



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 192

TO THE COMBINED LICENSE NO. NPF-91

SOUTHERN NUCLEAR OPERATING COMPANY, INC.

GEORGIA POWER COMPANY

OGLETHORPE POWER CORPORATION

MEAG POWER SPVM, LLC

MEAG POWER SPVJ, LLC

MEAG POWER SPVP, LLC

CITY OF DALTON, GEORGIA

VOGTLE ELECTRIC GENERATING PLANT, UNIT 3

DOCKET NO. 52-025

1.0 INTRODUCTION

By letter dated April 4, 2023 (Agencywide Documents Access and Management System Accession No. ML23094A268), the Southern Nuclear Operating Company (the licensee or SNC) requested that the Nuclear Regulatory Commission (NRC) amend Vogtle Electric Generating Plant (VEGP), Unit 3 Combined License (COL) Number NPF-91. License Amendment Request (LAR) 23-001 proposed to remove Appendix C (Inspections, Tests, Analyses, and Acceptance Criteria or ITAAC) in its entirety from the COL along with specific references to Appendix C within license conditions contained in the COL.

2.0 REGULATORY EVALUATION

The staff considered the following regulatory requirements in reviewing the LAR:

- Title 10 of the *Code of Federal Regulations* (10 CFR) 52.80(a) requires COL applications to contain the proposed ITAAC, "including those applicable to emergency planning . . . that are necessary and sufficient to provide reasonable assurance that, if the inspections, tests, and analyses are performed and the acceptance criteria met, the facility has been constructed and will be operated in conformity with the combined license, the provisions of the [Atomic Energy Act of 1954, as amended], and the Commission's rules and regulations . . . If the application references an early site permit

with ITAAC, the early site permit ITAAC must apply to those aspects of the combined license which are approved in the early site permit. . . If the application references a standard design certification, the ITAAC contained in the certified design must apply to those portions of the facility design which are approved in the design certification.”

- 10 CFR 52.97(b) requires the NRC, “identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the [Atomic Energy Act of 1954, as amended], and the Commission’s rules and regulations.”
- 10 CFR 52.98(f) requires NRC approval for any modification to, addition to, or deletion from the terms and conditions of a COL. The licensee proposes a change to COL Appendix C ITAAC information and to references to Appendix C within the COL. Therefore, NRC approval is required prior to making these changes.
- 10 CFR 52.103(h) states in part that “[a]fter the Commission has made the finding in paragraph (g) of this section, the ITAAC do not, by virtue of their inclusion in the combined license, constitute regulatory requirements ...; except for the specific ITAAC for which the Commission has granted a hearing under paragraph (a) of this section, all ITAAC expire upon final Commission action in the proceeding.”
- 10 CFR Part 52, Appendix D, Section IX.B.3 states in part that “[a]fter the Commission has made the finding required by 10 CFR 52.103(g), the ITAAC do not, by virtue of their inclusion within the [design control document], constitute regulatory requirements ...; except for specific ITAAC, which are the subject of a § 52.103(a) hearing, their expiration will occur upon final Commission action in such a proceeding.”

3.0 TECHNICAL EVALUATION

3.1 DESCRIPTION OF PROPOSED CHANGES TO COMBINED LICENSE

LAR 23-001 proposes the removal of Appendix C, “Vogle Electric Generating Plant Unit 3 Inspections, Tests, Analyses, and Acceptance Criteria,” in its entirety from the VEGP Unit 3 COL. In addition, LAR 23-001 proposes the deletion of license conditions 2.D(2)(d) and 2.D(3)(b) that reference Appendix C as shown below (added text is underlined):

~~2.D(2)(d) – (Removed by Amendment No. ###) SNC shall notify the Director of NRO, or the Director’s designee, in writing, upon the successful completion of all the ITAAC included in Appendix C to this license.~~

~~2.D(3)(b) - (Removed by Amendment No. ###) Upon submission of the notification required by Section 2.D.(2)(c) of this license and upon a Commission finding in accordance with 10 CFR 52.103(g) that all the acceptance criteria in the ITAAC in Appendix C to this license are met, SNC is authorized to perform pre-critical tests in accordance with the conditions specified herein;~~

Finally, LAR 23-001 proposes the revision shown below to license condition 2.D.(8) to remove the reference to Appendix C of the COL (added text is underlined):

The Technical Specifications and Environmental Protection Plan, ~~and~~ ITAAC in Appendices ~~A, B, and C, and B~~, respectively, of this license, as revised through Amendment No. ~~###~~, are hereby incorporated into this license.

3.2 TECHNICAL EVALUATION OF THE REQUESTED CHANGES

The staff reviewed the proposed changes described in Section 3.1 by considering the history of licensing activities for VEGP Unit 3.

On August 26, 2009, the NRC issued the VEGP early site permit (ESP-004) for two nuclear power units adjacent to the existing VEGP Units 1 and 2 (ML092290157). The NRC updated the AP1000 design certification rule to incorporate Revision 19 of the AP1000 DCD (ML11171A500) on December 30, 2011. On February 10, 2012, the NRC issued the VEGP Unit 3 COL referencing Appendix D to 10 CFR Part 52, "Design Certification Rule for the AP1000 Design."

The Commission included a comprehensive set of ITAAC in Appendix C of the VEGP Unit 3 COL (ML14100A106) to satisfy the requirement in 10 CFR 52.97(b). This set of ITAAC included (1) the site-specific ITAAC required per 10 CFR 52.80(a); (2) the early site permit (ESP) ITAAC required by 10 CFR 52.24(a)(5) and included in the COL application pursuant to 10 CFR 52.80(a)(1); and (3) the AP1000 standard design certification (Tier 1) ITAAC required by 10 CFR 52.54(a)(5), and included in the COL application pursuant to 10 CFR 50.80(a)(2).

In addition to the ITAAC, information associated with completing the ITAAC was also included in COL Appendix C. This associated information included the Tier 1 definitions, general provisions, figure legend, list of acronyms and abbreviations, design descriptions, and supporting tables and figures as supplemented with the relevant site-specific information.

On July 29, 2022, SNC provided the "All ITAAC Complete" notification to the NRC required by 10 CFR 52.99(c)(4) and COL condition 2.D.(2)(d) (ML22210A090). The staff determined that all the acceptance criteria in COL NPF-91, Appendix C, "Vogtle Electric Generating Plant Unit 3 Inspections, Tests, Analyses, and Acceptance Criteria," were met (ML20290A276). Therefore, on August 3, 2022, the NRC made a finding under 10 CFR 52.103(g) that all acceptance criteria are met; as a consequence of this finding, SNC is allowed to operate VEGP Unit 3 in accordance with the terms and conditions of its COL (including fuel load and power ascension testing) (ML20290A282).

Both 10 CFR 52.103(h) and 10 CFR Part 52, Appendix D, IX.B.3 state that after the Commission has made the 10 CFR 52.103(g) finding, ITAAC do not constitute regulatory requirements. The staff notes that 10 CFR Part 52, Appendix D, Section X.A.2 requires the licensee to continue to maintain plant-specific Tier 1 information for the entire license term regardless of whether the Tier 1 information is included in the license. Also, the Tier 1 change processes in 10 CFR Part 52, Appendix D, Section VIII.A.4 continue to apply to plant-specific departures from such Tier 1 information (other than ITAAC) whether or not that Tier 1 information is included in the license.

The staff finds the proposed deletion of Appendix C and the proposed revisions to license conditions 2.D.(2)(d), 2.D.(3)(b), and 2.D.(8) acceptable because of the following:

- The staff made its 10 CFR 52.103(g) finding for VEGP Unit 3 on August 3, 2022.
- The regulations in 10 CFR 52.103(h) and 10 CFR Part 52, Appendix D, IX.B.3 state that ITAAC are no longer requirements following the 10 CFR 52.103(g) finding.
- No ITAAC listed in Appendix C to COL NPF-01 are the subject of a § 52.103(a) hearing.¹ Thus, all VEGP Unit 3 ITAAC expired upon the making of the 10 CFR 52.103(g) finding.
- Therefore, the ITAAC tables and associated information in COL Appendix C may be deleted from Appendix C. However, Tier 1 information other than ITAAC that is deleted from Appendix C must nonetheless be maintained by SNC and is still subject to the Tier 1 change process, as described above.
- License condition 2.D.(2)(d) was successfully met by letter dated July 29, 2022 (ML22210A090).
- License condition 2.D.(3)(b) was successfully met by letters dated February 17, 2020 (ML20048A055) and August 3, 2022 (ML20290A282).
- License condition 2.D.(8) is revised to remove reference to deleted Appendix C of the COL.

Because the VEGP Unit 3 ITAAC have expired and are no longer requirements for the licensee, there is no requirement or purpose for the ITAAC (or information originally included in the license solely for its relevance to ITAAC) to continue to reside in the license.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Georgia State official was notified of the proposed issuance of the amendments on June 16, 2023. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding published in the *Federal Register* on May 16, 2023 (88 FR 31282). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

¹ On June 15, 2020, the Commission denied a petition to intervene and request for a hearing submitted by Nuclear Watch South (ML20167A267).

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: July 31, 2023