

June 11, 2012

Mr. B. L. Ivey, Vice President
Regulatory Affairs
PO Box 1295
Bin B022
Birmingham, AL 35201

SUBJECT: WITHDRAWAL ACKNOWLEDGMENT LETTER FOR SOUTHERN NUCLEAR OPERATING COMPANY'S LICENSE AMENDMENT REQUEST AND EXEMPTION REQUEST FOR THE VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4:CHANGES TO THE STRUCTURES AND LAYOUT OF THE ANNEX BUILDING, TURBINE BUILDING, AND RADWASTE BUILDING (LAR 12-004)

Dear Mr. Ivey:

By letter dated April 5, 2012, Southern Nuclear Operating Company (SNC) submitted a license amendment request and exemption request for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 Combined licenses (COLs) (Licenses Nos. NPF-91 and NPF-92 respectively). The proposed amendment would amend VEGP Units 3 and 4 COLs Appendix C plant-specific material to depart from plant-specific Design Control Document (DCD) Tier 1 material. SNC further stated that these changes (Tier 1 material) are being made for consistency with the finalized design as provided in the plant-specific DCD Tier 2 material, including changes to various: (1) Annex Building column line designations; (2) Turbine Building layout details; (3) Turbine Building elevations and associated wall thicknesses; and (4) Radwaste Building layout details. In addition, in accordance with the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 52.63(b)(1), SNC requested an exemption from elements of the design as certified in the 10 CFR Part 52, Appendix D, for the plant-specific Tier 1 material departures. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this amendment and exemption request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with Section 50.90 of 10 CFR, an amendment to the license must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. Section 52.79 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

B. Ivey

- 2 -

By letter dated May 30, 2012, you requested to withdraw the application from NRC review. The NRC staff acknowledges your request to withdraw the application. NRC staff activities on the review have ceased and the associated Technical Assignment Control number has been closed.

Although the staff's review was not completed, the NRC staff notes that its review to date has identified that your application did not provide the information (see Enclosure) to enable the NRC staff to perform a review. Therefore, if you decide to re-submit the request, it must include the information included in the enclosure.

If you have any questions, please contact me at (301) 415-6191 or Ravindra.Joshi@NRC.gov.

Sincerely,

/RA/

Ravindra Joshi, Senior Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket No(s): 52-025
52-026

Enclosure: As stated

cc w/encl: See next page

B. Ivey

- 2 -

By letter dated May 30, 2012, you requested to withdraw the application from NRC review. The NRC staff acknowledges your request to withdraw the application. NRC staff activities on the review have ceased and the associated Technical Assignment Control number has been closed.

Although the staff's review was not completed, the NRC staff notes that its review to date has identified that your application did not provide the information (see Enclosure) to enable the NRC staff to perform a review. Therefore, if you decide to re-submit the request, it must include the information included in the enclosure.

If you have any questions, please contact me at (301) 415-6191 or Ravindra.Joshi@NRC.gov.

Sincerely,

/RA/

Ravindra Joshi, Senior Project Manager
Licensing Branch 4
Division of New Reactor Licensing
Office of New Reactors

Docket No(s): 52-025
52-026

Enclosure: As stated

cc w/encl: See next page

DISTRIBUTION:

Public	RidsNroDnrI	MSutton	DMcGovern
RidsNroDnrILB4	JFuller	MErnstes	MBrown
RidsOgcMailCenter	RidsAcrcAcnwMailCenter	JBielecki	MTonacci
RidsRgn2MailCenter	SBrunell	RButler	BBavol
PPatel	GKhouri	MShams	BTegeler

ADAMS Accession No.: ML12152A333

NRO-002

OFFICE	DNRL/LB4: PM	DNRL/LB4:LA	DE/SEB1:BC	DNRL/LB4:BC
NAME	RJoshi	RButler (scg for:)	MShams	MTonacci-w/edits
DATE	06/01/12	06/04/12	06/01/12	06/11/12

OFFICIAL RECORD COPY

Vogtle Units 3 & 4 Mailing List
cc:

(Revised 05/21/2012)

Office of Attorney General
Law Department
132 Judicial Building
Atlanta, GA 30312

Resident Manager
Oglethorpe Power Corporation
Alvin W. Vogtle Nuclear Plant
7821 River Road
Waynesboro, GA 30830

Lucious Abram
Commissioner -
Burke's County Commissioner
P. O. Box 1626
Waynesboro, GA 30830

Anne F. Appleby
Oglethorpe Power Corporation
2100 East Exchange Place
Tucker, GA 30084

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

County Commissioner
Office of the County Commissioner
Burke County Commission
Waynesboro, GA 30830

Director
Consumer's Utility
Counsel Division
Governor's Office of Consumer Affairs
2 Martin Luther King, Jr. Drive
Plaza Level East, Suite 356
Atlanta, GA 30334-4600

Mr. James C. Hardeman
Environmental Radiation Program Manager
Environmental Protection Division
Georgia Dept. of Natural Resources
4220 International Pkwy, Suite 100
Atlanta, GA 30354-3906

Lisa Higdon
Southern Nuclear Op. Co.
Document Control Coordinator
42 Inverness Center parkway
Attn: B236
Birmingham, AL 35242

Rita Kilpatrick
250 Arizona Ave.
Atlanta, GA 30307

Stephen E. Kuczynski
Chairman, President and CEO
Southern Nuclear
P.O. Box 1295
Birmingham, AL 35201

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
Atlanta, GA 30334

Mr. Joseph A. (Buzz) Miller
Executive Vice President
Southern Nuclear Operating Company
241 Ralph McGill Blvd.
BIN 10240
Atlanta, GA 30308-3374

Resident Inspector
Vogtle Plant
8805 River Road
Waynesboro, GA 30830

Vogle Units 3 & 4 Mailing List

Elaine Sikes
Burke County Library
130 Highway 24 South
Waynesboro, GA 30830

Mr. Jerry Smith
Commissioner
District 8
Augusta-Richmond County Commission
1332 Brown Road
Hephzibah, GA 30815

Gene Stilp
1550 Fishing Creek Valley Road
Harrisburg, PA 17112

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

George B. Taylor, Jr.
2100 East Exchange Pl
Atlanta, GA 30084-5336

Vogle Units 3 & 4 Mailing List

Email

agaughtm@southernco.com (Amy Aughtman)
agbaker@southernco.com (Ann Baker)
anfaulk@southernco.com (Nicole Faulk)
APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
Bill.Jacobs@gdsassociates.com (Bill Jacobs)
blivey@southernco.com (Pete Ivey)
bob.masse@opc.com (Resident Manager)
bobbie@wand.org (Bobbie Paul)
BrinkmCB@westinghouse.com (Charles Brinkman)
bwwaites@southernco.com (Brandon Waites)
chmahan@southernco.com (Howard Mahan)
crpierce@southernco.com (C.R. Pierce)
cwaltman@roe.com (C. Waltman)
dahjones@southernco.com (David Jones)
danawill@southernco.com (Dana Williams)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
david.siefken@hq.doe.gov (David Siefken)
dlfulton@southernco.com (Dale Fulton)
ed.burns@earthlink.net (Ed Burns)
edavis@pegasusgroup.us (Ed David)
enweathe@southernco.com (Beth Thomas)
erg-xl@cox.net (Eddie R. Grant)
G2NDRMDC@southernco.com (SNC Document Control)
james1.beard@ge.com (James Beard)
jamiller@southernco.com (Buzz Miller)
jbtomase@southernco.com (Janice Tomasello)
jenmorri@southernco.com (Jennifer Buettner)
jim@ncwarn.org (Jim Warren)
jlpember@southernco.com (John Pemberton)
Joseph_Hegner@dom.com (Joseph Hegner)
jrjohnso@southernco.com (Randy Johnson)
jtdavis@southernco.com (Jim Davis)
jtgasser@southernco.com (Jeffrey Gasser)
karen.patterson@ttnus.com (Karen Patterson)
kim.haynes@opc.com (Kim Haynes)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
markus.popa@hq.doe.gov (Markus Popa)

Vogle Units 3 & 4 Mailing List

matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
mdrauckh@southernco.com (Mark Rauckhorst)
media@nei.org (Scott Peterson)
mike.price@opc.com (M.W. Price)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
nlhender@southernco.com (Nancy Henderson)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pbessette@morganlewis.com (Paul Bessette)
rhenry@ap.org (Ray Henry)
RJB@NEI.org (Russell Bell)
sabinski@suddenlink.net (Steve A. Bennett)
sblanton@balch.com (Stanford Blanton)
sfrantz@morganlewis.com (Stephen P. Frantz)
sjackson@meagpower.org (Steven Jackson)
skauffman@mpr.com (Storm Kauffman)
sroetger@psc.state.ga.us (Steve Roetger)
stephan.moen@ge.com (Stephan Moen)
taterrel@southernco.com (Todd Terrell)
tcmoorer@southernco.com (Thomas Moorer)
tlubnow@mpr.com (Tom Lubnow)
Tom.Bilik@nrc.gov (Thomas Bilik)
tomccall@southernco.com (Tom McCallum)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)
wasparkm@southernco.com (Wesley A. Sparkman)
whelmore@aol.com (Bill Elmore)

Deficiencies in SNC License Amendment Request (LAR-12-004), Changes to Structures, and Layout for Buildings

Cover Letter:

- The license amendment request (LAR) does not provide the implementation time (e.g., with 30 days of approval of the amendment). This is required when the NRC prepares the actual amendment (Generally, the amendment states that the amendment is effective as of the date of issuance and to be implemented within xx days). Please provide the implementation time.

Enclosure 1 (LAR)

Summary of Description:

It refers to the departure from the AP1000 generic design control document (DCD) Tier 1 information where as the cover letter refers to the departure from plant-specific design control document. Please clarify whether the departure is from the generic DCD or the plant-specific DCD.

Technical evaluation, System Description:

- Change 19: it states that no safety-related design function or procedure is changed by proposed removal of the identified column line designations. It is not clear to the staff the purpose of this change. Please describe the initial purpose of column designation lines, now proposed to be deleted, to help understand their context and the implications of not having those identifiers in the drawings anymore.

Technical Evaluation, Supporting Technical Details:

- The concluding statement (for changes 19, 60, 14, and 128) concludes that none of the criteria of 10 CFR Part 52, Appendix D, Sections VII.B.5.b or VII.B.5.c are met for the proposed activity, and the Tier 2 departure does not require a license amendment.

- The applicable process for changes and departures found in 10 CFR Part 52, Appendix D, Section VIII.B.5.a, requires, “An applicant or licensee who references this appendix may depart from Tier 2 information, without prior NRC approval, unless the proposed departure involves a change to or departure from Tier 1 information, Tier 2* information or the TS or require a license amendment under paragraphs B.5.b or B.5.c of this section. When evaluating the proposed departure, an applicant or licensee shall consider all matters described in the plant-specific DCD.”

The NRC staff has reviewed the license amendment request and concluded that the Tier 2 departures involve changes to or departures from Tier 1 information and prior NRC approval is required for both Tier 1 and Tier 2 changes. The LAR does not request NRC prior approval of any Tier 2 changes. Therefore, the information provided in the LAR is insufficient in scope and depth to all the NRC staff to complete its detailed technical review.

Please revise the LAR to address the comments. This comment with respect to T1/T2 changes is significant.

- Change 14: Turbine Building height and wall thickness changes--It appears that neither the elevation change nor in increase in thickness of the wall are justified. First sentence of last paragraph of page 3 of 26 (Enclosure 1) provides justification for change – however, the change is not supported with technical information to provide assurance that the T/B first bay (seismic category II) will behave as predicted in the DCD. Are there any calculations or analyses that support any of the structural changes proposed in this LAR? Please expand the technical justification to support the change.
- Change 60: Please provide the justification for the change (e.g., access or egress pathways change).
- Change 128: It states that the radwaste building continues support the WSS by functioning to store estimated 1417 cubic feet per year dry waste. Tier 1, Table 3.3-6, item 6b is being revised in part from a volume “greater than or equal to 1293 cubic feet” to “greater than or equal to 1417 cubic feet.” It appears that this change (greater than 1417 cubic feet) is not consistent with the first statement (Capacity= 1417 cubic feet). It is noted that the weight of the proposed three bunkers was not included. That information would be useful to estimate potential changes in structural behavior of the radwaste building once the bunkers are installed. Please provide discussion to address the comment.
- In accordance with 10 CFR 73.58, the licensee shall assess and manage the potential for adverse effects on safety and security, including the site emergency plan, before implementing changes to plant configurations, facility conditions, or security.

The licensee does not address any impact on emergency plans or security plans due to the proposed amendment request as required by 10 CFR 73.58. Please revise the submittal to address the comment.

Regulatory Evaluation, Significant Hazards Consideration:

- The licensee provided an evaluation to determine whether or not significant hazards consideration is involved with the proposed amendment request focusing on the three criteria included in 10 CFR 50.92. Criterion 1 requires determining whether the proposed amendment request involves a significant increase in the probability or consequences of an accident previously evaluated and criterion 3 requires determining whether the proposed amendment request involves a significant reduction in a margin of safety

The staff notes that the significant hazards consideration discussion regarding Criterion 1 and 3 of 10 CFR 50.92(c) is not sufficient. Specifically, it does not discuss the difference in the probability and consequences of accidents before and after the change as required by Criterion 1 of 10 CFR 50.92(c)) and it does not provide discussion regarding the safety margin as required by Criterion 3 of 10 CFR 50.92(c)).

Please revise the discussion to address the comment.

Regulatory Evaluation, Applicable Regulatory Requirements/Criteria:

- For changes, 19, 60 and 14, please identify the specific regulatory criteria. For change 128, it states that this activity does not change the fire protection conclusions. Does this change require a change to the fire protection analysis?

Enclosure 2-Exemption:

Justification of Exemption:

- **Item 2** - 10 CFR 50.12 requires that the NRC may grant exemptions from requirements of the regulations provided certain conditions are met. One of the condition states that the exemption will not present an undue risk to the public health and safety.

The licensee states that in and of itself the proposed exemption does not involve any physical change accident initiators. The licensee provides discussion on No significant hazards consideration discussion (No SHC) determination to satisfy this condition. The “No SHC” standard is procedural standard which governs whether an opportunity for a prior hearing must be provided before action taken (issuance of

a license amendment) and the staff notes that it does not constitute a safety consideration. (51 FR 7744-7767, March 6, 1986).

Please revise to address the comment.

- **Item 5** - Licensee states that it is expected that this exemption will be requested by other AP1000 licensee and applicants. SNC's request for this exemption is for Vogtle Units 3 and 4. Please clarify. In addition, please describe special circumstances that outweigh any decrease in safety that may result from the reduction in standardization caused by this exemption.

- **Item 6** - 10 CFR Part 52, Appendix D, VII A.4 requires that the NRC will deny a request for an exemption from Tier 1, if it finds that the design change will result in a significant decrease in the level of safety otherwise provided by the design. The licensee provides discussion on No significant hazards consideration discussion (No SHC) determination to satisfy this condition. The "No SHC" standard is procedural standard which governs whether an opportunity for a prior hearing must be provided before action taken (issuance of a license amendment) and the staff notes that it does not constitute a safety consideration. (51 FR 7744-7767, March 6, 1986).

Please revise to address the comment.