

From: [Lamb, John](#)
To: [Lowery, Ken G.](#)
Subject: Acceptance Review - Vogtle GSI-191 Exemption
Date: Wednesday, September 9, 2020 6:47:00 AM
Importance: High

Ken,

By letter dated August 17, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20230A346), Southern Nuclear Operating Company (SNC, the licensee) submitted an exemption request for Vogtle Electric Generating Plant (Vogtle), Units 1 and 2.

SNC requests an exemption from certain requirements in the Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," regulation.

The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this exemption request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever (i) Application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission; or (ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated; or (iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or (v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation; or (vi) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.

The NRC staff has reviewed your application and concluded that it does provide technical

information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed exemption in terms of 10 CFR 50.12 requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal and discussions during the pre-licensing meeting on November 4, 2019 (ADAMS Accession No. ML19296A885), and May 14, 2020 (ADAMS Accession No. ML20136A248), the NRC staff has estimated that this licensing request will take approximately 120 hours to complete. The NRC staff expects to complete this review in approximately 12 months, which is September 2021. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors including requests for additional information (RAI), unanticipated addition of scope to the review, and review by NRC advisory committees. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact me.

John G. Lamb, Senior Project Manager
Plant Licensing Branch II-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation