

June 8, 2022

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50-425

NL-22-0425

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D. C. 20555-0001

Vogtle Electric Generating Plant Units 1 and 2  
Request for One-Time Exception to LIC-109, LIC-101, and LIC-500 Acceptance Review Criteria  
for Accident Tolerant Fuel Lead Test Assemblies License Amendment Request and Exemptions

Ladies and Gentlemen:

The Office of Nuclear Reactor Regulation (NRR) Office Instructions No. LIC-109, Revision 3, *Acceptance Review Procedures for Licensing Basis Changes*, provides guidance to the NRR staff for determining that sufficient technical information is contained in a request for licensing action (RLA) to facilitate a detailed technical review within an appropriate timeframe. One of the criteria listed in LIC-109 states:

Unapproved guidance may be used as the basis for a proposed change; however, the licensee must supply all information necessary (i.e., plant-specific justification and technical basis) to support the change. Simply citing unapproved guidance may not be acceptable. The NRC staff should also ensure that the safety evaluation of the RLA is clear and that it has only been evaluated for the plant-specific application. A licensee may reference a Topical report (TR) once the NRC's draft safety evaluation for generic use has been issued, recognizing that the review of the TR is near completion.

By approximately June 30, 2022, for Vogtle Electric Generating Plant (VEGP), Southern Nuclear Operating Company (SNC) will submit an RLA, in the form of a license amendment request and two exemptions to request approval of lead test assemblies that contain accident tolerant fuel (ATF) technologies. As stated by the NRC and in the Nuclear Energy Innovation and Modernization Act (NEIMA), ATF technologies have the potential to a) enhance safety at nuclear power plants by making the reactor more resistant to a nuclear incident and offering better performance during normal operation, transient conditions, and accident scenarios and b) lower the cost of electricity.

The upcoming VEGP RLA will reference two Westinghouse Topical Reports (TRs) currently under review by the NRC:

- 1) Topical Report WCAP-18482-P / WCAP-18482-NP, Revision 0, "Westinghouse Advanced Doped Pellet Technology (ADOPT) Fuel" (Proprietary /Non-Proprietary) submitted May 8, 2020 (ML20132A014). An NRC Safety Evaluation (SE) has been drafted on March 8, 2022 with the final SE scheduled for June 17, 2022 and the final approved TR package published by August 17, 2022.
- 2) Topical Report WCAP-18546-P / NP, "Westinghouse AXIOM Cladding for Use in Pressurized Water Reactor Fuel" submitted March 31, 2021 (ML21090A111 and ML21090A113). The NRC SE is scheduled to be drafted on July 8, 2022 with the final SE scheduled for October 28, 2022 and the final approved TR package published by December 28, 2022.

Because SNC will be requesting NRC approval for the VEGP RLA by July 2023 to support the Fall 2023 refueling outage, it is imperative that the RLA be submitted as soon as possible to allow adequate time for the NRC review. Consequently, SNC requests a one-time exception to the LIC-109 acceptance criteria to allow for the two Westinghouse TRs to proceed as scheduled without extracting and duplicating information from the TRs into the VEGP RLA.

Due to the voluminous nature of the two WCAPs, incorporating the relied-upon information into the VEGP RLA would impede rather than facilitate the NRC's review by creating unnecessary additional work for the NRC staff. Allowing an exception to the LIC-109 criteria would allow the current review process to proceed without duplicating certain reviews and approvals. Review of the VEGP RLA in parallel would allow the existing NRC resources dedicated to the TR reviews to maintain focus and complete the approval process without unnecessarily increasing the complexity of their reviews.

SNC believes that this VEGP RLA referencing the two unapproved TRs is a "rare circumstance" as defined by LIC-109 and is deserving of a slightly different approach. Because the WCAPs are on course for approval soon, an exception to LIC-109 is justified. Further, this exception aligns with a principal purpose of LIC-109 as it provides for a high-quality RLA while preventing a significant impact on the amount of time NRC staff resources expend in the review process.

SNC has held two pre-submittal meetings with the NRC on January 27, 2022 and May 11, 2022. Specific issues discussed at these meetings and the meeting summaries will be addressed. The VEGP RLA will include information of a sufficient scope and depth to allow the NRC staff to focus its efforts on reviewing its safety, technical, and regulatory merits of the arguments along with the two TRs in parallel. Overall, the applications will contain all the information necessary for the NRC staff to complete its review without adding duplicative reviews and unnecessarily expending NRC staff time.

NRR Office Instructions No. LIC-101, Revision 6, *License Amendment Review Procedures*, and LIC-500, Revision 8, *Topical Report Process*, also discuss that topical reports are to be approved by the NRC prior to being implemented by reference as the technical basis for a licensee action. SNC therefore requests a one-time exception for this specific requirement in these two other NRR Office Instructions also.

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Because extracting and duplicating several hundred pages of the Westinghouse TR information into the VEGP RLA would significantly delay the planned submittal of the VEGP RLA, SNC respectfully requests that the NRC grant this exception by June 17, 2022.

This letter contains no NRC commitments. If you have any questions, please contact Ryan Joyce at 205.992.6468.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cheryl Gayneart', with a long horizontal flourish extending to the right.

Cheryl Gayneart  
Regulatory Affairs Director

CAG/rmj/efb

cc: NRC Regional Administrator, Region II  
NRC NRR Project Manager - Vogtle  
NRC Senior Resident Inspector - Vogtle  
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