

August 14, 2024

NL-24-0299  
10 CFR 52.7

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

Vogtle Electric Generating Plant Units 3 and 4  
Docket Nos. 52-025 and 52-026

Subject: Exemption Request: Final Safety Analysis Report Update Schedule, Response to  
Request for Additional Information

By letter dated March 22, 2024, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24085A711), Southern Nuclear Operating Company (SNC) submitted an exemption request pursuant to the requirements in Title 10 of the Code of Federal Regulations (10 CFR) 50.12(a) for Vogtle Electric Generating Plant (Vogtle), Units 3 and 4 (License Numbers NPF-91 and NPF-92, respectively). The letter requested an exemption from the requirements of 10 CFR Part 52, Appendix D, Sections X.B.2 and X.B.3.c, and 10 CFR 50.71(e)(4) regarding submission of revisions to the Updated Final Safety Analysis Report (UFSAR) to allow periodic updates of the FSAR, including the plant-specific Design Control Document, on specified schedules that do not exceed 24 months between successive updates.

On July 17, 2024, the NRC Staff identified the need for additional information (RAI). Specifically, the NRC Staff requested that SNC "Discuss how the 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 as discussed in the statements of consideration for the initial and revised 10 CFR 50.71(e)(4) rule." During a clarifying call held on July 17, 2024, the NRC Staff clarified the concern to be related to the lack of association of the submittal schedule to a refueling outage.

The response to the RAI is provided in the enclosure to this letter.

This letter contains no regulatory commitments. This letter has been reviewed and determined not to contain security-related information.

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If you have any questions, please contact Mr. Ryan Joyce at (205) 992-6468.

Respectfully submitted,

A handwritten signature in black ink that reads "Jamie Coleman". The signature is written in a cursive, flowing style.

Jamie M. Coleman  
Director, Regulatory Affairs  
Southern Nuclear Operating Company

Enclosure: Response to Request for Additional Information

cc: NRC Regional Administrator, Region II  
NRR Project Manager – Vogtle 3&4  
Senior Resident Inspector – Vogtle 3&4  
Document Services RTYPE: VND.LI.L00  
File AR.01.02.06

**Southern Nuclear Operating Company**

**NL-24-0299  
ENCLOSURE**

**Vogtle Electric Generating Plant Units 3 and 4**

**Response to Request for Additional Information**

## **REQUEST FOR ADDITIONAL INFORMATION (RAI)**

### **RAI-01**

#### **Regulatory Requirements:**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.12(a)(2) state that: "(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 . . . "

The requirements in 10 CFR 50.71(e) state: "Each person licensed to operate a nuclear power reactor under the provisions of § 50.21 or § 50.22, and each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e) (3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, to assure that the information included in the report contains the latest information developed."

The requirements in 10 CFR 50.71(e)(4) state, in pertinent part: "Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing."

#### **Issue:**

The exemption request dated March 22, 2024, states: "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 for the licensee to provide periodic revision and updates of the FSAR. 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 FSAR up to a maximum of six months prior to the date of filing. The processing and submittal of more frequent revisions to the FSAR, including the documents incorporated by reference, is not necessary to achieve the underlying purpose of the rule. SNC maintains the [Vogtle Electric Generating Plant] VEGP Units 3 and 4 FSAR as a living document that is posted to the SNC intranet when updated. These documents are available to plant staff. The VEGP Units 3 and 4 revisions and update FSAR 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)."

The NRC staff notes that in the statements of consideration for the final rule establishing the initial requirement to provide an UFSAR update (May 9, 1980; 45 FR 30614), the Commission explained that it was establishing the requirement "to provide an updated reference document to be used in recurring safety analyses performed by the licensee, the Commission, and other interested parties." That rule required updating on an annual basis. In the statements of consideration for the 1992 final rule amending § 50.71(e) (August 31, 1992; 57 FR 39353), the Commission provided an alternative to the annual updating requirement, in which licensees could provide updates "6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." In a response to a comment suggesting that the FSAR update be decoupled from the refueling cycle the Commission

explained in the final rule (57 FR 39354), "The majority of facility design changes reflected in an updated FSAR are effected during the refueling outage. The use of the refueling cycle interval provides for a current plant status document that is coordinated with plant changes."

Request:

Discuss how the 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 as discussed in the statements of consideration for the initial and revised 10 CFR 50.71(e)(4) rule.

**SNC Response:**

With respect to decoupling the reporting frequency from refueling outages as discussed in the statements of consideration, in order to reduce outage time, the majority of facility design changes are no longer implemented during refueling outages, separating the implementation of the "majority of facility design changes" from refueling outages. Thus, associating the updates with a refueling outage is no longer necessary to meet the underlying purpose of the regulation, and providing updates on a periodic basis will continue to provide the updated information to the NRC on a timely basis. Therefore, the application of the regulation is not necessary to achieve the underlying purpose of the rule.