

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-025 and 52-026; NRC-2008-0252]

Southern Nuclear Operating Company, Inc.;

Vogtle Electric Generating Plant, Units 3 and 4,

Crediting Previously Completed First Plant and First Three Plant Tests

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 Nos. 151 and 150 to Combined Licenses (COLs), NPF-91 and NPF-92. The COLs were issued to Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia. 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.

DATES: The exemption and amendment were issued on August 3, 2018.

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 Docket IDs in Regulations.gov to Krupskaya Castellon; telephone: 301-287-9221; e-mail: Krupskaya.Castellon@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 "[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 (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated August 3, 2018 (ADAMS Accession No. ML18215A382).

- **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: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2809; e-mail: Paul.Kallan@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions 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

Nos. 151 and 150 to COLs, NPF-91 and NPF-92, to SNC. The exemptions are required by Paragraph A.4 of Section VIII, "Processes for Changes and Departures," Appendix D, to 10 CFR Part 52 to allow SNC to depart from Tier 1 information. With the requested amendment, SNC requires changes to the initial test program (ITP) in the Updated Final Safety Analysis Report in the form of departures from the incorporated plant-specific DCD Tier 2* and Tier 2 information and related changes to the VEGP Units 3 and 4 COL and plant-specific Tier 1 information, with corresponding changes to the associated COL Appendix C information.

In license amendment request (LAR) 18-019, SNC seeks approval to utilize and evaluate the results of three tests performed in China on new AP1000 power reactor facilities at Sanmen Units 1 and 2, and Haiyang Unit 1, as part of the ITP for SNC's VEGP Units 3 and 4. These tests are used to further establish unique phenomenological performance parameters of certain AP1000 design features beyond testing performed for the Design Certification of the AP600 that will not change from plant to plant. Some of these tests are required only for the first plant and others are required only for the first three plants and thereafter, because of the standardization of the AP1000 design, would not be required as part of the ITP for subsequent plants. "First plant only" and "first three plant only" tests are defined and listed in AP1000 DCD Revision 19 Tier 2 Section 14.2.5. The requested amendment includes changes to COL Condition 2.D.(2)(a) and plant-specific Tier 1 Section 2.1.3 to credit previously completed first plant only and first three plant only testing performed in China at Sanmen Units 1 and 2, and Haiyang Unit 1, and revise the COL to delete conditions requiring that the following first plant only, and first three plant only tests be conducted on VEGP Units 3 and 4: In-Containment Refueling Water Storage Tank (IRWST) Heatup Test, Reactor

Vessel Internals Vibration Testing, and Core Makeup Tank (CMT) Heated Recirculation Tests.

Part of the justification for granting the exemptions was provided by the review of the amendments. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemptions and issued the amendments 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 exemptions met all applicable regulatory criteria set forth in Sections 50.12, 10 CFR 52.7, and Section VIII.A.4 of Appendix D to 10 CFR Part 52. The license amendments were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML18351A351.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to SNC for VEGP Units 3 and 4 (COLs NPF-91 and NPF-92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML18351A344 and ML18351A346, respectively. 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. ML18351A347 and ML18351A349, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

As noted in this section is the exemption document issued to VEGP 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 August 3, 2018, SNC 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 (LAR) 18-019, "Crediting Previously Completed First Plant and First Three Plant Tests."

For the reasons set forth in Section 3.2, "Evaluation of Exemption," of the NRC staff's safety evaluation, which can be found in ADAMS under Accession No.

ML18351A351, 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, SNC is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License, as described in the licensee's request dated August 3, 2018. This exemption is related to, and necessary for the granting of License Amendment No. 151 [for Unit 3, 150 for Unit 4], 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. ML18351A351), 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 the date of its issuance.

III. License Amendment Request

By letter dated August 3, 2018, SNC requested that the NRC amend the COLs for VEGP, Units 3 and 4, COL Nos. NPF-91 and NPF-92. The proposed amendment is described in Section I of this *Federal Register* notice.

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 September 25, 2018 (83 FR 48463). No comments were received during the 30-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 SNC requested on August 3, 2018.

The exemptions and amendments were issued on January 22, 2019, as part of a combined package to SNC (ADAMS Package Accession No. ML18351A342).

Dated at Rockville, Maryland, this 22nd day of February, 2019.

For the Nuclear Regulatory Commission.

/RA/

Jennifer L. Dixon-Herrity, Chief,
Licensing Branch 2,
Division of Licensing, Siting,
and Environmental Analysis,
Office of New Reactors.