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Chief, Rules and Directives Branch
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Southern Nuclear Operating Company
Comments for Workshop on Programmatic Information Needed in a
Combined License Application Submitted in Accordance With 10 CFR 52
(68 Federal Register 43767 dated July 24, 2003)

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC), the licensed operator for the Joseph M. Farley Nuclear Plant, the Edwin I. Hatch Nuclear Plant and the Vogtle Electric Generating Plant, has reviewed the workshop notice regarding programmatic information needed in a combined license application submitted in accordance with 10 CFR 52, that was published in the Federal Register on July 24, 2003 (68 FR 43767). Accordingly, SNC is in total agreement with the comments provided by the Nuclear Energy Institute (NEI) regarding this issue.

The Commission's September 11, 2002, Staff Requirements Memorandum (SRM) on programmatic inspections, tests, analyses and acceptance criteria (ITAAC) directed the NRC staff to seek stakeholder input and provide recommendations on the treatment of operational programs in combined license (COL) applications. However, the Commission disapproved the staff proposal that COL applications contain a broad set of ITAAC on operational programs, by stating that ITAAC should not be necessary in "most, if not all" operational areas, and that "an ITAAC for a program should not be necessary if the program and its implementation are fully described in the application and found to be acceptable by the NRC at the COL stage."

Based on the August 25 NRC Workshop discussions and draft material made available on the NRC website, the staff is narrowly focused on the meaning of the phrase "fully described" as used in the SRM. This has led the staff to conclude that "fully described" means that procedure-level information is required to be provided or available to the NRC to support review of a COL application. SNC strongly disagrees with the staff's conclusion. It is not necessary to provide procedure-level information to support the findings required for COL, nor is it practical for COL applicants to develop such information prior to COL issuance.

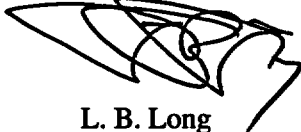
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SNC does not believe the Commission intended by its September 11, 2002 SRM that for NRC to grant a COL without ITAAC on programs, a COL applicant must provide more operational program information than that which is "necessary and sufficient" for the NRC staff to make its reasonable assurance finding(s) on the acceptability of the programs. Thus, SNC concludes that programs are "fully described" for purposes of a COL application if the information provided is necessary and sufficient to support NRC reasonable assurance findings on program acceptability, i.e., that programs meet NRC requirements (or will meet NRC requirements when fully implemented).

Although most operational programs will not be implemented at time of COL, COL applications can describe the programs that will be developed and implemented. SNC believes that program descriptions similar to those contained in current FSARs will be sufficient to support reasonable assurance findings by the NRC staff. In addition, the adequacy of operational program implementation is assured by required compliance with the COL, NRC requirements, and associated NRC oversight and enforcement programs. Accordingly, reasonable assurance findings at COL should be based on consideration of the licensing process as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. B. Long', written over a horizontal line.

L. B. Long

LBL/TMM/sdl

cc: Southern Nuclear Operating Company
Mr. W. G. Hairston, III, President & Chief Executive Officer
Mr. J. D. Woodard, Executive Vice President, Nuclear Projects
Mr. J. E. Garlington, Vice President, Engineering
Mr. J. B. Beasley, Jr., Vice President, Plant Farley
Mr. J. T. Gasser, Vice President, Plant Vogtle
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