

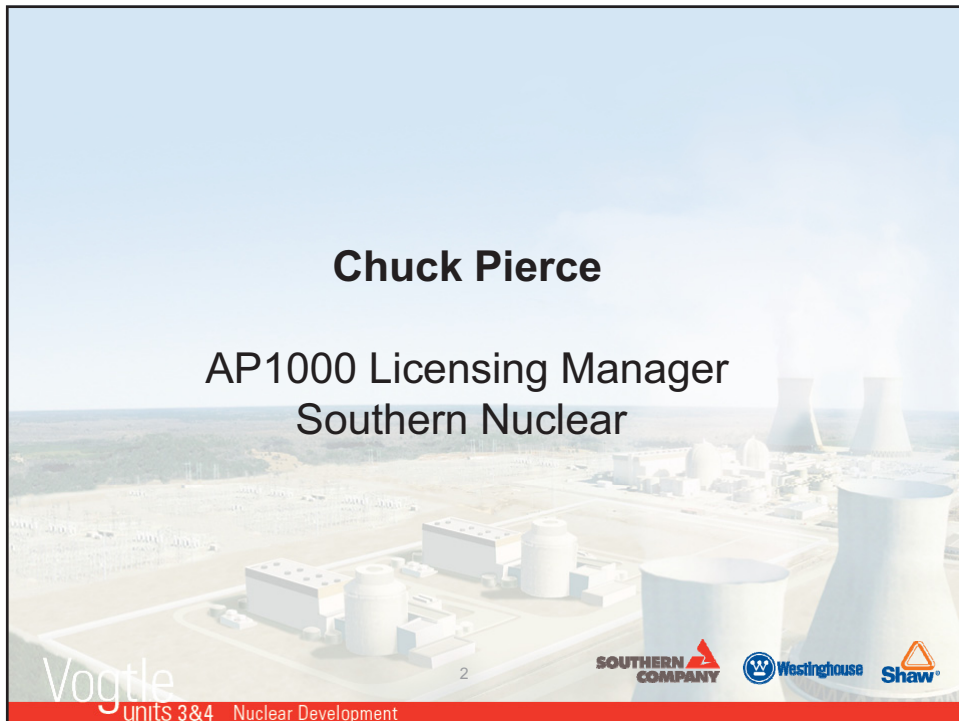


Vogtle
units 3&4 Nuclear Development

SOUTHERN COMPANY **Westinghouse** **Shaw**

**Southern Nuclear
Vogtle 3 & 4
Fabrication of NI Rebar**

February 9, 2010



Chuck Pierce

**AP1000 Licensing Manager
Southern Nuclear**

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Agenda

- Objectives
- Schedule Requirements
- Exemption Request
- Questions and Closeout



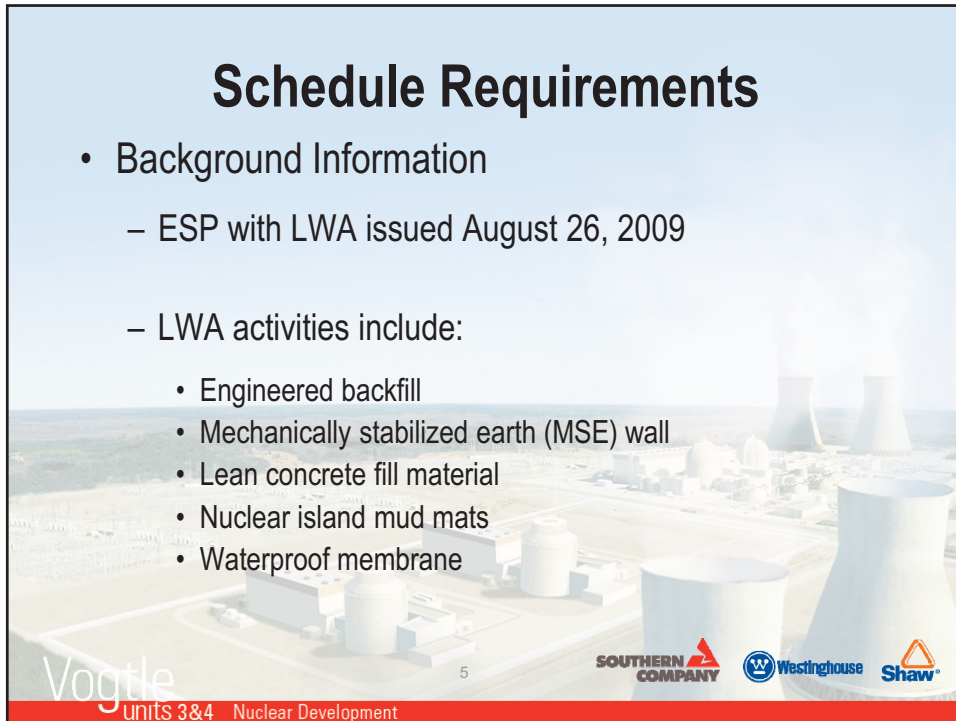
Objectives

- Discuss Schedule Needs for Vogtle 3 & 4
- Determine Most Effective Approach for Needs
- Identify Approval Process



Schedule Requirements

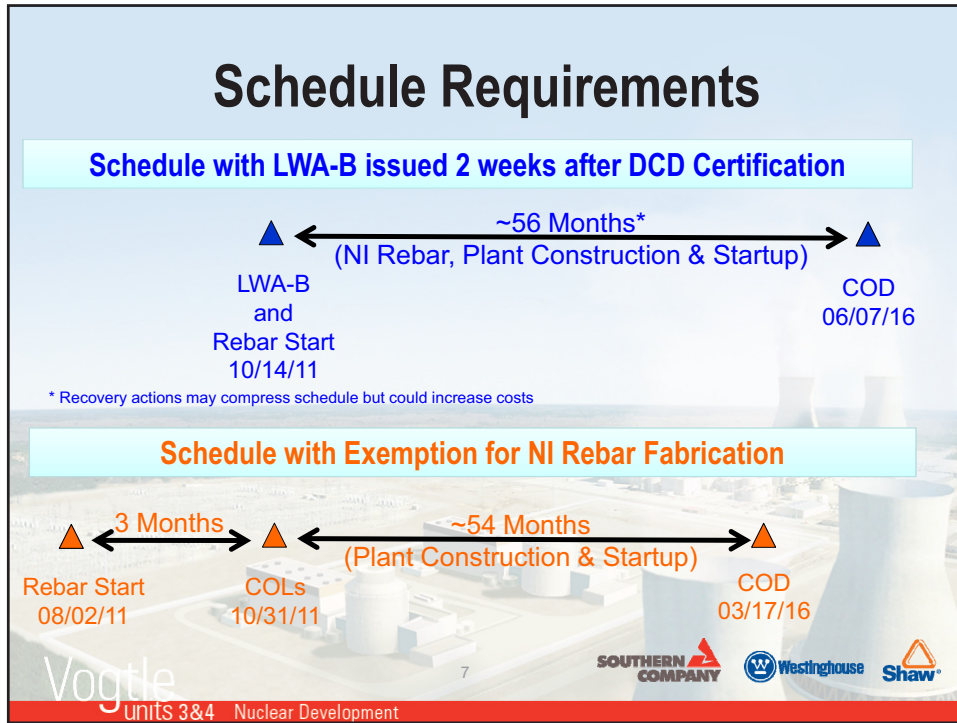
- Background Information
 - ESP with LWA issued August 26, 2009
 - LWA activities include:
 - Engineered backfill
 - Mechanically stabilized earth (MSE) wall
 - Lean concrete fill material
 - Nuclear island mud mats
 - Waterproof membrane



Schedule Requirements

- Current Status
 - Backfill operations continuing
 - NI MSE wall will begin soon
 - Mud mat installation will begin soon





Exemption Request

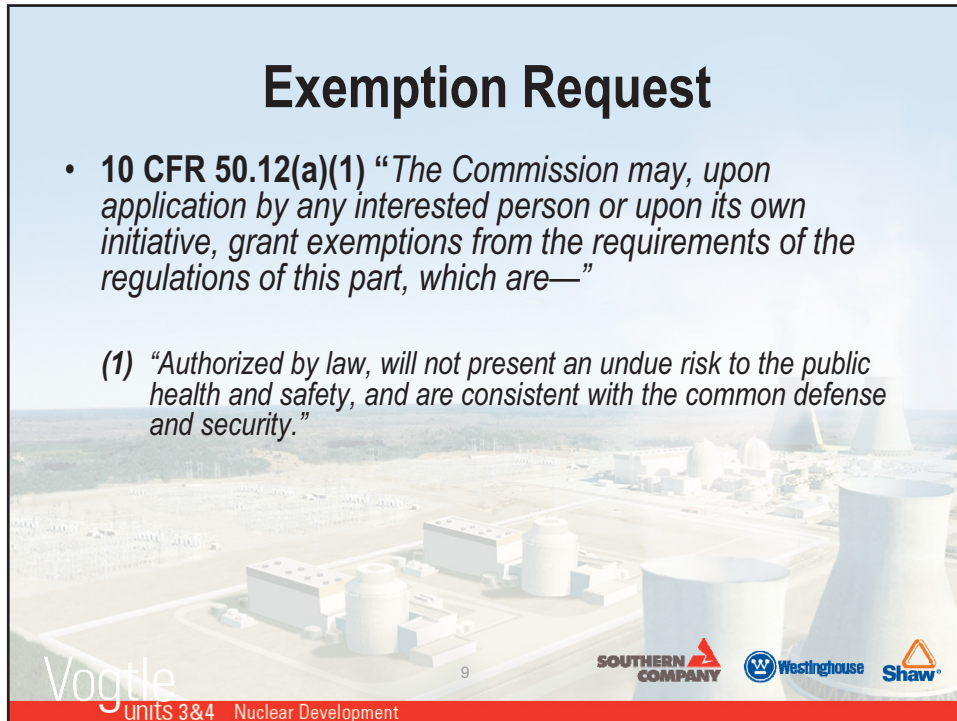
- **Exemption Request:** Definition of “construction” to allow in-place fabrication of the NI foundation rebar
 - In accordance with 10 CFR 50.12 and 10 CFR 52.7
- Regulation Being Exempted: 10 CFR 50.10(a)(1)
 - **10 CFR 50.10(a)(1)** “Activities constituting construction are the driving of piles, subsurface preparation, placement of backfill, concrete, or permanent retaining walls within an excavation, installation of foundations, or **in-place** assembly, erection, **fabrication**, or testing, which are for:” [emphasis added]

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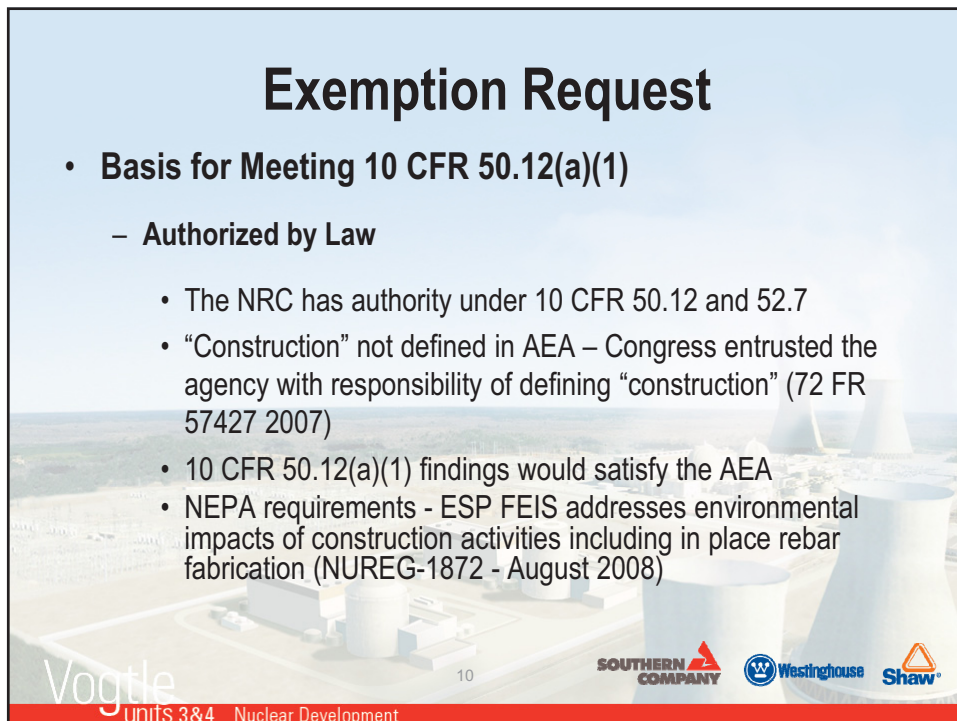
Exemption Request

- **10 CFR 50.12(a)(1)** *“The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—”*
 - (1) *“Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.”*



Exemption Request

- **Basis for Meeting 10 CFR 50.12(a)(1)**
 - **Authorized by Law**
 - The NRC has authority under 10 CFR 50.12 and 52.7
 - “Construction” not defined in AEA – Congress entrusted the agency with responsibility of defining “construction” (72 FR 57427 2007)
 - 10 CFR 50.12(a)(1) findings would satisfy the AEA
 - NEPA requirements - ESP FEIS addresses environmental impacts of construction activities including in place rebar fabrication (NUREG-1872 - August 2008)



Exemption Request

- **Basis for Meeting 10 CFR 50.12(a)(1) [cont.]**
 - **Will not present an undue risk to the public health and safety**
 - Rebar fabrication, at its final location, is fully inspectable and reversible
 - Rebar fabrication, outside of its final location, is not construction
 - Inspection in final location equivalent to that in a staging area
 - LWA construction programs are established and available for in-place rebar fabrication
 - SNC must satisfy the NRC that the in-place rebar fabrication is consistent with COL
 - Request only alters timing of the in-place rebar fabrication

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Exemption Request

- **Basis for Meeting 10 CFR 50.12(a)(1) [cont.]**
 - **Consistent with the common defense and security**
 - No security or safeguards issues raised by the proposed exemption

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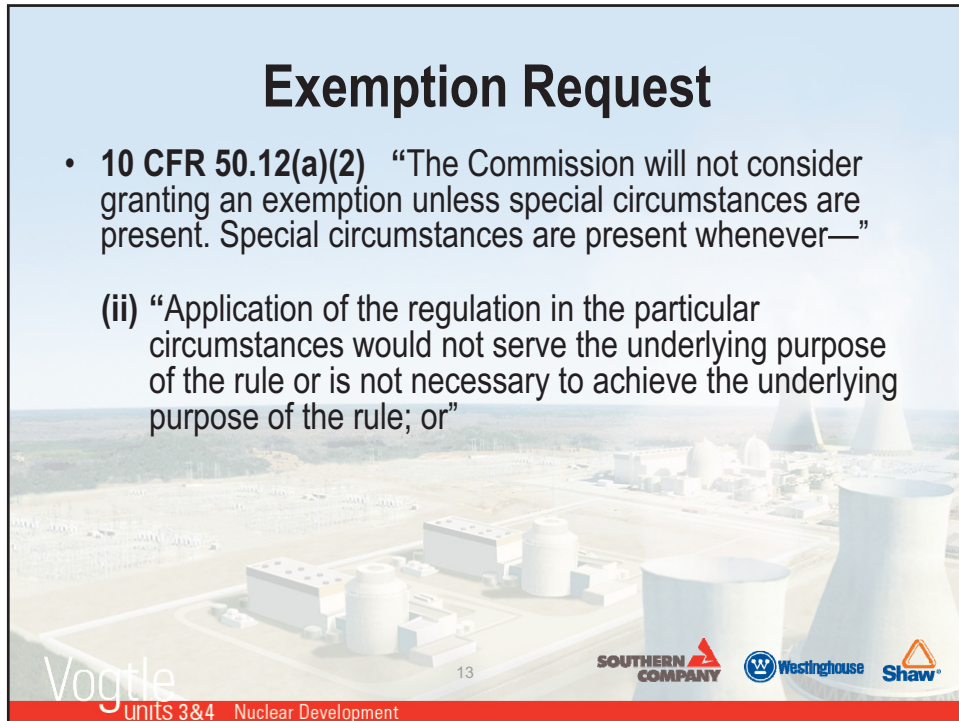
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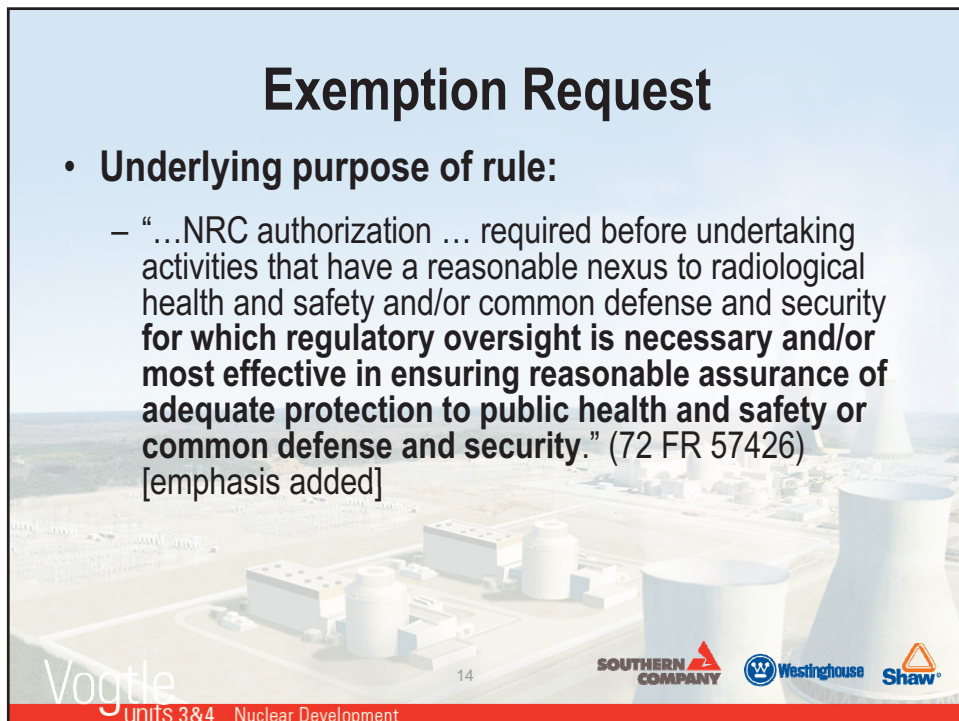
Exemption Request

- **10 CFR 50.12(a)(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; or”



Exemption Request

- **Underlying purpose of rule:**
 - “...NRC authorization ... required before undertaking activities that have a reasonable nexus to radiological health and safety and/or common defense and security **for which regulatory oversight is necessary and/or most effective in ensuring reasonable assurance of adequate protection to public health and safety or common defense and security.**” (72 FR 57426)
[emphasis added]



Exemption Request

- **Basis for Meeting 10 CFR 50.12(a)(2)(ii)**
 - **Regulatory oversight of rebar fabrication will not be diminished**
 - SNC will have to satisfy the NRC that the rebar has been installed consistent with design basis and license commitments
 - Rebar fabrication, at its final location, will be fully inspectable and reversible
 - Rebar fabrication, outside of its final location, is not construction
 - Inspection in final location equivalent to that in a staging area
 - No material difference in terms of regulatory oversight between in place fabrication of rebar before or after COL or LWA issuance
 - Therefore underlying purpose of regulatory requirement is achieved
 - Staff has evaluated the foundations in AP1000 DCD (NUREG-1793, Supplement 2) and requested proposed rule to be published for comment (SECY-11-0002 January 3, 2011)

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Exemption Request

- **Basis for Meeting 10 CFR 50.12(a)(2)(ii) [cont.]**
 - Programs are in place to support activities
 - LWA construction programs are established and available for in-place rebar fabrication
 - Public has opportunity to participate
 - NEPA requirements - ESP FEIS addresses environmental impacts of construction activities including in- place rebar fabrication (NUREG-1872, August 2008)

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Exemption Request

- Granting this exemption has no bearing on the Commission's licensing decision, consistent with 50.10(f)
- NRC retains full inspection authority over rebar against design basis
- SNC would perform this activity in a manner that would present no significant impact to public health and safety, the environment, nor would it present a significant redress issue
 - Activities will be reversible

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Questions and Closeout



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