that would authorize access for construction workers pending results of drug testing but prior to being assigned to construct or direct the construction of safety- or security-related SSCs. All other NEI 06-06 FFDA elements would have been completed. Construction workers granted a limited FFDA would be administratively prevented from constructing or directing construction of safety- or security-related SSCs.

UFSAR Appendix 1A, provides an evaluation of the degree of compliance with Division 1 regulatory guides for VEGP 3 and 4 site-specific design, construction and/or operational aspects. UFSAR Subsection 1.9.1.3, *Division 5 Regulatory Guides – Materials and Plant Protection*, describes the applicability of Division 5 Regulatory Guides. UFSAR Appendix 1A, *Conformance with Regulatory Guides*, states that conformance with RG 5.84, which endorses NEI 06-06, Revision 6 (April 2013), is without exception. NEI 06-06 contains requirements for granting an FFDA for construction workers, which consist of four elements:

1. Signing a consent;
2. Verifying identity;
3. Successfully passing a pre-assignment drug and alcohol test; and
4. Receiving training on FFD policy, sanctions and FFD program expectations.

The requested amendment proposes to add an exception to the UFSAR, Appendix 1A, entry for RG 5.84 which would allow the granting of a temporary limited FFDA to allow workers to construct non safety- and non security-related SSCs pending the determination of the results of the pre-assignment drug test. Other conforming changes to licensing documents are described in the table below (Detailed markups of proposed changes to licensing documents are presented in Enclosure 2.):

Licensing Basis Change Descriptions:

**Proposed Licensing Basis Changes**

<b>Text, Table, or Figure</b>	<b>Description of the Proposed Change</b>
UFSAR Subsection 1.9.1.3	The degree of compliance with Division 5 Regulatory Guides is revised to address an exception to RG 5.84 in the form of an exception to NEI 06-06 that provides an allowance for granting temporary limited FFDAs.
UFSAR Appendix 1A, Entry for RG 5.84	An entry for RG 5.84 is added to take exception to NEI 06-06 as follows:  A definition is added to Section 4 to define a Limited Fitness-for-Duty (FFD) Authorization



(FFDA) as an authorization granted for a limited period of time to potential 10 CFR 26.4(f) workers that have not completed all elements of FFDA for individuals subject to 10 CFR Part 26 Subpart K. Workers granted a Limited FFDA shall be administratively prevented from constructing or directing construction of safety- or security-related structures, systems, and components (SSCs).

Section 6.2.1, *Pre-Assignment*, is clarified to allow an individual to have limited access to the construction site under the conditions specified in Section 9.3.

Section 8, *Reviewing Official*, the first paragraph is revised to clarify that FFDA determinations include Limited FFDA.

Section 9.2, *Types of FFDA*, is revised to add a fourth type – Limited FFDA

Section 9.3 is revised to add an introductory paragraph that reads:

“A construction site entity may grant a Limited FFDA for a period of up to five business days upon successful completion and documentation of the elements specified in Section 9.1, as appropriate, except the requirement for documentation of a passed drug test.”

UFSAR Section 13.7

UFSAR Section 13.7 is revised to refer to Appendix 1A for exceptions to NEI 06-06.

### 3. TECHNICAL EVALUATION

#### Regulatory Compliance:

10 CFR Part 26 establishes requirements, in part, for FFD programs for holders of a combined license under 10 CFR Part 52 after the Commission has made the finding under 10 CFR 52.103(g), except that 10 CFR Part 26, Subpart K applies during the construction phase. Some 10 CFR Part 26 FFD operational requirements are phased in prior to the 10 CFR 52.103(g) finding. Commitments related to operational FFD program requirements are described in VEGP 3 and 4 UFSAR Table 13.4-201, *Operational Requirements Required by NRC Regulations*. These commitments are not affected by this amendment request. 10 CFR 26.4(f) establishes the

category of worker that is subject to the FFD program requirements of Subpart K. 10 CFR 26.4(f), in part, requires that any individual who is constructing or directing the construction of safety- or security-related SSCs shall be subject to an FFD program that meets the requirements of Subpart K. 10 CFR 26.405(c)(1) states that individuals identified in 10 CFR 26.4(f) shall be subject to drug and alcohol testing “pre-assignment;” *i.e.*, “Before assignment to construct or direct the construction of safety- or security-related SSCs.” 10 CFR Part 26.401(b) requires that licensees who implement an FFD program under Subpart K submit a description of the FFD program and its implementation as part of the license application. The VEGP 3 and 4 FFD program description was submitted and approved as part of the combined license (COL) application and is described in UFSAR Section 13.7, *Fitness for Duty*. UFSAR Section 13.7 states that the construction FFD program is consistent with NEI 06-06, Revision 6 (April 2013), which is endorsed by Regulatory Guide 5.84, Revision 0.

NEI 06-06 provides regulatory guidance for establishing and implementing an FFD program for evaluating and maintaining the authorization of personnel for whom access to the construction site has been requested. This approach ensures consistent application of regulations and is intended to serve as the construction FFD program description for construction site entities. Consistent with operational FFD programs, NEI 06-06 sets FFD requirements for site access authorization, which are conservative relative to 10 CFR Part 26 requirements for construction FFD programs. 10 CFR Part 26 requires construction workers to be subject to an FFD program before constructing or directing the construction of safety- or security-related SSCs.

At Vogtle 3 and 4, the construction site boundary is contained within the Vogtle site owner controlled area and no safety- or security-related work is performed outside of the construction site boundary. Safety- or security-related work is only performed within the owner controlled area boundary. Access to the construction site is limited by fencing and barriers and personnel access is allowed through security-monitored turnstiles, which are activated through the use of the individual’s badge. Equipment and vehicles are allowed access through construction gates which are monitored by security personnel.

While 10 CFR Part 26 FFD requirements for operating facilities require that FFD requirements be met before granting an individual covered under the requirements of Part 26 access to the facility, Subpart K FFD requirements must be met before constructing or directing construction of a safety- or security-related SSC. Thus, Subpart K FFD requirements are not required to be met before granting an individual access to the construction site. The proposed changes to the commitments related to NEI 06-06 would allow a construction worker access to the construction site for a period not to exceed five business days pending results of the pre-assignment drug test. Five business days was chosen to allow a reasonable amount of time to obtain and resolve drug testing results. In addition, associated administrative controls would be consistent with 10 CFR 26.65 requirements covering verification of drug test results related to pre-access testing performed under authorization reinstatement requirements. If the drug test results are not verified within five business days, the temporary FFDA will be immediately withdrawn. Should Potentially

Disqualifying Information (PDI) be discovered during the Limited FFDA period, the Limited FFDA would be immediately withdrawn. All other pre-assignment FFD requirements would be met before granting the temporary access authorization; e.g., inclusion in the pool of construction workers eligible for random drug and alcohol testing. Construction workers granted access to the site under a limited access authorization would be administratively prevented from working on safety- or security-related SSCs by being issued a uniquely designated badge and uniquely identified personal protection equipment. Personnel granted a Limited FFDA and their work supervision would be informed of their work limitations. Personnel granted a Limited FFDA would be tracked using the site access application. Access authorization training programs would be revised to include methods of controlling limited access authorization and limits on the types of work such construction workers may be allowed to perform or supervise.

The Statements of Consideration for the Part 26<sup>2</sup> Rule that incorporated Subpart K into Part 26 state in part, "Therefore, the Subpart K requirements provide a licensee or other entity listed in § 26.3(c) of the final rule greater flexibility in implementing FFD programs for construction than the rule permits for FFD programs at operating plants." The proposed changes are consistent with the Commission's intent to allow greater flexibility when implementing a construction worker FFD program.

Based on the above discussion, it is concluded that revising commitments related to construction worker FFD requirements continue to meet Subpart K requirements, while meeting the intent of the Part 26 requirements.

Regulatory Guidance Adherence:

As discussed in NEI 06-06, Subsection 5.1.1, 10 CFR 26.23 establishes performance objectives for FFD programs. The stated objectives are:

1. Individuals are trustworthy and reliable as demonstrated by the avoidance of substance abuse;
2. Individuals are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties;
3. Measures are established and implemented for the early detection of individuals who are not fit to perform their duties;
4. The construction site is free from the presence and effects of illegal drugs and alcohol; and,
5. The effects of fatigue and degraded alertness on an individual's ability to safely and competently perform their duties are managed commensurate with maintaining public health and safety.

---

<sup>2</sup> Federal Register (FR) Vol. 73, No. 62/Monday, March 31, 2008 Page 16996

The SNC FFD program adheres to NEI 06-06, Revision 6 (April 2013), which provides reasonable assurance that the stated objectives of 10 CFR 26.23 are met. The SNC organization and implementing procedures are designed and implemented to provide assurance that guidance contained in NEI 06-06 is met. The site construction security and emergency preparedness manager is responsible for construction site access authorization programs and is functionally aligned with SNC corporate FFD management for administration of the details of the FFD program, (Reference Nuclear Development Quality Assurance Manual (NDQAM), Version 18.0) [ADAMS Accession Number ML18079A532]. SNC is also responsible for administration of site access and FFD programs for contractor/vendor (C/V) construction workers subject to Part 26 requirements. Additional details of the site access authorization and FFD programs which align with Part 26 performance objectives are provided below.

The SNC Construction FFD Policy Statement is a comprehensive policy statement that describes the purpose, applicability, responsibilities, and actions required of the SNC FFD program. The policy statement states that all employees and subcontractors with unescorted access authorization to the Vogtle 3 and 4 construction site are expected to be reliable, trustworthy, and fit for duty, free from the influences of any substance, legal or illegal, neither mentally nor physically impaired from any cause which in any way might adversely affect their ability to safely and competently perform their duties. The policy statement prohibits the use, sale, purchase, transfer, dispense, distribution, manufacture or possession of illegal drugs on or off Company time or property; the unauthorized possession, sale, or use of controlled substances on or off Company time or property; and the abuse/misuse of prescription or non-prescription drugs on or off Company time or property. The policy statement also outlines potential sanctions that may be taken should an individual fail to meet the provisions of the FFD program. The policy statement also describes the Behavior Observation Program (BOP) which identifies that individuals have a personal responsibility to report FFD concerns about another individual's behavior to any supervisor, manager, or Medical and FFD Services personnel. Appropriate sanctions for failure to meet expectations of the BOP are also outlined. The policy statement also describes various forms of drug and alcohol testing including pre-access, random, for cause, post-accident, and follow-up testing. The policy statement also outlines an individual's responsibility to report, before entering the construction site, legal actions taken against the individual. All construction workers are trained on the policy statement and are required to sign a statement that they were provided a copy of the FFD Policy Statement.

The SNC FFD program for construction workers is implemented through implementing procedures. The principal implementing procedure contains the high-level requirements for program application. The purpose of the procedure is to provide reasonable assurance that personnel can perform their tasks in a reliable and trustworthy manner. Accordingly, it is the policy of SNC that all employees and contractors are reliable, trustworthy, fit for duty, free from the influence of any substances, legal or illegal, and not mentally or physically impaired from any cause, including fatigue, which in any way might adversely affect their ability to safely and competently perform their duties. The FFD program is also designed to provide measures for the

early detection of persons who are not fit to perform their job duties. Adherence to the procedure ensures compliance with 10 CFR Part 26 requirements applicable to nuclear plant construction activities and NEI 06-06.

These procedures apply to SNC VEGP 3&4 employees; Southern Company employees; VEGP 3&4 construction contractors; and direct contractor/vendors (C/V) of either SNC VEGP 3&4, VEGP 3&4 construction contractors, or Southern Company Affiliate Companies.

The procedure defines the responsibilities of individuals, supervisors, and managers in regard to the FFD program. All SNC employees, Southern Company employees, direct C/V, and Construction contractors/subcontractors are responsible for:

1. Conforming to the requirements of the Fitness-for-Duty Program by reporting for duty free from the effects of fatigue and substances that might impair the individual's ability to perform his/her duties.
2. Not consuming alcohol within a minimum period of at least five (5) hours preceding any scheduled work shift. Employees shall report any consumption of alcohol within the previous five hours if they are called in to perform work.
3. Reporting any FFD concerns about another individual's behavior to his/her supervisor, manager, or Medical and FFD Services Department personnel.
4. Reporting to their supervisors any prescription or over-the-counter medication that they are taking which might impair their ability to perform their assigned duties.
5. Submitting proof of physician care and/or a valid prescription for the reported medication upon request by the [Medical Review Officer] MRO during review of FFD drug screen results. SNC employees are also responsible for submitting medical documentation as requested by the MRO or SNC Vogtle 1 - 4 Medical site [registered nurses] RN's for case management purposes.
6. Exercising reasonable diligence and following prudent medical advice to maintain their personal health and medical conditions to ensure their fitness for duty and ability to perform their jobs.
7. Managing their off time to maintain fitness for duty and readiness for work assignments and when experiencing fatigue, self-declaring fatigue to supervision.
8. Reporting any legal actions taken against them to Access Authorization prior to entering the construction controlled area (CCA) on their first day back to work.

The procedure defines the types of drug and alcohol testing that is part of the FFD program which are:

1. Pre-access;
2. Random;
3. For cause;
4. Post-accident; and
5. Follow-up.

The procedure also requires that individuals will be placed in the random pool at the time of their pre-access test. The procedure also describes the software program that will be used to track FFD data generated in the FFD and Access program. The procedure describes potential sanctions and discipline that may be taken in the event that FFD program violations occur. Sanctions and disciplinary aspects described in the implementing procedures would not be affected by the proposed use of a Limited FFDA. The procedure also describes FFD program training requirements. The procedure describes the BOP and training requirements.

The proposed changes to NEI 06-06 commitments do not affect any of the other methods used to assure adherence to FFD program performance objectives. Because administrative controls are in place to prevent construction workers from working on safety- and security-related SSCs before the pre-assignment drug test results are resolved, the performance objectives continue to be met. Should PDI become known while under Limited FFDA, access would be immediately suspended and the worker removed from the site. Also, construction workers granted access to the site under the provisions of this LAR would be subject to random testing. As a result, the underlying intent of the FFD program as described in 10 CFR Part 26 and NEI 06-06 continues to be met.

Should PDI become known after the worker had completed assigned work on non safety- or non security-related SSCs, the event would be entered into the site Corrective Action Program (CAP), evaluated, and a determination made to required corrective actions. In addition, as required by implementing procedures, necessary entries would be made into the Personnel Access Data System (PADS).

The proposed changes do not affect the radiological source terms (i.e., amounts and types of radioactive materials released, their release rates and release durations) used in the accident analyses. The proposed changes do not affect safety-related equipment or a fission product barrier. No system or design function or equipment qualification is adversely affected by the proposed changes. The changes do not result in a new failure mode, malfunction or sequence of events that could adversely affect a radioactive material barrier or safety-related equipment. The proposed changes do not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that would result in significant fuel cladding failures.

No SSCs are affected by this license amendment request, thus no SSCs which are used to contain, control, channel, monitor, process or release radioactive and non-radioactive materials are affected. The types and quantities of expected effluents are not changed, and no effluent release path is adversely affected by the proposed changes. Therefore, neither radioactive nor non-radioactive material effluents are affected by the proposed changes.

Plant radiation zones (as described in UFSAR Section 12.3), controls under 10 CFR Part 20, and expected amounts and types of radioactive materials are not affected by the proposed changes. Therefore, individual and cumulative radiation exposures do not change.

The change activity has no adverse impact on the emergency plan or the physical security plan implementation. Because there are no changes to physical access to credited equipment inside the Nuclear Island (including containment or the auxiliary building) there is no adverse impact to plant personnel's ability to respond to any plant operations or security event.

### Summary

The proposed changes to SNC's commitment to NEI 06-06 guidance which would allow temporary access to the construction site for construction workers pending the results of FFD pre-assignment requirements continue to meet the requirements of 10 CFR Part 26. The above proposed changes would not adversely affect any safety-related or security-related equipment or function, design function, radioactive material barrier or safety analysis.

## **4. REGULATORY EVALUATION**

### **4.1 Applicable Regulatory Requirements/Criteria**

10 CFR Part 26, *Fitness for Duty Programs*, establishes requirements for FFD programs, in part, for holders of a combined license under 10 CFR Part 52 after the Commission has made the finding under 10 CFR 52.103(g), except for 10 CFR Part 26, Subpart K, which applies during the construction phase. 10 CFR 26.4(f) establishes the category of worker that is subject to the FFD program requirements of Subpart K. 10 CFR 26.4(f), in part, requires that any individual who is constructing or directing the construction of safety- or security-related SSCs shall be subject to an FFD program that meets the requirements of Subpart K. Because the proposed changes to SNC's commitment to NEI 06-06 guidance continue to ensure construction workers who construct or direct the construction of safety- or security-related SSCs are subject to an FFD program, the requirements of 10 CFR Part 26, Subpart K, are met.

### **4.2 Precedent**

No precedent is identified.

### **4.3 Significant Hazards Consideration**

The proposed changes would revise the Vogtle Electric Generating Plant (VEGP) 3 and 4 Updated Final Safety Analysis Report (UFSAR) commitment related to the construction worker Fitness-for-Duty (FFD) program to include a limited FFD Authorization (FFDA) to allow workers to construct non safety- and non security-related SSCs pending the determination of the results of the pre-assignment drug test. There is no physical change to the plant itself.

An evaluation to determine whether or not a significant hazards consideration is involved with the proposed amendment was completed by focusing on the three standards set forth in 10 CFR 50.92, *Issuance of amendment*, as discussed below:

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

Response: No.

The proposed changes to the Vogtle Electric Generating Plant (VEGP) 3 and 4 Updated Final Safety Analysis Report (UFSAR) commitment related to the construction worker Fitness-for-Duty (FFD) program do not affect the design of a system, structure, or component (SSC) used to meet the design bases of the nuclear plant. Nor do the changes affect the construction or operation of the nuclear plant itself, so there is no change to the probability or consequences of an accident previously evaluated. Changing the VEGP 3 and 4 FFD program commitments do not affect prevention and mitigation of abnormal events (e.g., accidents, anticipated operational occurrences, earthquakes, floods, or turbine missiles) or their safety or design analyses. No safety-related SSC or function is adversely affected. The changes neither involve nor interface with any SSC accident initiator or initiating sequence of events, so the probabilities of the accidents evaluated in the UFSAR are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No.

The proposed changes to the VEGP 3 and 4 UFSAR commitment related to the construction worker FFD program do not affect the operation of any systems or equipment that may initiate a new or different kind of accident or alter any SSC such that a new accident initiator or initiating sequence of events is created. The changes do not affect the design of an SSC used to meet the design bases of the nuclear plant. Nor do the changes affect the construction or operation of the nuclear plant. Consequently, there is no new or different kind of accident from any accident previously evaluated. The changes do not affect safety-related equipment, nor do they affect equipment that, if it failed, could initiate an accident or a failure of a fission product barrier. In addition, the changes do not result in a new failure mode, malfunction, or sequence of events that could affect safety or safety-related equipment.



No analysis is adversely affected. No system or design function or equipment qualification is adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

Response: No.

The proposed changes to the VEGP 3 and 4 UFSAR commitment related to the construction worker FFD program do not alter any safety-related equipment, applicable design codes, code compliance, design function, or safety analysis. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus the margin of safety is not reduced.

Therefore, the proposed amendment 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.

#### **4.4 Conclusions**

In conclusion, 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. Pursuant to 10 CFR 50.92, the requested change does not involve a Significant Hazards Consideration.

### **5. ENVIRONMENTAL CONSIDERATIONS**

The proposed changes would revise the Vogtle Electric Generating Plant (VEGP) 3 and 4 Updated Final Safety Analysis Report (UFSAR) commitment related to the construction worker Fitness-for-Duty (FFD) program to allow workers to construct non safety- and non security-related structures, systems, and components (SSCs) pending the determination of the results of the pre-assignment drug test. There is no physical change to the plant itself.

This review has determined that the proposed change requires an amendment to the COL. However, a review of the anticipated construction and operational effects of the requested amendment has determined that the requested amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9), in that:

(i) *There is no significant hazards consideration.*

As documented in Section 4.3, Significant Hazards Consideration, of this license amendment request, an evaluation was completed to determine whether or not a significant hazards consideration is involved by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment." The Significant Hazards Consideration determined that (1) the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) the requested amendment does not involve a significant reduction in a margin of safety. Therefore, it is concluded that the requested 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.

(ii) *There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.*

The proposed change to the VEGP 3 and 4 UFSAR commitments related to the construction worker FFD program is unrelated to any aspect of plant construction or operation that would introduce any change to effluent types (e.g., effluents containing chemicals or biocides, sanitary system effluents, and other effluents), or affect any plant radiological or non-radiological effluent release quantities. Furthermore, the proposed change does not affect any effluent release path or diminish the functionality of any design or operational features that are credited with controlling the release of effluents during plant operation. Therefore, it is concluded that the requested amendment does not involve a significant change in the types or a significant increase in the amounts of any effluents that may be released offsite.

(iii) *There is no significant increase in individual or cumulative occupational radiation exposure.*

The proposed change to the VEGP 3 and 4 UFSAR commitments related to the construction worker FFD program would not affect plant radiation zones (addressed in UFSAR Section 12.3) or controls under 10 CFR Part 20 that preclude a significant increase in occupational radiation exposure. Therefore, the requested amendment does not involve a significant increase in individual or cumulative occupational radiation exposure.

ND-18-0754

Enclosure 1

Request for License Amendment Regarding Changes to Construction Fitness-for-Duty (FFD)  
Commitments (LAR-18-018)

Based on the above review of the requested amendment, it has been determined that anticipated construction and operational effects of the requested amendment do 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 requested amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), an environmental impact statement or environmental assessment of the proposed amendment is not required.

## **6. REFERENCES**

None.

**Southern Nuclear Operating Company**

**ND-18-0754**

**Enclosure 2**

**Vogtle Electric Generating Plant (VEGP) Units 3 and 4**

**Proposed Changes to Licensing Basis Documents**

**(LAR-18-018)**

**Insertions Denoted by Blue Underline and Deletions by ~~Red~~ Strikethrough  
Omitted text is identified by three asterisks ( \* \* \* )**

(This Enclosure consists of five pages, including this cover page.)

**UFSAR Subsection 1.9.1.3 is revised to reflect that UFSAR Section 13.7 states that the construction FFD program is consistent with NEI 06-06, Revision 6 (April 2013) with exceptions.**

**1.9.1.3 Division 5 Regulatory Guides-Materials and Plant Protection**

\* \* \*

Appendix 1A also provides an evaluation of the degree of conformance with the Division 5 regulatory guide (5.84) related to construction fitness-for-duty (FFD) programs. The VEGP 3 and 4 construction FFD program is described in Section 13.7. Section 13.7 states that the FFD program is consistent with endorsed NEI 06-06, Revision 6 (April 2013) as endorsed by Regulatory Guide 5.84, Revision 0, [with exceptions](#).

**The UFSAR Appendix 1A entry for Regulatory Guide (RG) 5.84 is revised to reflect the exceptions taken to NEI 06-06, Revision 6 (April 2013).**

**Note:** This markup reflects text which was recently incorporated into the current version of the UFSAR. This text revision was determined to not require prior NRC approval.

**Reg. Guide 5.84, Rev. 0, 7/15 – Fitness-for-Duty Programs at New Reactor Construction Sites**

Conformance with programmatic and/or operational aspects is documented below.

General	10 CFR Part 26 NEI 06-06 Rev. 6 (April 2013)	<b>Conforms</b> <u>Exception</u>	<u>Exceptions to guidance provided in NEI 06-06 Rev. 6 (April 2013) are as described below:</u>  <u>A definition is added to define a limited FFD authorization as follows:</u>  <u>Limited Fitness-for-Duty (FFD) Authorization (FFDA) - An authorization granted for a limited period of time to potential 10 CFR 26.4(f) workers that have not completed all elements for FFDA for individuals subject to 10 CFR Part 26 Subpart K. Workers granted a Limited FFDA shall be administratively prevented from constructing or directing construction of safety- or security-related structures, systems, and components (SSCs).</u>  <u>Section 6.2.1, <i>Pre-Assignment</i>, is clarified to allow an individual to have limited access to the construction site under the conditions specified in Section 9.3</u>
---------	---	-------------------------------------	--

Section 8. *Reviewing Official*, the first sentence of the first paragraph is revised to read:

The construction site entity or as applicable, approved contractors/vendors (C/V), is required to designate in writing one or more individuals as a reviewing official to make FFDA (including Limited FFDA) determinations relative to a potential construction site workforce member's trustworthiness and reliability and fitness for duty.

Section 9.2. *Types of FFDA*, is revised to add a fourth type – Limited FFDA

Section 9.3. *Granting FFDA and FFDA Elements*, is revised to add an introductory paragraph that reads:

A construction site entity may grant a Limited FFDA for a period of up to five business days upon successful completion and documentation of the elements specified within Section 9.1, as appropriate, except the requirement for documentation of a passed drug test.

**The second paragraph of UFSAR Section 13.7 is revised to clarify that the construction FFD program is consistent with NEI 06-06 Revision 6 (April 2013) with exceptions.**

The construction FFD program is consistent with NEI 06-06 (Reference 201) as endorsed by NRC Regulatory Guide 5.84, Revision 0, [as amended by the exceptions documented in Appendix 1A](#), and the pre-access provisions for reinstatement described in 10 CFR 26.65. NEI 06-06 applies to persons constructing or directing the construction of safety- and security-related structures, systems, or components performed onsite where the new reactor will be installed and operated. Management and oversight personnel, as further described in NEI 06-06, and security personnel prior to the receipt of special nuclear material in the form of fuel assemblies (with certain exceptions) will be subject to the operations FFD program that meets the requirements of 10 CFR Part 26, Subparts A through H, N, and O. At the establishment of a protected area, all persons who are granted unescorted access will meet the requirements of an operations FFD program. The NRC endorsed NEI 06-06 (Reference 201) and the FFD program subject to Subpart K was revised to reflect the changes.