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10 CFR 50.71(e)U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001Southern Nuclear Operating Company
Joseph M. Farley Nuclear Plant - Units 1 and 2
Vogtle Electric Generating Plant - Units 1 and 2Request for Exemption from 10 CFR 50.71(e)(4)
Final Safety Analysis Report Update Schedule

Ladies and Gentlemen:

In accordance with the requirements of 10 CFR 50.12(a), Southern Nuclear Operating Company (SNC) hereby requests an exemption from the requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Reports (UFSARs) for Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, and Vogtle Electric Generating Plant (VEGP), Units 1 and 2.

FNP Units 1 and 2 share a common UFSAR and currently submit periodic updates to the UFSAR within six months following each FNP Unit 1 refueling outage. VEGP Units 1 and 2 share a common UFSAR and currently submit periodic updates to the UFSAR within six months following each VEGP Unit 2 refueling outage. The requested exemption provided in the enclosure to this letter would allow periodic updates of the FNP and VEGP UFSARs on specified schedules that do not exceed 24 months between successive updates. Details supporting the 10 CFR 50.12(a) exemption request are provided in the enclosure to this letter.

SNC requests approval of this exemption by June 30, 2022.

This letter contains no regulatory commitments. If you have any questions, please contact Jamie Coleman at 205.992.6611.

Respectfully submitted,

Cheryl A. Gayheart
Regulatory Affairs Director

CAG/tle

Enclosure: Request for Exemption from UFSAR Submittal Schedule for Farley and Vogtle

cc: Regional Administrator, Region II
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**Southern Nuclear Operating Company
Joseph M. Farley Nuclear Plant - Units 1 and 2
Vogtle Electric Generating Plant - Units 1 and 2**

**Request for Exemption from 10 CFR 50.71(e)(4)
Final Safety Analysis Report Update Schedule**

Enclosure

Request for Exemption from UFSAR Submittal Schedule for Farley and Vogtle

1.0 SPECIFIC EXEMPTION REQUEST

In accordance with 10 CFR 50.12(a)(1), Southern Nuclear Operating Company (SNC) is requesting U.S. Nuclear Regulatory Commission (NRC) approval of a permanent exemption from the requirements of 10 CFR 50.71(e)(4) for submission of revisions to the Updated Final Safety Analysis Reports (UFSAR) for Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, and Vogtle Electric Generating Plant (VEGP), Units 1 and 2.

SNC requests that the submittal of FNP Unit 1 and Unit 2 combined UFSAR be due by October 31 of every odd-numbered year. This change will result in a submittal that does not exceed 24 months between successive updates, as required by 10 CFR 50.71(e)(4). For practical or business reasons, the submittal would occur any time in the month of October on an odd-numbered year.

Similarly, SNC requests that the submittal of VEGP Unit 1 and Unit 2 combined UFSAR be due by October 31 of every even-numbered year. This change will result in a submittal that does not exceed 24 months between successive updates, as required by 10 CFR 50.71(e)(4). For practical or business reasons, the submittal would occur any time in the month of October on an even-numbered year.

SNC is requesting this exemption for FNP and VEGP be approved by June 30, 2022.

2.0 BASIS FOR EXEMPTION REQUEST

10 CFR 50.12(a)(1) stipulates that the NRC 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 authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

10 CFR 50.71(e)(4) requires subsequent revisions to UFSARs to be filed annually or six months after each refueling outage, provided the interval between successive updates does not exceed 24 months. The underlying purpose of the regulation is to ensure that the licensee periodically updates their UFSAR to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation.

The proposed exemption would change the current UFSAR submittal schedule for FNP and VEGP to a calendar-based schedule that would not exceed the maximum 24 months between successive updates as required by 10 CFR 50.71(e)(4). The FNP and VEGP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4).

FNP is a two-unit site with staggered 18 month refueling cycles. The units share a combined UFSAR. On July 7, 1998, FNP was granted an exemption to submit UFSAR updates within six months after each Unit 1 refueling outage (Reference 1). The exemption reduced the original reporting requirement that often resulted in updating the UFSAR more frequently than every 12 months. The proposed schedule change in this exemption request, to submit the updated FNP UFSAR by October 31 of every odd-numbered year, would allow more efficient scheduling and allocation of SNC resources to prepare and submit UFSAR updates for the SNC fleet while remaining within the maximum allowed 24 months between successive updates. The most recent FNP UFSAR submittal was made on April 28, 2020 (Reference 2), and the next submittal

is planned to occur in October 2021. The proposed schedule implementation would not exceed the maximum 24 months between submittals.

VEGP is a two-unit site with staggered 18 month refueling cycles. The units share a combined UFSAR. On March 5, 1998, VEGP was granted an exemption to submit UFSAR updates within six months after each Unit 2 refueling outage (Reference 3). The exemption reduced the original reporting requirement that often resulted in updating the UFSAR more frequently than every 12 months. The proposed schedule change in this exemption request, to submit the updated VEGP UFSAR by October 31 of every even-numbered year, would allow more efficient scheduling and allocation of SNC resources to prepare and submit UFSAR updates for the SNC fleet while remaining within the maximum allowed 24 months between successive updates. The most recent VEGP UFSAR submittal was made on March 30, 2021 (Reference 4). The subsequent submittal would occur in October 2022 and commence a recurring due date by October 31 of every even-numbered year thereafter. The proposed schedule implementation would not exceed the maximum 24 months between submittals.

SNC is requesting that FNP and VEGP submit the required UFSAR updates on a schedule that meets the requirement to not exceed 24 months between submittals. The proposed schedules would not result in undue regulatory burden and would provide an equivalent level of protection to the existing regulation.

The underlying intent of 10 CFR 50.71(e)(4) is to ensure that the licensee periodically updates their UFSAR to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation. Significant upgrades, such as power uprates, have already been completed at FNP and VEGP and are reflected in the UFSARs, with the exception of the FNP measurement uncertainty recapture (MUR) power uprate. The MUR power uprate will be reflected in the FNP UFSAR scheduled for submittal in October 2021. Other physical, procedural and analytical modifications are made during station outages and during power operations, as necessary. SNC updates the FNP and VEGP UFSARs on a monthly basis following SNC business process guidance and posts the updated documents for convenient access by SNC personnel. These living UFSAR documents are also electronically available to onsite NRC inspectors.

Routine submittals as required by 10 CFR 50.71(e)(4) are proposed to be made on a 24-month calendar schedule. The FNP and VEGP UFSAR submittals will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4). The use of a 24-month submittal schedule would be similar to the UFSAR submittal schedule currently used by stations on a 24-month refueling cycle. Consequently, the proposed 24-month submittal schedule will not impair the ability of the NRC to review station information in a timely manner.

The intent of the regulation can be achieved by continuing to remain within the required maximum time limit of 24 months between successive updates. Therefore, this exemption request meets the requirements of 10 CFR 50.12(a)(2)(ii).

10 CFR 50.12(a) states, in part:

- (a) 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.
 - (2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever --
 - (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.

Allowing the exemption for FNP and VEGP would result in continuing to provide UFSAR submittals on a routine schedule, while maintaining compliance with the maximum 24 months between successive updates. This change would achieve the underlying purpose to provide timely submittals to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation.

In summary, this exemption request proposes a revised UFSAR update schedule for FNP and VEGP. SNC would submit the updated FNP UFSAR by October 31 of every odd-numbered year and submit the updated VEGP UFSAR by October 31 of every even-numbered year. This schedule would allow more efficient scheduling and allocation of SNC resources to prepare and submit UFSAR updates for the SNC fleet while remaining within the maximum allowed 24 months between successive updates as required by 10 CFR 50.71(e)(4). The proposed due dates for FNP and VEGP would allow, for practical or business reasons, the submittal to be made any time during the month due. The FNP and VEGP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4). The proposed schedules will continue to meet the underlying purpose of the rule to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation.

3.0 SPECIAL CIRCUMSTANCES

In accordance with 10 CFR 50.12(a)(2)(ii), special circumstances exist when compliance is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.71(e)(4) is to ensure that the licensee periodically updates their UFSAR to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation. 10 CFR 50.71(e)(4) currently specifies a maximum time of 24 months between successive updates and the requirement to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing. The processing and submittal of more frequent revisions to the UFSAR, including all documents incorporated by reference, is not necessary to achieve the underlying purpose of the rule. SNC maintains the FNP and VEGP UFSARs as living documents that are posted monthly, as needed, to the SNC intranet. These documents are available to plant staff and onsite NRC inspectors. The FNP and VEGP routine UFSAR submittals will not exceed the maximum 24 months between submission and the submittals will continue to contain timely updates as required by 10 CFR 50.71(e)(4).

4.0 JUSTIFICATION FOR THE EXEMPTION

10 CFR 50.12, "Specific exemptions," allows NRC to grant exemptions from the requirements of 10 CFR 50 provided the following three conditions are met as required by 10 CFR 50.12(a)(1):

1. The exemption is authorized by law.

In accordance with 10 CFR 50.12, the NRC may grant an exemption from the requirements of 10 CFR 50, if the exemption is authorized by law. The proposed exemption can be authorized by law as no other prohibition of law exists that would preclude the activities which would be authorized by the exemption. Additionally, the proposed exemption will continue to serve the underlying purpose of the regulation to ensure that UFSAR revisions, including documents incorporated by reference in the UFSAR, are periodically submitted to NRC to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation. The FNP and VEGP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4). The schedules proposed for FNP and VEGP will remain within the maximum 24 months between successive updates as required by 10 CFR 50.71(e)(4). Therefore, this exemption can be authorized by law.

2. The exemption does not present an undue risk to the public health and safety.

The routine UFSAR submittal may be reviewed by the NRC staff but is not formally approved. The material may be used in subsequent reviews of NRC staff activities concerning that facility. Licensees use the UFSAR when evaluating changes to the facility and procedures under 10 CFR 50.59, "Changes, tests and experiments." SNC maintains living FNP and VEGP UFSARs that are posted electronically to the SNC intranet. The living documents are used by personnel onsite and are available to onsite inspectors. The living UFSAR contains timely updates between the periodic submissions.

The proposed exemption will not alter the manner in which changes to the UFSAR are evaluated in that changes to the UFSAR will continue to be reviewed through the existing applicable administrative and programmatic control processes to ensure that UFSAR changes are properly evaluated and implemented.

10 CFR 50.71(e)(4) requires licensees to periodically submit their UFSARs to assure that the NRC has the latest material developed. In that regulation, the NRC has determined that an update frequency not exceeding 24 months between successive revisions is acceptable for periodic submissions of the UFSAR. The proposed exemption will provide an equivalent level of protection to the existing requirements. Therefore, this exemption request will not present an undue risk to the public health and safety.

3. The exemption is consistent with the common defense and security.

The proposed exemption has no impact on the FNP or VEGP physical security plan or the ability to protect special nuclear material at FNP and VEGP. Therefore, the exemption is consistent with the common defense and security.

5.0 ENVIRONMENTAL ASSESSMENT

SNC has determined that the requested exemption meets the categorical exclusion provision in 10 CFR 51.22(c)(25). 10 CFR 51.22(c)(25) allows the exemption to be granted provided that the requirements of 10 CFR 51.22(c)(25)(i) through (vi) are met. SNC has determined that all of the criteria for this categorical exclusion are met as follows:

(i) There is no significant hazards consideration.

The criteria for determining whether an action involves a significant hazards consideration are contained in 10 CFR 50.92. The proposed action is an administrative activity that involves a change in schedule for routine submission of the FNP and VEGP UFSAR revisions. The change does not affect plant equipment, operation, or procedures. There are no significant hazards consideration associated with granting the exemption as this change does not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

(ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

The proposed action involves a schedule change for routine submittal of updates to the FNP and VEGP UFSAR. This activity is administrative in nature and does not involve any change in the types or significant increase in the amounts of any effluents that may be released offsite.

(iii) There is no significant increase in individual or cumulative public or occupational radiation exposure.

The proposed action involves a schedule change for routine submittal of updates to the FNP and VEGP UFSAR. This activity is administrative in nature and does not result in a significant increase in occupational or public radiation exposure.

(iv) There is no significant construction impact.

The proposed action involves a schedule change for routine submittal of updates to the FNP and VEGP UFSAR. This activity is administrative in nature and does not involve any construction impact.

(v) There is no significant increase in the potential for or consequences from radiological accidents.

The proposed action involves a schedule change for routine submittal of updates to the FNP and VEGP UFSAR. This activity is administrative in nature and does not result in a significant increase in the potential for or consequences from radiological accidents.

(vi) The requirements from which an exemption is sought involve:

- (A) Recordkeeping requirements;*
- (B) Reporting requirements;*
- (C) Inspection or surveillance requirements;*
- (D) Equipment servicing or maintenance scheduling requirements;*

- (E) Education, training, experience, qualification, requalification or other employment suitability requirements;*
- (F) Safeguard plans, and materials control and accounting inventory scheduling requirements;*
- (G) Scheduling requirements;*
- (H) Surety, insurance or indemnity requirements; or*
- (I) Other requirements of an administrative, managerial, or organizational nature.*

The proposed action involves 10 CFR 51.22(c)(25)(vi)(G), scheduling requirements. The schedule requirements are associated with an administrative activity to provide periodic UFSAR updates as prescribed in 10 CFR 50.71(e)(4). FNP and VEGP UFSARs are currently submitted on a schedule prescribed by earlier exemptions (References 1 and 3). This exemption request proposes a revised UFSAR update schedule for FNP and VEGP. SNC would submit the updated FNP UFSAR by October 31 of every odd-numbered year and submit the updated VEGP UFSAR by October 31 of every even-numbered year. This schedule will meet the underlying purpose of 10 CFR 50.71(e)(4) to ensure that UFSAR revisions, including documents incorporated by reference in the UFSAR, are periodically submitted to NRC to assure that the UFSAR remains up-to-date and accurately reflects the plant design and operation.

The FNP and VEGP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4). Further, the proposed exemption would not allow SNC to exceed the maximum 24 months between successive updates as required by 10 CFR 50.71(e)(4). The proposed due dates would allow, for practical or business reasons, the submittal to be made any time during the month in which the submittal is due.

Based on the above discussion, SNC asserts that the proposed exemption meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with this exemption request.

6.0 PRECEDENT

NRC has previously granted similar exemptions:

1. Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2

By letter dated December 16, 2019 (Reference 6), SNC requested that the due date for submittal of HNP, Unit 1, and HNP, Unit 2, UFSARs be August 31 of every even-numbered year, provided the interval between successive updates does not exceed 24 months. SNC indicated that the submittal may be made earlier in the month due for practical or business reasons. HNP is a two-unit plant, each unit with its own UFSAR, however, the two UFSARs effectively function as a common UFSAR. HNP requested the UFSAR submittal schedule to correspond with a schedule that is approximately six months after the end of a typical HNP Unit 1 refueling outage, however, this schedule requested would be maintained regardless of future refueling outage schedules. An exemption was granted for this schedule change on January 30, 2020 (Reference 7).

The UFSAR submittal schedule for FNP and VEGP is similar to the exemption allowed for HNP. SNC requests a new UFSAR submittal schedule for FNP and VEGP based on a

predictable calendar schedule. Similar to the HNP exemption, the schedule for submitting FNP and VEGP UFSAR revisions will not exceed 24 months between successive updates, as required by 10 CFR 50.71(e)(4). The FNP and VEGP UFSAR updates will continue to reflect changes to the UFSAR up to a maximum of six months prior to the date of filing, as required by 10 CFR 50.71(e)(4).

2. Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2
Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2
Vogtle Electric Generating Plant (VEGP), Units 1 and 2

By letter dated October 31, 2019 (Reference 8), SNC requested that the due date for submittal of changes to the Quality Assurance Topical Report (QATR) that do not reduce commitments be submitted on a 24-month calendar schedule, rather than the schedule specified in 10 CFR 50.71(e)(4). An exemption was granted for this schedule change on March 11, 2020 (Reference 9).

The UFSAR submittal schedule for FNP and VEGP is similar to the request made for changes to the QATR that do not reduce commitments as both the UFSAR and QATR updates use the submittal schedule specified in 10 CFR 50.71(e)(4). Similar to the QATR submittal, the FNP and VEGP UFSAR submittals will be based on a predictable calendar schedule and will not exceed 24 months between successive updates, as required by 10 CFR 50.71(e)(4).

7.0 CONCLUSION

SNC considers the requested schedule changes for routine submittals of the FNP and VEGP UFSARs an acceptable alternative for meeting the intent of 10 CFR 50.71(e)(4). As demonstrated in this submittal, the requested exemption complies with the criteria in 10 CFR 50.12. Specifically, the requested exemption is allowed by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Special circumstances exist in that the application of the requirements is not necessary to achieve the underlying purpose of the rule. The proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25), therefore, no environmental impact statement or environmental assessment was prepared in connection with this exemption request.

8.0 REFERENCES

1. Letter from U.S. Nuclear Regulatory Commission to D.N. Morey, Southern Nuclear Operating Company, Issuance of Exemption to 10 CFR 50.71(e)(4), Joseph M. Farley Nuclear Plant, Units 1 and 2 (TAC Nos. MA0673 and MA0674), dated July 7, 1998 (ADAMS Accession No. ML013130216)
2. Letter from Cheryl A. Gayheart, Southern Nuclear Operating Company, to U.S. Nuclear Regulatory Commission, Joseph M. Farley, Units 1 and 2, Revision 29 to the Updated Final Safety Analysis Report, Updated NFPA 805 Fire Protection Program Design Basis Document, Technical Specification Bases Changes, Technical Requirements Manual Changes, 10 CFR 50.59 Summary Report, and Revised NRC Commitments Report, dated April 28, 2020 (ADAMS Accession No. ML20125A202)

Enclosure to NL-21-0543
Request for Exemption from 10 CFR 50.71(e)(4)

3. Letter from U.S. Nuclear Regulatory Commission to C.K. McCoy, Southern Nuclear Operating Company, Issuance of Exemption to 10 CFR 50.71(e)(4), Vogtle Electric Generating Plant, Units 1 and 2 (TAC Nos. MA0747 and MA0748), dated March 5, 1998 (ADAMS Accession No. ML012410088)
4. Letter from Cheryl A. Gayheart, Southern Nuclear Operating Company, to U.S. Nuclear Regulatory Commission, Vogtle Electric Generating Plant, Units 1 and 2, Revision 23 to the Updated Final Safety Analysis Report, Technical Specification Bases Changes, Technical Requirements Manual Changes, 10 CFR 50.59 Summary Report, and Revised NRC Commitments Report, dated March 30, 2021 (not yet in ADAMS)
5. Federal Register (45 FR 30615), FSAR Update Rule, Addition of Paragraph (e) to 10 CFR 50.71 (reference pages 45 FR 30614 – 30616), dated May 9, 1980
6. Letter from Cheryl A. Gayheart, Southern Nuclear Operating Company, to U.S. Nuclear Regulatory Commission, Edwin I. Hatch Nuclear Plant – Units 1 and 2, Request for Exemption from 10 CFR 50.71(e)(4) Final Safety Analysis Report Update Schedule, dated December 16, 2019 (ADAMS Accession No. ML19350C266)
7. U.S. Nuclear Regulatory Commission to Southern Nuclear Operating Company, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Exemption, dated January 30, 2020 (ADAMS Accession No. ML19364A020)
8. Letter from Cheryl A. Gayheart, Southern Nuclear Operating Company, to U.S. Nuclear Regulatory Commission, Joseph M. Farley Nuclear Plant- Units 1 and 2, Edwin I. Hatch Nuclear Plant- Units 1 and 2, Vogtle Electric Generating Plant - Units 1 and 2, Quality Assurance Topical Report Submittal Request for Schedular Exemption - 10 CFR 50.54(a)(3), dated October 31, 2019 (ADAMS Accession No. ML19304C213)
9. U.S. Nuclear Regulatory Commission to Southern Nuclear Operating Company, Joseph M. Farley Nuclear Plant, Units 1 and 2, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Vogtle Electric Generating Plant, Units 1 and 2, exemption issuance dated March 11, 2020 (ADAMS Accession No. ML20034F500)