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Docket Nos.: 52-025  
52-026

ND-18-0869  
10 CFR 50.90

U.S. Nuclear Regulatory Commission  
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**Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4  
Preliminary Amendment Request (PAR):  
Changes to Construction Fitness-for-Duty (FFD) Commitments (PAR-18-018)**

Ladies and Gentlemen:

The U.S. Nuclear Regulatory Commission (NRC) issued the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 combined licenses (COLs) (License Numbers NPF-91 and NPF-92, respectively) to Southern Nuclear Operating Company (SNC) on February 12, 2012.

SNC submitted a License Amendment Request (LAR), LAR-18-018 on June 15, 2018, by SNC letter ND-18-0754 [ADAMS Accession Number ML18166A347]. The LAR proposes to 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). SNC is submitting a Preliminary Amendment Request (PAR), PAR-18-018, to avoid significant loss of efficiency related to construction activities involving non-safety- and non-security-related SSCs. The determination of whether the NRC has any objection to SNC proceeding with the proposed plant licensing basis changes is needed on or before July 16, 2018.

A description of the requested change and the reason for the change are contained in Enclosure 1 to this letter. This PAR has been developed in accordance with guidance provided in the most recent revision to the Interim Staff Guidance on Changes during Construction Under 10 CFR Part 52, COL-ISG-25 [ADAMS Accession Number ML13045A125], and corresponds accurately and technically with the above-mentioned LAR-18-018. The technical scope of this PAR is consistent with the technical scope of the submitted LAR. Section 7 of Enclosure 1 identifies the scope of the "no objection" sought in this PAR.

This letter does not contain any NRC commitments. This letter has been reviewed and confirmed to not contain security-related information.

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 22<sup>nd</sup> of June 2018

Respectfully submitted,



Wesley A. Sparkman  
Licensing Manager  
Southern Nuclear Operating Company

Enclosures    1) Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Preliminary  
Amendment Request: Changes to Construction Fitness-for-Duty (FFD)  
Commitments (PAR-18-018)

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**Southern Nuclear Operating Company**

**ND-18-0869**

**Enclosure 1**

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

**Preliminary Amendment Request:**

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

**(PAR-18-018)**

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

In accordance with the provisions of 10 CFR 50.90, Southern Nuclear Operating Company (SNC) submitted a License Amendment Request (LAR) to change the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, licensing basis documents associated with Combined License Nos. NPF-91 and NPF-92, respectively. Accordingly, SNC requests the determination of whether the NRC has any objection to the implementation of a Limited Fitness-for-Duty Authorization (FFDA) which would allow construction workers to construct or supervise the construction of non-safety- and non-security-related structures, systems, and components (SSCs) pending the resolution of pre-access drug testing.

Implementation of a Limited FFDA is subject to the changes proposed in LAR-18-018. As the nature of the workforce transitions from one used for concrete placement and steel erection to one more related to electrical and instrumentation installation and testing, the number of new personnel expected to be screened for FFDA is expected to increase – perhaps on the order of several thousand personnel in 2018 alone. Because resolution 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, thus leading to loss of productivity and increased costs. Accordingly, SNC requests the determination of whether the NRC has any objection to the implementation of a Limited FFDA identified below.

PAR Request Number: <b>SNC PAR-18-018</b>	Station Name: <b>VEGP</b>	Unit Number(s): <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4	PAR Request Date: <b>June 22, 2018</b>
<b>1. NRC PAR Notification Requested Date (see Block 7 for basis): July 16, 2018</b>			
<b>2. License Amendment Request References (as applicable):</b>			
<input checked="" type="checkbox"/> <b>LAR submittal date and SNC Correspondence Number:</b> LAR-18-018 – June 15, 2018 / ND-18-0754			
<input type="checkbox"/> <b>Expected LAR submittal date:</b>			
<b>3. Brief Description of Proposed Change:</b>			
The proposed amendment would revise the Combined Licenses (COLs) with 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”).			
The amendment proposes to take an exception to its current commitment to Regulatory Guide (RG) 5.84, <i>Fitness-for-Duty Programs at New Reactor Construction Sites</i> , Revision 0, [ADAMS Accession Number ML15083A412]. RG 5.84 endorses Nuclear Energy Institute (NEI) guidance NEI 06-06, <i>Fitness for Duty Program Guidance for New Nuclear Power Plant Construction Sites</i> , (April 2013) [ADAMS Accession Number ML13093A340]. The exception would modify NEI 06-06 guidance to allow for temporary, pre-assignment 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.			
<b>4. Reason for License Amendment Request:</b>			
The purpose of the FFD program is to meet the performance objectives of NEI 06-06 that are derived from 10 CFR 26.23 which are to provide reasonable assurance that:			

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.

The SNC FFD program conforms to NEI 06-06, Revision 6 (April 2013), which provides reasonable assurance that the stated objectives of NEI 06-06 are met. The SNC organization and implementing procedures are designed and implemented to provide assurance that guidance contained in NEI 06-06 is met.

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 received, the performance objectives continue to be met.

This LAR is required because preventing construction workers from constructing or supervising the construction of non-safety- and non-security-related SSCs results in a loss of productivity and leads to increased costs. These changes involve commitments to NEI 06-06 as described in the VEGP 3 and 4 UFSAR, Section 13.7, *Fitness for Duty*. The proposed exceptions to NEI 06-06 are described in UFSAR Subsection 1.9.1.3, *Division 5 Regulatory Guides*, and UFSAR Appendix 1A, *Conformance with Regulatory Guides*.

The proposed changes evaluated in LAR-18-018 are limited to those necessary to allow for the implementation of a Limited FFDA. Approval and implementation of these proposed changes will prevent the loss of efficiency involved with the construction of non-safety- or non-security-related SSCs.

**5. Is Exemption Request Required?**     Yes     No

**If Yes, Briefly Describe the Reason for the Exemption.** Not Applicable.

**6. Identify Applicable Precedents:** No precedents identified.

**7. Impact of Change on Installation and Testing Schedules:**

There is no direct impact in installation or testing schedules. However, to support the continuing installation and testing of SSCs it is expected that several thousand constructions workers will be screened for FFDA. Current FFD program commitments require that construction workers be prevented from accessing the construction site until all elements of the FFDA are completed. Because the results of drug testing may not be received for several days, potential construction workers are prevented from constructing or supervising the construction of non-safety- and non-security-related SSCs, leading to a loss of productivity and efficiency. The scope of the "no objection" sought by this PAR is consistent with the scope of the proposed changes requested in LAR-18-018. Since construction and testing activities are ongoing and the benefits of the proposed LAR cannot be realized until the LAR is approved, the Licensee requests a determination on whether the NRC has any objection to SNC proceeding with implementation of a Limited FFDA in accordance with the proposed licensing basis changes while review of the LAR is still underway.

A “no-objection” finding related to the LAR by the date identified in Block 1 above (or sooner if reasonably achievable) would allow for VEGP Units 3 and 4 construction or supervision of construction of non-safety- and non-security related SSCs to proceed using a Limited FFDA.

In the event that NRC issues the “no-objection” notification for this PAR, then subsequently denies approval of LAR-18-018, SNC will promptly revoke the Limited FFDA access of any workers for whom pre-assignment drug test results have not yet been received and remove Limited FFDA provisions from the FFD Program and implementing procedures. Additionally, the condition would be entered into the site Corrective Action Program (CAP), evaluated, and a determination made as to required corrective actions. However, it is anticipated that the extent of corrective actions will be limited, because (1) the work being performed under Limited FFDA access will be limited to non-safety- and non-security-related work, which is currently allowed by 10 CFR 26.4(f) for Subpart K workers; and (2) the small number of affected workers will be limited to those who are still working under the five-day Limited FFDA access period. It is further expected that access authorization would be administratively withdrawn for any affected workers during this period, similar to the process allowed for reinstated workers awaiting the drug test results under the requirements of 10 CFR 26.65.

**8. Impact of Change on ITAAC:** None

**9. Additional Information:** COL-ISG-25 [ADAMS Accession Number ML13045A125] allows a licensee to depart from its current licensing basis (CLB) and proceed with at-risk construction activities before the NRC’s review of the LAR is complete, if the NRC determines that it has no objections to the licensee’s request to proceed. While the PAR process is most typically applied to licensing requests associated with activities directly affecting the construction of a specific structure, system, or component (SSC); neither the guidance provided in ISG-25, nor the requirements in License Condition 2.D(1) of the VEGP 3 and 4 COLs (NPF-91 and NPF-92, respectively) specifically identify any such limitations. Accordingly, it is understood that the CLB, in the sense in which it is referred to in the footnote of the Background section of ISG-25, may be considered more broadly, as defined in 10 CFR 54.3 to include, in part, “the licensee’s written commitments for ensuring compliance with and operation within applicable NRC requirements and the plant-specific design basis.” The licensing attributes specified in the Updated Final Safety Analysis Report (UFSAR) include commitments to implement certain programmatic attributes in order to achieve compliance with regulatory requirements, such as those provided in UFSAR Chapter 13, Conduct of Operations, and more specifically, Section 13.7, Fitness for Duty. As these programmatic licensing attributes constitute an integral part of the facility’s CLB, the PAR process may also be applied to changes to such attributes, to the extent that its application will facilitate the avoidance of unnecessary delays during the construction period. The change proposed in LAR-18-018 and this PAR will facilitate the avoidance of unnecessary delays during the construction period by allowing construction workers to access the plant site to perform work on non-safety- and non-security-related SSCs prior to receipt of their drug testing results. A No Objection Letter would ensure that the NRC staff has sufficient information to effectively perform inspection and verification of construction activities and the access control program associated with these changes requiring NRC approval.