

August 27, 2012

Mr. David A. Lochbaum, Director  
Nuclear Safety Project  
Union of Concerned Scientists  
P. O. Box 15316  
Chattanooga, TN 37415

Dear Mr. Lochbaum:

Thank you for your letter dated July 19, 2012, filed in the Agencywide Documents Access and Management System (ADAMS) (Accession No. ML12205A287). Based on the July 3, 2012, Notice of Violation (NOV) issued by the U. S. Nuclear Regulatory Commission (NRC) to Southern Nuclear Operating Company (SNC) for a violation of NRC design control requirements at Vogtle Electric Generating Plant Unit 3, and SNC's responses to the NOV, you asked whether the NRC will significantly expand its inspection efforts at Vogtle Unit 3.

Below, you will find a description of our oversight process, and how the findings that your letter discussed were handled in that process. However, let me start by clearly stating that the NRC takes the rebar issue you described seriously. Based on our most recent inspection activities, the licensee and their contractors have initiated corrective actions. We are seeing indications of the seriousness of their additional efforts to ensure compliance with the requirements of their license. We will continue our thorough and rigorous inspection program to ensure that the plant is built in accordance with its license. Additional inspections and inspection resources will be added as necessary and will be consistent with our assessment and enforcement processes.

On January 1, 2012, the NRC staff began implementing a pilot of the construction reactor oversight process (cROP) to oversee construction activities at Vogtle Units 3 and 4. The cROP, which is described in NRC Inspection Manual Chapter (IMC) 2506, "Construction Reactor Oversight Process General Guidance and Basis Document," has been developed to ensure that a licensee's construction activities meet NRC requirements. The cROP consists of a regulatory framework in which the staff uses a risk-informed and performance based oversight approach, similar to the reactor oversight process, to inspect and assess licensee performance during construction. The NRC evaluates plant performance by analyzing inspection findings resulting from NRC's construction inspection program. Inspection findings are evaluated using the construction significance determination process in accordance with IMC 2519P, "Construction Significance Determination Process—Pilot."

Through implementation of the construction inspection program at Vogtle Unit 3, NRC inspectors identified two violations that were associated with the nuclear island basemat reinforcing steel (rebar) and documented these findings in inspection report 05200025/2012-008. One of the violations was evaluated under the NRC's Enforcement Policy and determined to be a Severity Level IV (Severity Level IV violations are those that are less

serious, but are of more than minor concern, that resulted in no or relatively inappreciable potential safety or security consequences) and the second was determined to be of very low safety significance (green) in accordance with IMC 2519P. Given the significance of these findings, the licensee remains in the licensee response column. The NRC is closely monitoring the licensee's response to the violations and remains alert to any indications that these types of issues are continuing and that they require further, and potentially broader, regulatory actions in addition to the on-going Baseline Inspection Program.

Within the Baseline Inspection Program, the inspectors will continue to focus on construction activities including the adherence to the updated Final Safety Analysis Report as the design is constructed in the field. In addition, the NRC will continue to evaluate issues associated with design control through inspections of SNC's corrective action and quality assurance programs, and will conduct follow-up inspection of licensee actions in response to these two violations. If additional findings are identified during our review of this issue, their significance and the NRC's response will be determined within the cROP guidelines.

In accordance with Title 10 of the *Code of Federal Regulations*, 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

**/RA/**

Laura A. Dudes, Director  
Division of Construction Inspection  
and Operational Programs

Docket No.: 52-025

License No. NPF-1

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