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ND-19-0384
10 CFR 50.71(e)
10 CFR Part 52, Appendix D, paragraph X.B

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 Approval to Apply NEI 98-03 Guidance to the Plant-specific DCD:**

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC) requests approval to apply NRC-endorsed guidance provided in NEI 98-03, Revision 1, *Guidelines for Updating Final Safety Analysis Reports* [ADAMS Accession Number ML003779028], when updating plant-specific Design Control Document (DCD) Tier 2 information contained in the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 Updated Final Safety Analysis Report (UFSAR). A regulatory summary and basis for the request are provided below.

10 CFR Part 52, Appendix D, paragraph X.B.2 states, "An applicant or licensee who references this appendix shall submit updates to its DCD, which reflect the generic changes to and plant-specific departures from the generic DCD made under Section VIII of this appendix. These updates must be filed under the filing requirements applicable to final safety analysis report updates in 10 CFR 52.3 and 50.71(e)." 10 CFR 50.71(e) states, "Each person licensed to operate a nuclear power reactor under the provisions of § 50.21 or § 50.22, and each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e) (3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, to assure that the information included in the report contains the latest information developed. This submittal shall contain all the changes necessary to reflect information and analyses submitted to the Commission by the applicant or licensee or prepared by the applicant or licensee pursuant to Commission requirement since the submittal of the original FSAR, or as appropriate, the last update to the FSAR under this section. The submittal shall include the effects of all changes made in the facility or procedures as described in the FSAR; all safety analyses and evaluations performed by the applicant or licensee either in support of approved license amendments or in support of conclusions that changes did not require a license amendment in accordance with § 50.59(c)(2) or, in the case of a license that references a certified design, in accordance with § 52.98(c) of this chapter; and all analyses of new safety issues performed by or on behalf of the applicant or licensee at Commission request. The updated information shall be appropriately located within the update to the FSAR."

Regulatory guidance for maintaining a UFSAR is provided in Regulatory Guide (RG) 1.181, *Content of the Updated Final Safety Analysis Report*. RG 1.181 endorses the use of NEI 98-03, Revision 1, for providing acceptable methods for complying with the provisions of 10 CFR 50.71(e). NEI 98-03 notes that portions of the UFSAR are used as a reference in evaluating changes to the facility and procedures under the 10 CFR 50.59 change process. NEI 98-03, Appendix A, notes that three types of changes to the UFSAR involving reformatting, simplifying, and removing unnecessary information do not require evaluation under 10 CFR 50.59. Regulatory guidance for the implementation of 10 CFR 50.59 is provided in RG 1.187, *Guidance for the implementation of 10 CFR 50.59, Changes, Tests, and Experiments* [ADAMS Accession Number ML003759710]. RG 1.187 endorses the use of NEI 96-07, *Guidelines for 10 CFR 50.59 Implementation*, Revision 1, [ADAMS Accession Number ML003771157] for providing acceptable methods for complying with the provisions of 10 CFR 50.59.

Departures from the plant-specific Tier 2 information contained in the VEGP 3 and 4 UFSAR are governed by 10 CFR Part 52, Appendix D, paragraph VIII.B. Approved regulatory guidance for the implementation of 10 CFR Part 52, Appendix D, paragraph VIII.B is provided in NEI 96-07, Appendix C, *Guideline for Implementation of Change Processes for New Nuclear Power Plants Licensed Under 10 CFR Part 52*, Revision 0 – Corrected [ADAMS Accession Number ML14091A739].¹ NEI 96-07, Appendix C, Section 1.2.3, “Relationship to the UFSAR,” states, “New plant change processes identified in 10 CFR 52.98 are the processes that identify when a license amendment is required prior to implementing departures from the plant-specific DCD, other changes to the facility or procedures described in the FSAR (as updated, or UFSAR), or tests and experiments not described in the UFSAR. As such, it is important that the FSAR be properly maintained and updated in accordance with 10 CFR 50.71(e) and Section X of the design certification rules. Guidance for updating FSAR information *outside the scope of the plant-specific DCD* [emphasis added] is provided by Regulatory Guide 1.181, which endorses NEI 98-03, Revision 1.”

Because NEI 98-03 is not endorsed for updating plant-specific Tier 2 information, all departures from plant-specific DCD information, including minor administrative or simplification departures, must be evaluated using the simplified evaluation process described in NEI 96-07, Appendix C. This requirement leads to an unnecessarily time-consuming and costly administrative burden which does not enhance nuclear safety. Furthermore, no regulatory guidance exists to support updating plant-specific Tier 2 information which could lead to inconsistent application of the applicable plant-specific DCD updating and reporting requirements found in 10 CFR Part 52, Appendix D, Section X and 10 CFR 50.71(e).

Therefore, SNC requests NRC approval for the use of NEI 98-03, Revision 1, for updating plant-specific Tier 2 information contained in the VEGP 3 and 4 UFSAR. Approval of the use of NEI 98-03 would be incorporated into existing SNC processes and procedures used to implement the requirements of 10 CFR Part 52, Appendix D, Sections VIII and X, 10 CFR 50.59, and 10 CFR 50.71(e).

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

¹ In a letter from the NRC to the Nuclear Energy Institute (NEI) dated July 2, 2014, the NRC approved the use of NEI 96-07, Appendix C, Revision 0 – Corrected [ML14113A529].

SNC requests NRC staff approval for the use of NEI 98-03, Revision 1, by May 15, 2019, to support effective and efficient processing of plant-specific Tier 2 departures. SNC expects to implement the requested approval within 30 days of approval.

Should you have any questions, please contact Amy Aughtman at (205) 992-7006.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 11th day of April 2019.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "Brian H. Whitley", is written over a horizontal line.

Brian H. Whitley
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