

January 8, 2013

Mr. B. L. Ivey, Vice President
Regulatory Affairs
Southern Nuclear Operating Company
P.O. Box 1295, Bin B022
Birmingham, AL 35201

SUBJECT: NOTICE OF INSUFFICIENT INFORMATION TO SUPPORT INSPECTION,
TEST, ANALYSIS, AND ACCEPTANCE CRITERION CLOSURE VERIFICATION
OF VOGTLE ELECTRIC GENERATING PLANT UNIT 3,
ITAAC E.2.5.04.05.05.01, "BACKFILL COMPACTION"

Dear Mr. Ivey

On November 6, 2012, Southern Nuclear Operating Company (SNC) submitted the subject inspection, test, analysis, and acceptance criterion (ITAAC) closure notification (ICN) in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Section 52.99(c)(1) which may be found in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML12328A160. The staff has completed its review of the ICN and has determined that it does not contain sufficient information to demonstrate that this ITAAC has been successfully completed by the licensee, as required by 10 CFR 52.99(c)(1). This letter provides staff feedback on the level of detail contained in the ICN and explains what additional information is needed.

The staff recognizes that this is the first time that an ICN has been submitted and is the first formal implementation of staff guidance in this area. As identified during interactions between the U.S. Nuclear Regulatory Commission (NRC) staff and industry representatives as part of the simulated ITAAC closure demonstration project sponsored by the U.S. Department of Energy and in category 3 public meetings, we expect to learn lessons on the level of detail that is needed in the ICNs as the process is being implemented.

As stated in Regulatory Guide (RG) 1.215, Revision 1, "Guidance for ITAAC Closure Under 10 CFR Part 52" and in NRC rulemakings on which this guidance is based, ICNs must contain sufficient information to allow the NRC staff to determine whether the ITAAC have been successfully completed and to allow interested persons to have access to information about completed ITAAC at a level of detail sufficient to address the threshold for requesting a hearing on whether the acceptance criteria in the ITAAC have been, or will be, met. RG 1.215 endorses the methodologies described in industry guidance document Nuclear Energy Institute (NEI) 08-01, "Industry Guidance for the ITAAC Closure Process under 10 CFR Part 52," Revision 4, issued July 2010. To be consistent with this guidance the ICN should contain, at a minimum, a summary description of the bases for the licensee's conclusion that it has performed the inspections, tests, or analyses and that it has met the prescribed acceptance criteria.

The NRC staff has not yet determined whether the ITAAC is met, however, the NRC finds that the ICN does not contain a level of detail that meets the “sufficient information” threshold of 10 CFR 52.99(c)(1).

As written, the ICN did not identify the tests used and the frequency rates that were performed to demonstrate that the backfill material under Seismic Category I structures meets the minimum 95 percent modified Proctor compaction. This ITAAC requires testing of the backfill materials, where two types of testing are typically performed:

- Laboratory compaction testing in accordance with ASTM D1557 (Modified Proctor Test)
- In-situ field-testing to compare field to laboratory results

The ICN referenced ASTM D1557 as the methodology for performing the laboratory testing. Referencing this standard is acceptable because interested persons can access this publicly available standard, which describes the testing methodology. However, additional information describing the in-situ test methodology used and frequency rates for testing is needed in the ICN because the references provided in the ICN are not publicly available. Consistent with the guidance in RG 1.215, Revision 1 and as discussed in previous public meetings on ICN content expectations, licensees should not simply reference non-public documents in ICNs; but rather, include a brief summary of the key information included in those internal documents.

The NRC expects a revised ICN addressing this ITAAC to be submitted that will contain the following additional information:

- Frequency of ASTM D1557 testing to ensure that the values used to determine the percentage of compaction correctly reflect the material at each in-situ field density test.
- In-situ field-testing methodology. The ICN states that testing was performed, but does not specify the type of testing.
- Frequency of in-situ field-testing to provide confidence that backfill material is uniformly compacted over the entire volume.

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The staff looks forward to SNC's replacement of the current ICN with one that is more detailed, addresses the issues identified above, and meets the requirements of 10 CFR 52.99(c)(1). The revised ICN should supersede the original ICN for this ITAAC.

If you have any questions, please call me at (301) 415-6191 or via e-mail at 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. 052-025

cc: See next page

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Office of New Reactors

Docket No. 052-025

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