

June 11, 2012

Mr. B. L. Ivey, Vice President
Regulatory Affairs
PO Box 1295
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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 ADDITIONAL CONTAINMENT ELECTRICAL PENETRATION ASSEMBLIES (LAR 12-005)

Dear Mr. Ivey:

By letter dated April 23, 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 depart from VEGP Units 3 and 4 COLs Appendix C plant-specific materials to depart from plant-specific Design Control Document (DCD) Tier 1 material with the addition of four new non-class 1E electrical penetration assemblies. 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.

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. The NRC staff activities on the review have ceased and the associated Technical Assignment Control number has been closed.

B. Ivey

- 2 -

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: Enclosure 1

cc w/encl: See next page

B. Ivey

- 2 -

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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: Enclosure 1
As stated

cc w/encl:

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Vogtle Units 3 & 4 Mailing List
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(Revised 05/21/2012)

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**Deficiencies in SNC License Amendment Request (LAR-12-005) and Exemption,
'Additional Containment Electrical Penetrations'**

Cover Letter:

- Seventh line: It refers to a licensee-approved Tire 2 departure. Please clarify the term, 'Licensee approved.'
- 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:

The last sentence states that corresponding changes to the plant-specific DCD Tier 2, tables and figures are provided for context only. Please clarify this statement.

Detailed Description:

This enclosure (LAR) provides information regarding the proposed Tier 1 exemption. Please clarify the purpose of providing info on the proposed Tier 1 exemption in this LAR enclosure.

Technical Evaluation, Supporting Technical Details:

- The conclusion statements (engineering Judgment) are provided without supporting technical justification. Please expand this section by providing technical justification for the change.
- The concluding statement 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. The second comment with respect to T1/T2 changes is significant.

Regulatory Evaluation, Significant Hazards Consideration:

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

The staff notes that the significant hazards consideration discussion regarding Criterion 1, 2 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 discuss whether it involves a new design function or operation of the SSC (Criterion 2 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:

- Please identify IEEE standards IEEE 317-83 or 323-74 as the applicable standard as required standard for the electrical penetration assemblies (EPA).

Environmental Consideration:

- Criterion iii (Page 8 of 9 of Enclosure 1-LAR) – This section states that the Auxiliary Building areas in which these penetrations will be installed. It is our understanding that these electrical penetration assemblies are an extension of containment. Please clarify.

References:

- This section of Enclosure provides a reference to Revision 19 of the DCD. However, in the text, the plant specific DCD is quoted several times. Please clarify whether the departure is from the generic DCD or the plant-specific DCD.

Enclosure 2—Exemption

Background:

- The Licensee states in part, “The new EPAs require additional electrical penetration sleeves to be added to the containment vessel and shield building.” The Staff notes that this is the first time there is a reference to ‘shield building’. Please clarify.
- Plant-specific DCD Tier 1, Tables Vs the AP1000 certification (Tier 1). Please clarify whether the departure is from the generic DCD or the plant-specific DCD.

Technical Justification of acceptability:

- This section refers to DCD Tier 1, Section 2.2.3 and states that the equipment listed in Table 2.2.3-6 must have sufficient thermal lag.....severe accidents. Are these EPA are part of the passive core cooling system? The staff notes that a similar discussion is not found in the related LAR (Enclosure 1). Please clarify
- The discussion regarding the underlying purpose of the rule in this section is different from section under ‘justification of exemption’. Please explain.

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 is taken (issuance of a license amendment) and the staff notes that it does not constitute a safety consideration rather than no under risk to Public H and S (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.
- **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.

Environmental Consideration:

- Criterion iii, it states that the Auxiliary Building areas in which these penetrations will be installed. It is our understanding that these electrical penetration assemblies are an extension of containment. Please clarify.