



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

June 14, 2022

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

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2 – RESPONSE TO
REQUEST FOR ONE-TIME EXCEPTION TO NUCLEAR REACTOR
REGULATION OFFICE INSTRUCTIONS LIC-109, LIC-101, AND LIC-500
ACCEPTANCE REVIEW CRITERIA (EPID L-2022-LLL-0010)

Dear Ms. Gayheart:

By letter dated June 8, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22160A384), Southern Nuclear Operating Company, Inc. (SNC) submitted a request for a one-time exception to Nuclear Reactor Regulation (NRR) Office Instructions (OIs) LIC-109, "Acceptance Review Procedures," LIC-101, "License Amendment Review Procedures," and LIC-500, "Topical Report Process," acceptance review criteria for Vogtle Electric Generating Plant (Vogtle), Units 1 and 2. The OIs are available in ADAMS at Accession Nos. ML20036C829, ML19248C539, and ML20247G279, respectively. In its letter, SNC requests that the NRC staff accept for review planned requested licensing actions (RLAs) for Vogtle, Units 1 and 2, that would rely on two draft Westinghouse Electric Company (Westinghouse) topical reports (TRs) that are currently under review by the U.S. Nuclear Regulatory Commission (NRC) staff.

The planned RLAs would be comprised of a license amendment and specific exemption requests by SNC to install accident tolerant fuel (ATF) lead test assemblies (LTAs) at Vogtle, Units 1 and 2. SNC stated that the TRs that the planned RLAs would rely on are Westinghouse TRs WCAP-18546-P/NP, "Westinghouse AXIOM® Cladding for Use in Pressurized Water Reactor Fuel" (ADAMS Package Accession No. ML21090A110), and WCAP-18482-P/WCAP-18482-NP, Revision 0, "Westinghouse Advanced Doped Pellet Technology (ADOPT™) Fuel" (ADAMS Accession No. ML20132A014). The purpose of this letter is to provide the results of the NRC staff's review of this request.

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations. For license amendment requests and other RLAs, the NRC staff conducts an acceptance review of RLAs to determine whether it provides 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 amendment in terms of regulatory requirements and the protection of public health and safety and the environment.

To aid the NRC staff in meeting requirements and performance goals, NRR has established procedures and guidance for the conduct of licensing reviews. For RLAs and TRs, the procedures and guidance for the acceptance reviews are in OIs LIC-109, LIC-101, and LIC-500, respectively.

One of the purposes of the acceptance review is to verify that an application reasonably appears to contain sufficient technical information, both in scope and depth, for the NRC staff to complete the detailed technical review and render, in an appropriate time frame for the associated action, an independent assessment of the proposed action with regard to applicable regulatory requirements and the protection of public health, safety, and security.

According to the acceptance review criteria for RLAs, RLAs that are linked to another action that is under NRC staff review should not be accepted unless the licensee has cited that "rare circumstance" exists.

In its letter dated June 8, 2022, SNC states that its request for an exception meets rare circumstance for the following reasons:

1. Review and testing of ATF technologies is a priority for the NRC and is in the Nuclear Energy Innovation and Modernization Act (NEIMA).
2. Because SNC will be requesting NRC approval for the Vogtle 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.
3. Due to the voluminous nature of the two WCAPs, incorporating the relied-upon information into the Vogtle RLA would impede rather than facilitate the NRC's review by creating unnecessary additional work for the NRC staff.
4. Westinghouse TRs are on course for approval in the near future.
5. The one-time exception would prevent a significant impact on the amount of time the NRC staff resources expend in the review process.

The NRC staff has reviewed your request for a one-time exception to the acceptance review criteria and concluded that it would be appropriate to accept for review the planned RLAs that relies on the unapproved WCAP-18546-P/NP and WCAP-18482-P/WCAP-18482-NP, Revision 0. There is an operational need and "rare circumstance" that would support taking a one-time exception to the acceptance review criteria. The RLA submittal for Vogtle, Units 1 and 2, will need to include information necessary of a sufficient scope and depth to allow the NRC staff to complete its plant-specific review.

The NRC expects the licensee to provide a justification for the applicability and use of these TRs and any plant-specific information necessary to support RLA approval. Based on the known review schedules for WCAP-18546-P/NP and WCAP-18482-P/WCAP-18482-NP, Revision 0, it is anticipated that the NRC-approved versions (A-versions) will be available by the planned issuance of the Vogtle RLA as described in the SNC letter NL-22-0425, dated June 8, 2022. The NRC staff would expect appropriate updates to the RLA if the A-versions become available. However, any delay in availability of the NRC-approved A-versions of the TRs may impact the schedule for issuance of the Vogtle RLA.

If you have any questions, please contact the Vogtle Senior Project Manager, John G. Lamb, at (301) 415-3100 or John.Lamb@nrc.gov.

Sincerely,

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

Docket Nos. 50-424 and 50-425

cc: Distribution via Listserv

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