

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. James F. Jackson

_____)	
In the Matter of)	Docket Nos. 52-025-COL & 52-026-COL
SOUTHERN NUCLEAR OPERATING CO.)	ASLBP No. 10-903-01-COL-BD02
Vogtle Electric Generating Plant)	
Units 3 and 4)	October 31, 2010
_____)	

ADDITIONAL AUTHORITIES
(In Support of Oral Argument)

After review of the transcript of the October 19, 2010 hearing of the ASLB on the new contention offered by the Joint Intervenors, the Joint Intervenors offer the following as additional authorities:

1. At page 110 of the ALB hearing transcript, Counsel for the Joint Intervenors referenced NRC Information Notice No. 2010-12, "Containment Lining Corrosion," June 18, 2010, in which the NRC staff compiled major incidences of containment lining corrosion leading to throughwall cracks and holes. Subsequent to that notice and subsequent to the hearing before the ALB, holes in the containment were discovered at the Turkey Point 3 reactor.

2. At the October 8, 2010 meeting of the Advisory Committee on Reactor Safeguards (ACRS), the ACRS received presentations from NRC staff on several occasions of throughwall breaches of containment linings. At page 97 of the transcript of the ACRS meeting, Mr. Paul Klein of the NRC's Nuclear Regulatory Research (NRR), stated that, "Licensees perform visual exams according to section 11 of the code, but, unfortunately, when you have NDE-initiated corrosion, those inspections really don't detect liner corrosion until you have perforated the wall, which is not a good situation." See www.nrc.gov/reading-rm/doc-collections/acrs/agenda/2010/

3. At pages 56 and 112 of the ASLB hearing transcript, Judge Trikouros referenced NRC regulations concerning a definition of an "intact containment," but misremembered the assumed leak rate. The regulation is NUREG-1793, the Final

Safety Evaluation Report Related to the Certification of the AP1000 Standard Design. Specifically, Chapter 15 of the FSER, "Transient and Accident Analysis," in Section 15.3.6, "Radiological Consequences of LOCAs," states "the containment was assumed to leak at its design leak rate of 0.1 wt% per day for the first 24 hours and at half of that rate (0.5 wt% per day) for the remaining duration of the accident (30 days)." Important to the proposed contention before the ASLB, the leak rate described in the proposed contention is at least 25 times this magnitude and while the assumed containment leak in the FSER is directed into filtered spaces, the radiation described in the contention is directed into the environment and unfiltered.

Respectfully submitted, this the 1st day of November 2010.

/signed (electronically)/
John D. Runkle
Attorney at Law
P.O. Box 3793
Chapel Hill, NC 27515
919-942-06000
jrunkle@pricecreek.com

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. James F. Jackson

In the Matter of)	
SOUTHERN NUCLEAR OPERATING CO.)	Docket Nos. 52-025-COL & 52-026-COL
Vogtle Electric Generating Plant)	ASLBP No. 10-903-01-COL-BD02
Units 3 and 4)	October 31, 2010

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing ADDITIONAL AUTHORITIES (In Support of Oral Argument) on behalf of the Joint Intervenors have been served upon the following persons by Electronic Information Exchange:

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

G. Paul Bollwerk, III, Chair
Administrative Judge
E-mail: paul.bollwerk@nrc.gov

Nicholas G. Trikouros
Administrative Judge
E-mail: ngt@nrc.gov

James F. Jackson
Administrative Judge
E-mail: jxj2@nrc.gov
jackson538@comcast.net
james.jackson@nrc.gov

Wen Bu, Law Clerk, ASLBP
E-mail: wen.bu@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001
Marian Zabler, Esq.
Ann P. Hodgdon, Esq.
Sara Kirkwood, Esq.
Patrick A. Moulding, Esq.
Sarah Price, Esq.
Carol H. Lazar, Esq.
Jessica Bielecki, Esq.
Stephanie Liaw, Esq.
Joseph Gilman, Paralegal
E-mail:
marian.zabler@nrc.gov;aph@nrc.gov;

Sara.Kirkwood@nrc.gov;
patrick.moulding@nrc.gov; sap1@nrc.gov
jsg1@nrc.gov;Carol.Lazar@nrc.gov;
jessica.bielecki@nrc.gov;
stephanie.liaw@nrc.gov

OGC Mail Center: Members of this office
have received a copy of this filing by EIE
service.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Moanica M. Caston, Esq.
Southern Nuclear Operating Company, Inc.
40 Inverness Center Parkway
P.O. Box 1295, Bin B-022
Birmingham, AL 35201-1295
E-mail: mcaston@southernco.com

Kathryn M. Sutton, Esq.
Steven P. Frantz, Esq.
Paul M. Bessette, Esq.
Mary Freeze, Legal Secretary
Angela M. Perry, Legal Secretary
Morgan, Lewis & Bockius, LLP
Co-Counsel for Southern Nuclear Operating
Co., Inc.
1111 Pennsylvania Ave., NW
Washington, DC 20004
E-mail: ksutton@morganlewis.com
sfrantz@morganlewis.com
pbessette@morganlewis.com
mfreeze@morganlewis.com
angela.perry@morganlewis.com

Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
Lawrence Sanders, Esq.
E-mail: lsande3@emory.edu

Mindy Goldstein
E-mail: magolds@emory.edu

Kenneth C. Hairston, Esq.
M. Stanford Blanton, Esq.
Peter D. LeJeune, Esq.
Chad Pilcher, Esq.
Millicent Ronnlund
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, Alabama 35203-2014
E-mail: kchairston@balch.com;
sblanton@balch.com;
plejeune@balch.com;
cpilcher@balch.com;
mronnlund@balch.com

C. Grady Moore, III, Esq.
Balch & Bingham, LLP
1901 6TH Avenue, Suite 2600
Birmingham, AL 35203
Leslie Garrett Allen, Esq.
E-mail: gmoore@balch.com
E-mail: lgallen@balch.com

Robert B. Haemer, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1122
E-mail: robert.haemer@pillsburylaw.com

James B. Dougherty, Esq.
709 3rd Street, SW
Washington, DC 20024
E-mail: jimdougherty@aol.com

David Kyler
Center For A Sustainable Coast
Mailing address: 221 Mallery St. Suite B,
St. Simons Island, GA 31522
Phone: 912-638-3612
Email: susdev@gate.net

Bobbie Paul
Georgia Women's Action for New
Directions, Inc.
Mailing address: 250 Georgia Ave. SE,
Ste. 202, Atlanta, GA 30312
Phone: 404-524-5999
Fax: 404-524-7593
Email: bobbie@wand.org

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
E-mail: teribart61@aol.com

This is the 31st day of October 2010.

/signed (electronically) by/
John D. Runkle
Attorney at Law
P.O. Box 3793
Chapel Hill, NC 27515
919-942-0600
jrunkle@pricecreek.com