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For further details with respect to this action, see the application for license amendment dated December 14, 2020 (ADAMS Accession No. ML20363A011).

*Attorney for licensee:* Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.

*NRC Branch Chief:* Nancy L. Salgado.

Dated: January 6, 2021.

For the Nuclear Regulatory Commission.

**Scott P. Wall,**

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**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2020-0183]

### Fire Protection Program for Nuclear Power Plants During Decommissioning

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 1.191, "Fire Protection Program for Nuclear Power Plants During Decommissioning." Revision 1 of RG 1.191 addresses new information identified since Revision 0 of this guide was issued. The guidance in Revision 0 of the RG does not include guidance for plants that have transitioned to the National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition.

**DATES:** Revision 1 to RG 1.191 is available on January 12, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2020-0183 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0183. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

- *Attention:* The PDR, where you may examine, and order copies of public documents is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

Revision 1 to RG 1.191 and the regulatory analysis may be found in ADAMS under Accession Nos. ML20287A199 and ML20078K925, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

#### FOR FURTHER INFORMATION CONTACT:

Naeem Iqbal, Office of Nuclear Reactor Regulation, telephone: 301-415-3346, email: [Naeem.Iqbal@nrc.gov](mailto:Naeem.Iqbal@nrc.gov), and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301-415-3346, email: [Harriet.Karagiannis@nrc.gov](mailto:Harriet.Karagiannis@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 1 of RG 1.191 was issued with a temporary identification of Draft Regulatory Guide, DG-1370. It addressed new information identified since Revision 0 of this guide was issued. The guidance in Revision 0 of the RG does not include guidance for plants that have transitioned to the NFPA 805, 2001 Edition.

##### II. Additional Information

The NRC published a notice of the availability of DG-1370 (ADAMS Accession No. ML20078K920), in the **Federal Register** on August 11, 2020 (85 FR 48573), for a 60-day public comment period. The public comment period closed on October 13, 2020. Public comments on DG-1370 and the staff responses to the public comments are available in ADAMS under Accession No. ML20287A198.

##### III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

##### IV. Backfitting, Forward Fitting, and Issue Finality

Revision 1 of RG 1.191 describes methods acceptable to the NRC staff for

complying with the NRC's regulations for fire protection programs for licensees that have certified that their plants have permanently ceased operations and that the fuel has been permanently removed from the reactor vessels.

The staff does not, at this time, intend to impose the positions represented in the RG in a manner that would constitute backfitting or affect the issue finality of a part 52 of title 10 of the *Code of Federal Regulations* approval. If, in the future, the staff seeks to impose a position in the RG in a manner that constitutes backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff would need to address the backfit rule or the criteria for avoiding issue finality as described in the applicable issue finality provision.

The staff does not, at this time, intend to impose the positions represented in the RG in a manner that would constitute forward fitting. If, in the future, the staff seeks to impose a position in the RG in a manner that constitutes forward fitting, then the staff would need to address the forward fitting criteria in Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests" (ADAMS Accession No. ML18093B087).

Dated: January 6, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-025; NRC-2008-0252]

### Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 3; Unit 3 Auxiliary Building Wall 11 Seismic Gap Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information in Tier 1 of the plant-specific design control document (DCD) and is issuing License Amendment No. 182 to Combined License (COL) NPF-91. The COL is for construction and operation of the Vogtle Electric Generating Plant (VEGP) Unit 3,

located in Burke County, Georgia. The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on August 4, 2020.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was designated License Amendment Request (LAR) 20-001 and submitted by letter dated February 7, 2020, (ADAMS Accession No. ML20038A939).

- *Attention:* The PDR, where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Cayetano Santos, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7270; email: [Cayetano.Santos@nrc.gov](mailto:Cayetano.Santos@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC is issuing License Amendment No. 182 to COL NPF-91 and is granting an exemption from Tier 1 information in the plant-specific DCD for VEGP Unit 3. The generic AP1000 DCD is incorporated by reference in appendix D, "Design Certification Rule for the AP1000," to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR). The exemption, granted pursuant to paragraph A.4 of section VIII, "Processes for Changes and Departures," of 10 CFR part 52, appendix D, allows the licensee to depart from the Tier 1 information. With the requested amendment, SNC sought proposed changes to the north-south minimum seismic gap requirements above grade between the nuclear island and the annex building west of Column Line I from elevation 141 feet through 154 feet to accommodate as-built localized nonconformances.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption and license amendment requests. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and 52.63, and in section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML20132A078.

The exemption document for VEGP Unit 3 can be found in ADAMS under Accession No. ML20132A077. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COL NPF-91 are available in ADAMS under Accession No. ML20132A052. A summary of the amendment documents is provided in Section III of this document.

## II. Exemption

Reproduced in this notice is the exemption document issued to VEGP Unit 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated February 7, 2020, Southern Nuclear Operating Company requested from the Nuclear Regulatory Commission an exemption to allow