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JUL 18 2014

Docket Nos.: 52-025
52-026

ND-14-1070
10 CFR 50.90
10 CFR 52.7

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4
Request for License Amendment and Exemption: Reclassification of Portions of Human Factors
Verification and Validation Planning Documents (LAR-13-034S3) Supplement

Ladies and Gentlemen:

In accordance with 10 CFR 50.90, Southern Nuclear Operating Company (SNC), the licensee for Vogtle Electric Generating Plant (VEGP) Units 3 and 4, requested an amendment to Combined License (COL) Numbers NPF-91 and NPF-92, for VEGP Units 3 and 4, respectively, by SNC letter ND-13-2349 [ADAMS Accession No. ML13331B502], dated November 27, 2013. SNC requested the amendment to depart from approved AP1000 Design Control Document (DCD) Tier 2* information as incorporated into the Updated Final Safety Analysis Report (UFSAR) to reclassify portions of the five Tier 2* Human Factors (HF) Verification and Validation (V&V) planning documents listed in UFSAR Table 1.6-1 and Chapter 18, Subsection 18.11.2 as Tier 2 material. SNC later supplemented this license amendment request (LAR) 13-034 by SNC letters ND-14-0233 [ML14066A412] and ND-14-0573 [ML14143A112], dated March 7, 2014 and May 23, 2014, respectively.

On June 17, 2014, SNC became aware that the request for Exemption provided as Enclosure 3 of the March 7, 2014, supplement (LAR-13-034S) contained an incorrect reference to Subsection 18.1.2 of the UFSAR. Enclosure 5 of LAR-13-034, as provided in this letter, corrects this reference to be Subsection 18.11.2 by providing a complete replacement of the entire Exemption request provided as LAR-13-034 Enclosure 3 in the March 7, 2014 letter. In addition, on a public call on July 10, 2014, NRC staff informed SNC that our response to electronic Request for Additional Information (eRAI) 7464, Question A, in Enclosure 4 of SNC's letter dated May 23, 2014 was not completely acceptable to the staff. The basis for this determination was that the deletion of UFSAR Figure 18.11-1 is a conforming change associated with the action requested in LAR-13-034, and accordingly should not be implemented prior to NRC approval of LAR-13-034. Enclosure 6 of LAR-13-034, as provided in this letter, provides a revised response to eRAI 7464, Question A. Revised text is annotated with the use of revision bars in the right-hand margin adjacent to the change.

The supplemental information provided in Enclosures 5 and 6 does not impact the scope of the requested amendment, the results of the technical evaluation, nor the conclusions of the regulatory evaluation (including the significant hazards consideration determination and the environmental considerations) as provided in LAR-13-034, as supplemented.

This letter contains no regulatory commitments.

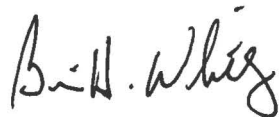
In accordance with 10 CFR 50.91, SNC is notifying the State of Georgia by transmitting a copy of this letter and enclosure to the designated State Official.

Should you have any questions, please contact Mr. Jason Redd at (205) 992-6435.

Mr. Brian H. Whitley states that: he is the Regulatory Affairs Director of Southern Nuclear Operating Company; he is authorized to execute this oath on behalf of Southern Nuclear Operating Company; and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



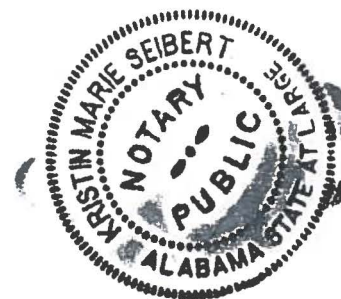
Brian H. Whitley

BHW/NH/kms

Sworn to and subscribed before me this 18th day of July, 2014

Notary Public: Kristin Marie Seibert

My commission expires: August 16, 2016



- Enclosures 1 and 2: (previously submitted with the original LAR, LAR-13-034, in SNC letter ND-13-2349)
- Enclosure 3: (previously submitted with the first supplement, LAR-13-034S, in SNC letter ND-14-0233)
- Enclosure 4: (previously submitted with the second supplement, LAR-13-034S2, in SNC letter ND-14-0573)
- Enclosure 5: Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Revised Request for Exemption associated with LAR-13-034 (LAR-13-034S3)
- Enclosure 6: Vogtle Electric Generating Plant (VEGP) Units 3 and 4 – Revised Response to eRAI 7464 Question A for LAR-13-034 (LAR-13-034S3)

cc:

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Southern Nuclear Operating Company

ND-14-1070

Enclosure 5

Vogtle Electric Generating Plant (VEGP) Units 3 and 4

**Revised Request for Exemption associated with LAR-13-034
(LAR-13-034S3)**

(7 pages, including this cover page)

1.0 Purpose

Southern Nuclear Operating Company (the Licensee) requests an exemption from the provisions of 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15), "Design Certification Rule for the AP1000 Design, Scope and Contents," to allow a departure from the requirements of this regulation. The regulation, 10 CFR 52, Appendix D, Section VIII.B.6.c, requires that a licensee who references Appendix D may not, before the plant first achieves full power following the finding required by 10 CFR 52.103(g), depart from certain Tier 2* matters except under paragraph B.6.b of Section VIII. Section VIII.B.6.c, Item (15), identifies Human Factors Engineering as one of the types of Tier 2* matter within the scope of this regulation. The Licensee has requested a license amendment request (LAR) to reclassify portions of five Tier 2* Human Factors (HF) Verification and Validation (V&V) planning documents listed in Updated Final Safety Analysis Report (UFSAR) Table 1.6-1 and Chapter 18, Subsection 18.11.2. Therefore, to allow these portions of HF information to be reclassified from Tier 2* to Tier 2 prior to achieving full power for each nuclear power plant unit [i.e., Units 3 and 4 of Vogtle Electric Generating Plant (VEGP)], the Licensee requests an exemption.

This enclosure requests approval of an exemption from the requirements of 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15), as required to implement the proposed UFSAR changes. This request will provide for the application of the requirements for granting specific exemptions from the Commission's regulations, as specified in 10 CFR §§52.7, 52.63(b), and 50.12.

2.0 Background

The Licensee is the holder of Combined License Nos. NPF-91 and NPF-92, which authorize construction and operation of two Westinghouse Electric Company AP1000 nuclear plants, named Vogtle Electric Generating Plant (VEGP) Units 3 and 4, respectively. The Licensee is currently in the process of developing, reviewing, and approving the HF V&V implementation documents following guidance provided in the HF V&V planning documents.

These documents outline the overall plan for HF V&V, including Human Factors Engineering (HFE) design verification, task support verification, integrated system validation, discrepancy resolution process, and verification at plant startup. The five HF V&V documents are currently classified as Tier 2* in their entirety. However, there is content in each of the documents that can be classified as Tier 2, because it has no impact on safety, nor does it affect the merits of the HF V&V activities. The Licensee expects relatively inconsequential changes to information in the five HF V&V planning documents will be needed while preparing the associated implementation documents. To allow for revisions of the HF V&V documents using the appropriate change process provided in 10 CFR 52, Appendix D, Section VIII.B.5, the Licensee requested a license amendment to reclassify portions of the five Tier 2* HF V&V planning documents listed in UFSAR Table 1.6-1 and Chapter 18, Subsection 18.11.2.

3.0 Technical Justification of Acceptability

Detailed technical justification for this exemption is provided in Section 2 and 3 of the License Amendment Request in Enclosure 1 of SNC Letter ND-13-2349.

4.0 Justification of Exemption

10 CFR Part 52, Appendix D, Section VIII.B.6.c states:

A licensee who references this appendix may not, before the plant first achieves full power following the finding required by 10 CFR 52.103(g), depart from the following Tier 2 matters except under paragraph B.6.b of this section. After the plant first achieves full power, the following Tier 2* matters revert to Tier 2 status and are subject to the departure provisions in paragraph B.5 of this section.*

* * *

(15) Human factors engineering.

* * *

Because the Licensee has identified changes to reclassify portions of five Tier 2* HF V&V planning documents to Tier 2, this change involves a departure from Tier 2* human factors engineering matters identified in Section VIII.B.6.c, Item (15). Therefore, an exemption is required to allow these portions of HF information to be reclassified from Tier 2* to Tier 2 prior to achieving full power for each nuclear power plant unit.

10 CFR Part 52, Appendix D, and 10 CFR §§ 50.12 and 52.7 state that the NRC may grant exemptions from the requirements of the regulations provided four conditions are met: 1) the exemption is authorized by law [§50.12(a)(1)]; 2) the exemption will not present an undue risk to the health and safety of the public [§50.12(a)(1)]; 3) the exemption is consistent with the common defense and security [§50.12(a)(1)]; and 4) special circumstances are present [§50.12(a)(2)].

The requested exemption satisfies the criteria for granting specific exemptions, as described below.

1. This exemption is authorized by law

The NRC has authority under 10 CFR §§ 50.12, 52.7, and 52.63 to grant exemptions from the requirements of NRC regulations. Specifically, 10 CFR §§50.12, 52.7, and 52.63(b)(1) state that the NRC may grant exemptions from the requirements of 10 CFR Part 52 upon a proper showing. No law exists that would preclude the changes covered by this exemption request. Additionally, granting of the proposed exemption does not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations.

Accordingly, this requested exemption is "authorized by law," as required by 10 CFR 50.12(a)(1).

2. This exemption will not present an undue risk to the health and safety of the public

The requested exemption from the requirements of 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15) reclassifies the portions of the five HF V&V planning documents that have no impact on safety, thereby allowing for revisions to these portions of these documents using the Tier 2 change process provided in 10 CFR 52, Appendix D, Section VIII.B.5. Because the proposed changes have no impact on safety, there is no adverse safety impact that would present any additional risk to the health and safety.

Therefore, the requested exemption from 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15) would not present an undue risk to the health and safety of the public.

3. The exemption is consistent with the common defense and security

The requested exemption from the requirements of 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15), reclassifies the portions of the five HF V&V planning documents. The exemption does not alter the design, function, or operation of any structures or plant equipment that are necessary to maintain a safe and secure status of the plant, nor does it affect compliance with any regulations associated with the physical protection of nuclear power plants or nuclear materials. The proposed exemption has no impact on plant security or safeguards procedures.

Therefore, the requested exemption is consistent with the common defense and security.

4. Special circumstances are present

10 CFR 50.12(a)(2) list six "special circumstances" for which an exemption may be granted.

Pursuant to the regulation, it is necessary for at least one of these special circumstances to be present before granting an exemption request. There are at least two of the six "special circumstances" present here.

First, the requested exemption meets 10 CFR 50.12(a)(2)(ii), which defines special circumstances as "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."

Second, the requested exemption meets 10 CFR 50.12(a)(2)(v), "The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation." The exemption would be "temporary relief" in that the exemption would expire for each unit when that unit achieves full power following the 10 CFR 52.103(g) finding.

The rule under consideration in this request for exemption is 10 CFR Part 52, Appendix D, Section VIII.B.6.c, which requires that a licensee who references Appendix D may not, before the plant first achieves full power following the finding

required by 10 CFR 52.103(g), depart from certain Tier 2* matters except under paragraph B.6.b of Section VIII. Section VIII.B.6.c, Item (15), identifies Human Factors Engineering as one of the types of Tier 2* matter within the scope of this regulation. The Licensee has requested a license amendment request (LAR) to reclassify portions of five Tier 2* Human Factors (HF) Verification and Validation (V&V) planning documents listed in Updated Final Safety Analysis Report (UFSAR) Table 1.6-1 and Chapter 18, Subsection 18.11.2.

The underlying purpose of the regulation, Appendix D, Section VIII.B.6, as discussed in the Statement of Consideration for the AP1000 Design Certification Final Rule (76 FR 82090), is to differentiate between the information that needs to retain the Tier 2* designation throughout the lifetime of the facility, and that information whose designation would revert to Tier 2 after first full (100%) power. Accordingly, the purpose of Section VIII.B.6.c was not to subject licensees to more burdensome requirements for departures from plant-specific Tier 2* information prior to first full power, but rather to apply the more appropriate Tier 2 requirements for departure evaluations in Section VIII.B.5 after first full power. The proposed exemption from the requirements of 10 CFR 52, Appendix D, Section VIII.B.6.c reclassifies only the portions of the five HF V&V planning documents that have no impact on safety, thereby allowing for revisions to these portions of these documents using the Tier 2 change process provided in 10 CFR 52, Appendix D, Section VIII.B.5. The remaining portions of the HF V&V planning documents would still be subject to the Tier 2* change process requirements in 10 CFR 52, Appendix D, Section VIII.B.6. Accordingly, the underlying purpose of the rule will continue to be served by the requested exemption from 10 CFR 52, Appendix D, Section VIII.B.6. To allow these portions of HF information to be reclassified from Tier 2* to Tier 2 prior to achieving full power for each nuclear power plant unit, the Licensee requests an exemption for this period of time. The exemption would no longer be necessary when each unit achieves full power following the 10 CFR 52.103(g) finding, at which time the affected Tier 2* information would revert to Tier 2 status and subject to the departure provisions of Section VIII.B.5.

The Licensee has made a good faith effort to comply with the regulation by identifying only specific content in each of the documents that would more appropriately be classified as Tier 2. The content to be designated as Tier 2 has no impact on safety, nor does it affect the merits of the HF V&V activities. This differentiation will allow for revisions of the HF V&V documents for Tier 2 changes (e.g., updating the revision number for a reference) using the process provided in 10 CFR 52 Appendix D Section VIII.B.5. Updates to the HFE documents arising from Tier 2* changes would continue to require prior NRC approval.

Therefore, special circumstances are present, because application of the regulation in the particular circumstances would not serve the underlying purpose of the rule and/or the exemption would provide only temporary relief from the applicable regulation. Further, the licensee or applicant has made good faith efforts to comply with the regulation.

5. The special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption

Based on the nature of the changes to reclassify portions of the plant-specific Tier 2* HF V&V planning document information and the understanding that these changes support development, review, and approval of the human factors (HF) verification and validation (V&V) implementation documents, it is likely that other AP1000 licensees will request this exemption. However, if this is not the case, the special circumstances continue to outweigh any decrease in safety because licensees that do not request these changes will still be subject to the Tier 2* change process requirements in 10 CFR 52, Appendix D, Section VIII.B.6. Furthermore, because the changes proposed by this exemption request do not change the design, construction, or operation of the facility, there is a minimal change from the generic AP1000 DCD, thereby minimizing the reduction in standardization and consequently the safety impact from the reduction.

Therefore, the special circumstances associated with the requested exemption outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption.

6. The design change will not result in a significant decrease in the level of safety.

The requested exemption revises the plant-specific DCD Tier 2* information by reclassifying only the portions of the five HF V&V planning documents that have no impact on safety. The proposed changes do not modify the design of any plant systems, structures, or components.

Therefore, the requested exemption does not represent a design change that would result in a significant decrease in the level of safety.

5.0 Risk Assessment

A risk assessment was determined to be not applicable to address the acceptability of this request.

6.0 Precedent

None.

7.0 Environmental Consideration

A review has determined that the proposed exemption would change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, or would change an inspection or surveillance requirement. However, the proposed exemption does not involve (i) a significant hazards consideration, (ii) a significant change in the types or a significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Specific justification is provided in Section 5 of the corresponding amendment request. Accordingly, the proposed exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemption.

8.0 Conclusion

The proposed changes to reclassify portions of five Tier 2* Human Factors (HF) Verification and Validation (V&V) planning documents listed in Updated Final Safety Analysis Report (UFSAR) Table 1.6-1 and Chapter 18, Subsection 18.11.2, support development, review, and approval of the HF V&V implementation documents following guidance provided in the HF V&V planning documents. An exemption from the requirements of 10 CFR 52, Appendix D, Section VIII.B.6.c, Item (15), is necessary to allow implementation of the requested amendment prior to initially achieving full power for each nuclear power unit. The exemption request meets the requirements of 10 CFR 52.7, 10 CFR 50.12, and 10 CFR 51.22. Specifically, the exemption request meets the criteria of 10 CFR 50.12(a)(1) in that the request is authorized by law, presents no undue risk to public health and safety, and is consistent with the common defense and security. Furthermore, this request presents special circumstances because application of the regulation in the particular circumstances would not serve the underlying purpose of the rule and/or the exemption would provide only temporary relief from the applicable regulation and meets the eligibility requirements for categorical exclusion.

9.0 References

None.

Southern Nuclear Operating Company

ND-14-1070

Enclosure 6

Vogtle Electric Generating Plant (VEGP) Units 3 and 4

**Revised Response to eRAI 7464 Question A for LAR-13-034
(LAR-13-034S3)**

(3 pages, including this cover page)

eRAI Tracking No. 7464

NRC Question A:

In the LAR 13-034, Reclassification of Portions of Human Factors Verification and Validation Planning Documents, (ML13331B502), SNC proposed to reclassify portions of the five Tier 2* Human Factors (HF) Verification and Validation (V&V) planning documents listed (incorporated) in the UFSAR Table 1.6-1 and Section 18.11.2.

- The information in UFSAR Figure 18.11-1(AP1000 HFE Verification and Validation) is same as HFE report 320 Figure 1.1-1 (AP1000 Verification and Validation Activities).
- SNC stated that HFE 320 report (including Figure 1.1-1) contains proprietary information and as such should be withheld from public disclosure (August 22, 2013, ML13235A224).
- UFSAR Figure 18.11-1 is publicly available.
- The HFE report (320) is a Tier 2* document (including Figure 1.1-1).
- Figure 18.11-1 of the UFSAR is a Tier 2 document.

Clarify the inconsistency between the UFSAR and the HFE report (320).

SNC Response:

The Integrated System Validation (ISV) provides a comprehensive human performance-based assessment of the final design of the AP1000 Human-System Interface (HSI) resources, based on their realistic operation within a simulator-driven Main Control Room (MCR). Tier 2* Westinghouse proprietary document APP-OCS-GEH-320 (referred to hereafter as GEH-320), "AP1000 Human Factors Engineering Integrated System Validation Plan," describes the implementation plan for the ISV and includes proprietary Figure 1.1-1, a pictorial representation of the AP1000 validation and verification (V&V) activities. Accordingly, Westinghouse is the owner of the intellectual property in GEH-320, including Figure 1.1-1.

APP-OCS-GEH-320, Rev. D, Figure 1.1-1, which was referenced in the AP1000 Design Certification, was proprietary during the AP1000 design certification and Westinghouse continues to consider Figure 1.1-1 in GEH-320, Revision 3, to be proprietary. This figure is marked as proprietary because, along with other information in the GEH-320 document (and to some extent, APP-OCS-GEH-420), it describes the overall plan and the strategy for dealing with the HF V&V activities being executed in parallel. There has always been a slight difference between UFSAR Figure 18.11-1 and Figure 1.1-1 in Rev. D of GEH-320. Each of these figures is also different than what is provided in NUREG-0711, Revisions 1, 2, and 3. Therefore, the work that went into creating the differences from the NUREG and in the licensing bases is considered proprietary to Westinghouse and provides Westinghouse with a competitive edge over their competitors that have not had to develop this process yet.

As discussed in SNC LAR-13-001 (approved as Amendment No. 15 to Combined License (COL) Nos. NPF-91 and NPF-92 for VEGP Units 3 and 4, respectively), the version of Figure 1.1-1 in GEH-320, Revision 2, showed that the task support verification and design verification activities being complete prior to conducting ISV. This figure also implied that the results of these two activities would feed into the ISV. The process of detailed planning of the HF V&V

activities demonstrated that some activities will need to be undertaken in parallel. Therefore, Figure 1.1-1 was revised in Revision 3 of GEH-320 to show that the task support verification and design verification will not be complete prior to ISV, and the results will not feed into the ISV.

The change description in LAR-13-001 does not detail exactly how GEH-320, Revision 3, Figure 1.1-1 is changed to differ from the figure that was previously provided in GEH-320, Revision 2 and earlier revisions, nor does it lay out a road map for changing the figure that is provided in the UFSAR. Rather, the details regarding the specific changes to GEH-320, Revision 3, Figure 1.1-1 are provided in the revised figure, which was identified as proprietary information in SNC Letter ND-13-1824, LAR-13-001S2, Enclosure 11. This figure was also identified as withheld proprietary information in Enclosure 12 of SNC Letter ND-13-1824. In accordance with 10 CFR 2.390(b)(4), the basis on which the information in GEH-320, Revision 3, is withheld is provided in ND-13-1824, Enclosures 14 and 15. Enclosure 15 also provides the name and contact information for the Westinghouse point of contact responsible for the proprietary aspects of the material included in LAR-13-001S2, including GEH-320, Revision 3, Figure 1.1-1. With the changes presented in Revision 3 of GEH-320, there is an even more pronounced difference between UFSAR Figure 18.11-1 and GEH-320, Revision 3, Figure 1.1-1. Accordingly, Figure 18.11-1 should have been removed from the UFSAR by LAR-13-001, as it is no longer consistent with GEH-320, Revision 3, Figure 1.1-1.

Therefore, to resolve the issue regarding any duplicated information presented in GEH-320, Revision 3, Figure 1.1-1 and UFSAR Figure 18.11-1, the Licensee will, upon approval of this LAR-13-034 by the NRC, revise UFSAR Section 18.11 by deleting Figure 18.11-1 and the sentence referring to this figure. The remaining text in this paragraph provide an adequate description of the verification and validation activities conducted as part of the AP1000 human factors engineering program, without the pictorial depiction currently provided by UFSAR Figure 18.11-1. Incorporation of this change resolves the inconsistency regarding the designation of this figure, while maintaining the more restrictive requirements associated with the proprietary Tier 2* information portrayed in GEH-320, Revision 3, Figure 1.1-1.

With the incorporation of this change, the identified condition regarding the Tier 2 designation of this UFSAR figure is no longer applicable.