



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 12, 2020

Ms. Cheryl A. Gayheart  
Regulatory Affairs Director  
Southern Nuclear Operating Co., Inc.  
3535 Colonnade Parkway  
Birmingham, AL 35243

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNIT 2 – RELIEF REQUEST FOR DEFERRAL OF ASME BOILER AND PRESSURE VESSEL CODE, SECTION XI, REQUIRED SUMMARY REPORT SUBMITTAL (EPID L-2020-LLR-0142 [COVID-19])

Dear Ms. Gayheart:

The U.S. Nuclear Regulatory Commission (NRC) has authorized your proposed alternative to Title 10 of the *Code of Federal Regulations* (CFR) 50.55a(b)(2)(xxxii), "Section XI condition: Summary report submittal." This action is in response to your request dated October 30, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20304A380), which cited the April 9, 2020, letter (ADAMS Accession No. ML20098D975) from Mr. Ho Nieh describing a process to request and a basis for issuing deferrals of the subject reporting requirement while responding to the COVID-19 Public Health Emergency (PHE). This request was submitted pursuant to 10 CFR 50.55a(z)(2).

In your letter, you provided the following information:

- a brief description of the hardship;
- the original due date of the Owners Activity Report (OAR-1);
- a proposed alternative submission date for the OAR-1 report; and
- a statement that the licensee has established procedures to retain records of its completed inspection activities that are easily accessible for NRC inspection.

In your letter, you indicated that this request was for the following plant:

- Vogtle Electric Generating Plant, Unit 2

The NRC staff finds that the basis for expedited review of alternatives for deferral of submitting the OAR-1 report described in the April 9, 2020 letter, is applicable to your specific request.

As provided in 10 CFR 50.55a(z), "Alternatives to codes and standards requirements," alternatives to the requirements of 10 CFR 50.55a for paragraphs (b) through (g) may be granted by the NRC staff, if (1) the proposed alternatives would provide an acceptable level of quality and safety or (2) compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

The requirements in 10 CFR 50.55a(b)(2)(xxxii), "Section XI condition: Summary report submittal," states, in part, that inservice inspection summary reports must be submitted to the NRC within 90 calendar days of the completion of each refueling outage. IWA-6230 of American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (BPV) Code, Section XI, which is incorporated by reference in 10 CFR 50.55a, requires licensees to complete Form OAR-1, within 90 days after the conclusion of a refueling outage, per Mandatory Appendix II. The report provides a summary of items with flaws or relevant conditions that required evaluation for continued service, and repair and replacement activities required for continued service that occurred during the refueling outage.

In your request for an alternative, you described hardship due to the COVID-19 PHE. The NRC staff agrees and finds that completing and submitting the OAR-1 report in the timeframe required by 10 CFR 50.55a(b)(2)(xxxii) would result in a hardship based on the COVID-19 PHE. In addition, the NRC staff finds that compliance with this requirement would not provide a compensating increase in the level of quality and safety because the NRC is able to inspect and address items that would normally be included in the report and the report will be filed within a reasonable timeframe for future use. Therefore, pursuant to 10 CFR 50.55a(z)(2), the NRC staff finds that your proposed alternative to defer submittal of the OAR-1 report is acceptable.

Your requested alternative is granted until 90 days after the PHE has ended or before the beginning of the next refueling outage, whichever occurs first. All other ASME BPV Code requirements for which relief or an alternative was not specifically requested and approved as part of this request remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.

Sincerely,

Michael Markley, Chief  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-425

cc: Listserv



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELIEF REQUEST

FOR DEFERRAL OF ASME BOILER AND PRESSURE VESSEL CODE, SECTION XI,

REQUIRED SUMMARY REPORT SUBMITTAL

SOUTHERN NUCLEAR OPERATING COMPANY

VOGTLE ELECTRIC GENERATING PLANT, UNIT 2

DOCKET NO. 50-425

1.0 INTRODUCTION

By application dated October 30, 2020 (ADAMS Accession No. ML20304A380), Southern Nuclear Operating Company (SNC, the licensee) submitted a Relief Request in accordance with paragraph 50.55a(z)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR) because compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety to the requirements of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) at Vogtle Electric Generating Plant (Vogtle), Unit 2.

2.0 REGULATORY EVALUATION

The U. S. Nuclear Regulatory Commission (NRC) staff considered the following regulatory requirements and guidance in its evaluation.

The regulations in 10 CFR 50.55a(z) state, in part, that alternatives to the requirements of 10 CFR 50.55a(b) through (h) or portions thereof may be used when authorized by the U.S. Nuclear Regulatory Commission (NRC) if: (1) the proposed alternative would provide an acceptable level of quality and safety; or (2) compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

The requirements in 10 CFR 50.55a(b)(2)(xxxii), "Section XI condition: Summary report submittal," states, in part, that inservice inspection summary reports must be submitted to the NRC within 90 calendar days of the completion of each refueling outage. American Society of Mechanical Engineers (ASME) *Boiler and Pressure Vessel Code* (BPV) Code, Section XI, IWA-6230, which is incorporated by reference in 10 CFR 50.55a, requires licensees to complete

Form Owners Activity Report (OAR-1), within 90 days after the conclusion of a refueling outage, per Mandatory Appendix II. The report provides a summary of items with flaws or relevant conditions that required evaluation for continued service, and repair and replacement activities required for continued service that occurred during the refueling outage.

Based on the above, and subject to the following technical evaluation, the NRC staff finds that regulatory authority exists for the licensee to request, and for the Commission to authorize, the alternative requested by the licensee.

### 3.0 TECHNICAL EVALUATION

#### 3.1 The Licensee's Request for Alternative

##### 3.1.1 ASME Code Requirement

Section XI of ASME BPV Code, IWA-6230 requires licensees to complete OAR-1 within 90 days after the conclusion of a refueling outage, per Mandatory Appendix II.

##### 3.1.2 Applicable Code Edition and Addenda – Duration of Relief Request

The licensee provided the Code of record, and the duration of the interval for each plant in the table below.

<b>Plant</b>	<b>10-Year ISI Interval</b>	<b>ASME Code of Record</b>	<b>Current Due Date</b>
Vogtle, Units 1 and 2	4 <sup>th</sup>	2007 Edition and 2008 Addenda	June 29, 2020

The duration of the relief request is until 90 days after the public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19) has ended or before the beginning of the next refueling outage, whichever occurs first.

##### 3.1.3 Reason for Relief

In its letter dated October 30, 2020, the licensee stated, in part that:

This alternative is necessary based on SNC and associated vendor measures to maintain Centers for Disease Control and Prevention (CDC) recommendations related to social distancing, worker screening, and limiting close-proximity work. To implement these measures, SNC requires mandatory telecommunicating for all employees whose job responsibilities enable them to do so. In addition, preparation of this report requires various vendor support. Vendors associated with the preparation of this report typically have similar mandatory telecommunicating requirements for their employees. Submitting this report within 90 days after the conclusion of a refueling outage would challenge SNC's ability to maintain telecommunicating requirements for the individuals involved with the preparation of this report. Therefore, compliance with the specified requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

### 3.1.4 Licensee's Proposed Alternative

In lieu of the requirements to prepare and submit the ISI summary report or Form OAR-1 within 90 days following the completion of the Vogtle, Unit 2, fall 2020 refueling outage, SNC proposes an alternative schedule for submitting these reports to the NRC. SNC proposes to submit the Vogtle, Unit 2, ISI summary report or Form OAR-1 no later than 90 days following or prior to the beginning of the subsequent refueling outage, whichever is earlier.

The proposed alternative only relates to the schedule for preparing and submitting the ISI summary report or Form OAR-1 to the NRC. The information required to be included in these reports has not changed by the proposed alternative.

### 3.1.5 Basis for Use of Alternative

In response to the COVID-19 PHE, SNC has implemented measures recommended by the CDC to limit the spread of COVID-19. These measures include social distancing, worker screening, and limiting close-proximity work. SNC employees are telecommuting as their duties allow as one means of implementing these measures. Currently, SNC is required to prepare and submit either the ISI summary report or Form OAR-1 to the NRC within 90 days of the completion of each refueling outage. SNC stated that meeting this requirement for plants with fall 2020 refueling outages would affect its ability to maintain telecommuting for individuals involved in the preparation of these reports. Therefore, SNC determined that compliance with these requirements would result in a hardship or unusual difficulty without a compensating increase in the level of quality and safety.

### 3.1.6 Duration of Proposed Alternative

The licensee is requesting approval of this proposed alternative 90 days after the PHE has ended or prior to the beginning of the subsequent refueling outage, whichever is earlier.

## 3.2 NRC Staff Evaluation

In lieu of the requirements to prepare and submit the ISI summary report or Form OAR-1 within 90 days following the completion of the fall 2020 refueling outage at Vogtle, Unit 2, SNC proposes an alternative schedule for submitting these reports to the NRC. Specifically, SNC proposed to submit the report for its facility with fall 2020 refueling outage 90 days after the PHE has ended or prior to the beginning of the subsequent refueling outage, whichever is earlier.

The NRC staff determined that preparation of the ISI summary report or Form OAR-1 during the PHE is a hardship because it would reduce SNC's ability to implement the measures recommended by the CDC to limit the spread of COVID-19. This hardship justifies changing the reference date for the reporting requirements from the date the fall 2020 refueling outage.

#### 4.0 CONCLUSION

As set forth above, the NRC staff determined that compliance with the requirements to prepare and submit either an ISI summary report or Form OAR-1 to the NRC within 90 days of the completion of the fall 2020 refueling outage at Vogtle, Unit 2, would result in a hardship without a compensating increase in the level of quality and safety. Accordingly, the NRC staff concludes that SNC has adequately addressed the regulatory requirements set forth in 10 CFR 50.55a(z)(2). Therefore, the NRC staff authorizes SNC to use the proposed alternative described in its application at Vogtle, Unit 2.

This authorization remains in effect from the date of this letter until no later than 90 days after the PHE for the United States or prior to the beginning of the subsequent refueling outage, whichever is earlier

All other ASME Code requirements for which relief was not been specifically requested and approved remain applicable, including third-party review by the ANII.

Principal Contributor: J. Lamb, NRR

Date: November 12, 2020

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNIT 2 – RELIEF REQUEST FOR DEFERRAL OF ASME BOILER AND PRESSURE VESSEL CODE, SECTION XI, REQUIRED SUMMARY REPORT SUBMITTAL (EPID L-2020-LLR-0142 [COVID-19]) DATED NOVEMBER 12, 2020

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**ADAMS Accession No. ML20307A141 \* via email \*\*via concurrence with model SE**

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NAME	JLamb	KGoldstein	MMitchell	HGonzalez
DATE	11/02/2020	11/05/2020	04/15/2020	04/15/2020
OFFICE	NRR/DEX/EMIB/BC**	NRR/DORL/LPLII-1/BC*	NRR/DORL/LPLII-1/PM*	
NAME	TScarborough	MMarkley	JLamb	
DATE	04/13/2020	11/12/2020	11/12/2020	

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