

Mark D. Mitchell
Vice President - Generation Construction
Dominion Generation



Dominion®

An operating segment of
Dominion Resources, Inc.
5000 Dominion Boulevard, Glen Allen, VA 23060

dom.com

September 23, 2015

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

Serial No. NA3-15-025
Docket No. 52-017
COL/RAB

DOMINION VIRGINIA POWER
NORTH ANNA UNIT 3 COMBINED LICENSE APPLICATION
REQUEST FOR EXEMPTION FROM 10 CFR 50.71(e)(3)(III)

In accordance with the provisions of 10 CFR 50.12, Virginia Electric and Power Company, doing business as Dominion Virginia Power (Dominion), hereby requests an exemption from the requirements of 10 CFR 50.71(e)(3)(iii) as applicable to North Anna Power Station, Unit 3 (NAPS Unit 3). Specifically, Dominion requests a one-time exemption from 10 CFR 50.71(e)(3)(iii), which requires an applicant for a combined license to submit an update to its Final Safety Analysis Report (FSAR) annually. Dominion requests this exemption to permit the next FSAR update, which would otherwise be due by the end of 2015, to be submitted no later than June 30, 2016. Because this submission would include FSAR changes made through the first part of 2016, including those resulting from two planned NRC seismic audits, an additional FSAR update later the same year would not be necessary. Rather, the next Unit 3 FSAR update would be submitted in 2017.

On October 22, 2014, Dominion submitted a Seismic Closure Plan (SCP) (ML14297A199), which summarized the seismic analyses and submittals that Dominion would complete in 2015 to address feedback from the NRC on the NAPS Unit 3 Combined License Application (COLA). Under the SCP, technical reports and analyses have been submitted as they have been completed, and two sets of COLA markups (the first revising geotechnical information and the second incorporating the results of soil-structure interaction analyses, structure-soil-structure interaction analyses, and stability analyses) have been completed. Consistent with the SCP, submittal of the last technical reports and a third set of COLA markups (incorporating the results of the analyses of SSC design capacities) will be submitted in December 2015. The NRC Staff is currently preparing to conduct an audit near the end of September 2015 relating to the determined site-specific seismic demand, and is planning on conducting a second audit in the first or second quarter of 2016 relating to the capacities of structures, systems, and components (SSCs) to withstand the site-specific seismic demand. Both of these audits and the December 2015 submittals could result in further requests from the NRC Staff for additional information and, in response, further COLA markups.

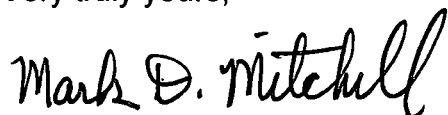
D089
NRO

The requested exemption would allow Dominion to complete the December 2015 submittals, support the 2015-2016 NRC audits, respond to any additional requests for information, and provide any further COLA markups that may result from the audits and RAIs before submitting the next FSAR update. This would allow the FSAR update to comprehensively include all changes necessitated by the SCP activities and NRC review, thus avoiding a partial update, and produce a single and complete update that the Staff could rely upon to verify changes supporting completion of the ASER.

Enclosure 1 provides the basis for this exemption request.

Please contact Regina Borsh at (804) 273-2247 (regina.borsh@dom.com) if you have questions.

Very truly yours,



Mark D. Mitchell

Enclosure:

1. Basis for Exemption from 10 CFR 50.71(e)(3)(iii)

Commitments made by this letter:

The next NAPS Unit 3 FSAR update will be submitted by June 30, 2016.

cc: U. S. Nuclear Regulatory Commission, Region II
J. J. Shea, Jr., NRC
T. S. Dozier, NRC
G. J. Kolcum, NRC
D. Paylor, VDEQ
W. T. Lough, SCC
P. W. Smith, DTE
M. K. Brandon, DTE
R. J. Bell, NEI

ENCLOSURE 1

Basis for Exemption from 10 CFR 50.71(e)(3)(iii)

Proposed Exemption

In accordance with the provisions of 10 CFR 50.12, Virginia Electric and Power Company, doing business as Dominion Virginia Power (Dominion), hereby requests an exemption from the requirements of 10 CFR 50.71(e)(3)(iii) as applicable to North Anna Power Station, Unit 3 (NAPS Unit 3). Specifically, Dominion requests a one-time exemption from 10 CFR 50.71(e)(3)(iii), which requires an applicant for a combined license to submit an update to its Final Safety Analysis Report (FSAR) annually. Dominion requests this exemption to permit the next FSAR update, which would otherwise be due by the end of 2015, to be submitted no later than June 30, 2016. Because this submission would include FSAR changes made through the first part of 2016, including those resulting from two planned NRC seismic audits, an additional FSAR update later in the same year would not be necessary. Rather, the next Unit 3 FSAR update would be submitted in 2017.

Background

In December 2013, Dominion submitted an update to the North Anna Unit 3 (NA3) Combined License Application (COLA) applying the Central and Eastern United States seismic source characterization model and the methodology in Regulatory Guide 1.208, and evaluating the August 23, 2011 Mineral Virginia earthquake, to develop a revised probabilistic seismic hazard analysis and site-specific seismic response spectra. A further FSAR update was submitted in June 2014.

On October 22, 2014, Dominion submitted a Seismic Closure Plan (SCP) (ML14297A199), which summarized the further seismic analyses and submittals that Dominion would complete in 2015 to address feedback from the NRC. Under this SCP, technical reports and analyses have been submitted as they have been completed, and two sets of COLA markups (the first revising geotechnical information and the second incorporating the results of soil-structure interaction analyses, structure-soil-structure interaction analyses, and stability analyses) have been completed. Consistent with the SCP, submittal of the last technical reports and a third set of COLA markups, which incorporate the results of the analyses of the design capacities of certain structures, systems, and components (SSCs), will be submitted in December 2015. The NRC Staff is currently preparing to conduct an audit near the end of September 2015 relating to the determined site-specific seismic demand, and is planning to conduct a second audit in the first or second quarter of 2016 relating to the capacities of SSCs to withstand the site-specific seismic demand. Both of these audits and the December submittals could result in further requests from the NRC Staff for additional information and, in response, further COLA markups.

Basis for Exemption

Pursuant to 10 CFR 50.12, the NRC may grant an exemption from requirements contained in 10 CFR 50 provided that the following three conditions are satisfied:

1. The requested exemption is authorized by law;
2. The requested exemption will not present an undue risk to the public health and safety; and
3. The requested exemption is consistent with the common defense and security.

The Commission has the authority to grant exemptions from its rules, and such exemptions are authorized by law if the regulatory process of 10 CFR 50.12 is being followed. Further, since the exemption requested by Dominion is merely a temporary exemption applicable to an application that has not yet been granted, it presents no risk to the public health and safety, nor any inconsistency with the common defense and security. Therefore, the three criteria are satisfied.

In addition, 10 CR 50.12(a) states that the NRC will not grant an exemption unless special circumstances are present. The following special circumstances described within 10 CFR 50.12(a) apply to the requested exemption. An evaluation follows each special circumstance listed.

“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” (10 CFR 50.12(a)(ii)).

Dominion’s responses to RAIs and its submittals under the SCP have included mark-ups of the FSAR reflecting the changes that will be made, and the December 2015 SCP submittal will do the same. These markups serve to keep the NRC Staff and the public continuously apprised of the identified and intended changes to the FSAR. Thus, an update at the end of the year is not necessary to serve this purpose.

“Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated” (10 CFR 50.12(a)(iii)).

The SCP constitutes a very substantial volume of work that will not be completed until the end of the year and that will necessitate changes to the FSAR significantly in excess of those involved in a typical FSAR update. Because 10 CFR 50.71(e) n.1 indicates that the effects of changes that must be incorporated in an FSAR update include appropriate revisions of descriptions in the FSAR such that the FSAR as updated is complete and accurate, Dominion would need to expedite completion of seismic analysis ahead of the schedule described in the SCP in order to fully incorporate the

necessary seismic-related FSAR changes by the end of 2015. Further, the NRC Staff audit in September 2015, NRC Staff review of the December 2015 submittals, and NRC audit planned for the first or second quarter of 2016 will likely result in further requests for additional information and FSAR changes. Dominion would like to have all of these changes incorporated in one FSAR update available prior to the Staff's issuance of the ASER. If an exemption is not granted, Dominion would have to submit two FSAR updates in a relatively short interval to accomplish this objective, and the NRC Staff would have to devote unnecessary resources to two acceptance reviews (one for the December 2015 update and the second for the update following completion of the audits and reviews). This would constitute an undue burden and unnecessarily distract both Dominion and the NRC Staff from completion of the seismic work and review. The requested exemption, in contrast, would allow a single FSAR update that includes all changes necessitated by the SCP activities and NRC review, thus avoiding a partial update serving little purpose, and produce a single and complete update that the Staff could rely upon to verify changes supporting completion of the ASER.

"The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation." (10 CFR 50.12(a)(2)(v)).

The exemption would be applied one time only for the FSAR update otherwise due at the end of 2015 and would provide only temporary relief in that a complete FSAR update would be submitted by June 30, 2016. Dominion has made a good faith effort to comply with 10 CFR 50.71 (e) by maintaining a "living" COLA in which Dominion continuously incorporates any changes resulting from its responses to RAIs, commitments, or other identified changes. Marked-up pages, included with RAI responses, have facilitated Staff review and kept the NRC apprised of changes to the FSAR.

Environmental Assessment

The proposed action would exempt Dominion from the requirement of 10 CFR 50.71(e)(3)(iii), which specifies that an applicant for a combined license must submit an update to its final safety analysis report annually. The proposed exemption would grant a one-time exemption to allow Dominion to submit its next FSAR update to be submitted by June 30, 2016, rather than by the end of 2015. The next FSAR update would be submitted in 2017.

This proposed action is needed to allow Dominion to fully incorporate the planned seismic-related changes into the next NAPS Unit 3 FSAR update, along with any additional changes required as a result of NRC's audits and requests for additional information (RAIs). The proposed action will reduce the burden on the applicant associated with preparing an end of year update immediately after completion of

seismic submittals in December 2015 followed by a further update in mid-2016 to reflect any further changes associated with the NRC Staff's review.

The proposed action will not result in any impact on the environment. The exemption would only grant a temporary exemption from a requirement to update an application not yet granted. Consequently, the exemption would not authorize any activity that could have an impact on the environment.

The only alternative to the proposed action would be not issuing the exemption (i.e., the no action alternative). This alternative would not accomplish the purpose of the proposed action (to reduce the burden on the applicant and allow more time for it to address the effects of the SCP). In addition, the no action alternative would not have any different environmental impact. Both the proposed action and the no action alternative would have no impact on the environment.