PMVogtleCOLPEm Resource

From: Williams, Dana M. [DANAWILL@SOUTHERNCO.COM]
Sent: Monday, September 21, 2009 11:37 AM
To: Reyes, Luis; Joshi, Ravindra; Hughes, Brian; Simms, Tanya; Anderson, Brian; Comar, Manny; Notich, Mark; Cain, Loyd
Subject: SNC Letter ND-09-1457 transmitting VEGP Units 3 & 4 COLA Response to BLN Safety Evaluation OIs for Chapter 01
Attachments: ND-09-1457 COL-SER-OI-Ch01 Resp Supp.pdf

An electronic copy of Southern Nuclear's letter, ND-09-1457, dated September 21, 2009 is attached. In addition, a hard copy has been transmitted to the NRC Document Control desk via FedEx.

Thank you,

Dana M. Williams
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Hearing Identifier: Vogtle_COL_Public
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From: Williams, Dana M.

Created By: DANAWILL@SOUTHERNCO.COM

Recipients:
"Reyes, Luis" <Luis.Reyes@nrc.gov>
Tracking Status: None
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SEP 21 2009

Docket Nos.: 52-025
52-026

ND-09-1457

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4 Combined License Application
Response to Bellefonte Safety Evaluation Report Open Items for Chapter 01

Ladies and Gentlemen:

By letter dated March 28, 2008, Southern Nuclear Operating Company (SNC) submitted an application for combined licenses (COLs) for proposed Vogtle Electric Generating Plant (VEGP) Units 3 and 4 to the U.S. Nuclear Regulatory Commission (NRC) for two Westinghouse AP1000 reactor plants, in accordance with 10 CFR Part 52. As a result of the NRC's detailed review of the initial AP1000 Reference COL application, the NRC has written a safety evaluation report (SER) with open items for the subject chapter. The open items identified in the SER for the reference COL were partially addressed by SNC Letter No. ND-09-1171, dated July 29, 2009. This letter supplements that response for Open Item 01.04-02 by the enclosure to this letter.

If you have any questions regarding this letter, please contact Mr. Wes Sparkman at (205) 992-5061.

Mr. C.R. Pierce states he is AP1000 Licensing Manager of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

Charles R Pierce

Charles R. Pierce

Sworn to and subscribed before me this 21st *day of* September, *2009*

Notary Public: Dana M. Williams

My commission expires: 12/29/2010

CRP/BJS/dmw

Enclosures:
1. Supplemental Response to R-COLA SER with Open Items, Chapter 01

cc: Southern Nuclear Operating Company
Mr. J. H. Miller, III, President and CEO (w/o enclosure)
Mr. J. T. Gasser, Executive Vice President, Nuclear Operations (w/o enclosure)
Mr. J. A. Miller, Executive Vice President, Nuclear Development (w/o enclosure)
Mr. D. H. Jones, Site Vice President – Vogtle 3 and 4 (w/o enclosure)
Mr. T. E. Tynan, Vice President - Vogtle (w/o enclosure)
Mr. M. K. Smith, Technical Support Director (w/o enclosure)
Mr. D. M. Lloyd, Vogtle 3 & 4 Project Support Director
Mr. M. J. Ajluni, Nuclear Licensing Manager
Mr. W. A. Sparkman, COL Project Engineer
Document Services RTYPE: AR01.1053
File AR.01.02.06

Nuclear Regulatory Commission
Mr. L. A. Reyes, Region II Administrator
Mr. F.M. Akstulewicz, Deputy Director Div. of Safety Systems & Risk Assess. (w/o encl.)
Ms. S. M. Coffin, AP1000 Manager of New Reactors (w/o enclosure)
Mr. R. G. Joshi, Lead Project Manager of New Reactors
Mr. B. Hughes, Project Manager of New Reactors
Ms. T. E. Simms, Project Manager of New Reactors
Mr. B. C. Anderson, Project Manager of New Reactors
Mr. M. M. Comar, Project Manager of New Reactors
Mr. M. D. Notich, Environmental Project Manager
Mr. L. M. Cain, Senior Resident Inspector of VEGP

Georgia Power Company
Mr. O. C. Harper, IV, Vice President, Resource Planning and Nuclear Development (w/o enclosure)

Oglethorpe Power Corporation
Mr. M. W. Price, Executive Vice President and Chief Operating Officer (w/o enclosure)
Mr. K. T. Haynes, Director of Contracts and Regulatory Oversight

Municipal Electric Authority of Georgia
Mr. S. M. Jackson, Vice President, Power Supply (w/o enclosure)

Dalton Utilities
Mr. D. Cope, President and Chief Executive Officer (w/o enclosure)

Bechtel Power Corporation
Mr. J. S. Prebula, Project Engineer (w/o enclosure)
Mr. R. W. Prunty, Licensing Engineer

Tetra Tech NUS, Inc.
Ms. K. K. Patterson, Project Manager

Shaw Stone & Webster, Inc.
Mr. K. B. Allison, Project Manager (w/o enclosure)
Mr. J. M. Oddo, Licensing Manager
Mr. D. C. Shutt, Licensing Engineer

Westinghouse Electric Company, LLC
Mr. W. E. Cummins, Vice President of Regulatory Affairs and Standardization
Mr. N. C. Boyter, Consortium Project Director Vogtle Units 3 & 4 (w/o enclosure)
Mr. S. A. Bradley, Vogtle Project Licensing Manager
Mr. R. B. Sisk, Manager, AP1000 Licensing and Customer Interface
Mr. J. L. Whiteman, Principal Engineer, AP1000 Licensing & Customer Interface
Mr. D. A. Lindgren, Principal Engineer AP1000 Licensing and Customer Interface

NuStart Energy
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Mr. E. R. Grant
Mr. B. Hirmanpour
Mr. N. Haggerty
Ms. K. N. Slays

Other NuStart Energy Associates
Ms. M. C. Kray, NuStart
Mr. S. P. Frantz, Morgan Lewis
Mr. P. S. Hastings, NuStart & Duke Energy
Mr. J. A. Bailey, TVA
Ms. A. L. Sterdis, TVA
Mr. J. P. Berger, EDF
Mr. M. W. Gettler, FP&L
Mr. P. Hinnenkamp, Entergy
Mr. G. D. Miller, PG&N
Mr. M. C. Nolan, Duke Energy
Mr. N. T. Simms, Duke Energy
Mr. G. A. Zinke, NuStart & Entergy
Mr. R. H. Kitchen, PGN
Ms. A. M. Monroe, SCE&G
Mr. R. Reister, DOE/PM

Southern Nuclear Operating Company

ND-09-1457

Enclosure 1

Supplemental Response to R-COLA SER with Open Items

Chapter 01

Open Item	Response
01-01	Standard – July 29, 2009
01-02	Standard – July 29, 2009
01.04-01	Plant-Specific – Bellefonte (not included)
01.04-02	Standard – Supplement enclosed
01.04-03	Standard – July 29, 2009
01.04-04	Standard – July 29, 2009
01.05-01	Standard – July 29, 2009

eRAI Tracking No. 1425

NuStart Qb Tracking No. 3519

NRC SER OI Number 01.04-02:

The staff finds TVA's responses to RAIs 1-5 and 1-7 acceptable. However, the staff notes that BLN COL FSAR Table 1.9-201 and Appendix 1AA will most likely need additional changes based on the staff's evaluation of the RGs in this SER and TVA's response to RAI 1-11. The NRC staff is still evaluating TVA's response to RAI 1-11 and has not yet made a determination of whether the response is acceptable. This is Open Item 1.4-2.

SNC Response:

The results of the NRC Staff review were verbally provided by telephone calls on July 13, 2009 and August 26, 2009. The items discussed below address the January 27, 2009, Bellefonte response to RAI 1-11 (BLN-RAI-LTR-142).

1. The applicant agreed to consider including some of the response discussion related to the "General comment" item within the FSAR. The intent is to clarify within the FSAR how the Note at the end of the Appendix 1AA conformance statements would be applied. See COL Application Revisions 1 through 5 below.
2. The applicant agreed to consider including some of the response discussion related to Regulatory Guides 1.38 and 1.39 within the FSAR. The intent was to clarify within the FSAR the "DCD scope" and the "remaining scope" discussion. See COL Application Revision 6 below.
3. The applicant agreed to consider including some of the response discussion related to Regulatory Guide 1.78 within the FSAR. The intent was to clarify the purpose of a "General" entry under the column labeled "Section Criteria." See COL Application Revision 7 below.

The necessary revisions, as understood by the applicant, are shown in the COL Application Revisions section below. These COL application changes will be made in a future application revision.

This response is expected to be STANDARD for the S-COLAs.

Associated VEGP COL Application Revisions:

1. Revise the following text in FSAR Subsection 1.9.1.1 from:

   . . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design. Stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects. . . .

To read:

   . . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design (see Notes at the end of Appendix 1AA). . . .

2. Revise the following text in FSAR Subsection 1.9.1.2 from:

   . . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified

design. Stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects. . . .

To read:

. . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design (see Notes at the end of Appendix 1AA). . . .

3. Revise the following text in FSAR Subsection 1.9.1.3 from:

   . . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design. Stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects. . . .

To read:

. . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design (see Notes at the end of Appendix 1AA). . . .

4. Revise the following text in FSAR Subsection 1.9.1.4 from:

   . . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design. Stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects. . . .

To read:

. . . One such general alternative is the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD in order to preserve the finality of the certified design (see Notes at the end of Appendix 1AA). . . .

5. Revise FSAR Appendix 1AA Note (at the end of the Appendix) from:

   Note - Above stated general alternatives regarding the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD is provided to preserve the finality of the certified design. Further, each stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects.

To read (the # may vary for R-COLA and S-COLA as appropriate):

Note #. Above stated general alternatives regarding the use of previous revisions of the Regulatory Guide for design aspects as stated in the DCD is provided to preserve the finality of the certified design. Further, each stated conformance with the programmatic and/or operational aspects is only to the extent that a design change or departure from the approved DCD is not required to implement those programmatic and/or operational aspects. As the operational and programmatic aspects become more fully defined (for example, during the preparation, approval, or initial implementation of plant procedures), there exists a potential that a conflict could be identified between the design as certified in the DCD and the programmatic and/or operational aspects of the guidance. In such cases, the design

certification (rule) becomes the controlling factor, and the design conformance to the Regulatory Guide is per the revision stated in the DCD.

6. Revise FSAR Subsection 17.5 to include the following new paragraph following the existing first paragraph (with the same LMAs as the existing first paragraph):

   Conformance statements for QA-related Regulatory Guides (including Regulatory Guides 1.28, 1.30, 1.33, 1.38, 1.39, 1.94, and 1.116) are provided in Appendix 1AA. While many Regulatory Guide positions can be identified as applicable to the scope of work identified and addressed by the DCD and others can be identified as applicable to the scope of work identified and addressed by the COLA, some QA guidance related positions could be accomplished by either scope of work and thus be addressed in either the DCD or the COLA. These positions are primarily dependent on who performs the work. The DCD conformance statement indicates an exception to apply NQA-1. The COLA identifies an exception to apply NQA-1. Per DCD Section 17.3, WEC work performed up to March 15, 2007 applied a 1991 version of the standard. A 1994 version of the standard is applied for work performed after that date by WEC. If the work is performed under the applicant's COL program, the 1994 version of NQA-1 identified in the COLA QAPD is applied. Thus, DCD scope (identified in DCD Appendix 1A) and "remaining scope" differentiate the application of the guidance identified in these Regulatory Guides.

7. Revise FSAR Appendix 1AA Note (at the end of the Appendix) to include the following additional note (the # may vary for the R-COLA and S-COLA as appropriate):

   Note #. A "Criteria Section" entry of "General" indicates a scope for the conformance statement of "all regulatory guide positions related to programmatic and/or operational aspects." Thus, an associated conformance statement of "Conforms" indicates that the applicant "complies with all regulatory guide positions related to programmatic and/or operational aspects."