

## SummerRAIsPEm Resource

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**From:** Gleaves, Bill  
**Sent:** Monday, June 13, 2016 11:29 AM  
**To:** SummerRAIsPEm Resource  
**Subject:** FW: RE: RE: Tier 2\* DCD / COL information request.

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**From:** Steve Roetger [mailto:sroetger@psc.state.ga.us]  
**Sent:** Wednesday, May 18, 2016 4:29 PM  
**To:** Gleaves, Bill  
**Subject:** [External\_Sender] RE: RE: Tier 2\* DCD / COL information request.

Billy,

A good example is DCD Figure 3H.5-3 and the language that references that figure. Westinghouse changed the design from what is depicted in Figure 3H.5-3 (at the MSE wall) in order to mitigate potential rebar congestion. Westinghouse asserted at that time that the re-design met ACI 349 and therefore was consistent with the DCD design basis. Regardless of that figure's Tier 2\* designation Westinghouse asserted that no License Amendment Request was necessary. NRC Staff disagreed with Westinghouse's interpretation of DCD design adherence and required a License Amendment Request to change the design. As a result of this event I believe NRC communicated to Southern Nuclear that strict adherence to the designs as shown in the DCD is required. Ultimately, the installed rebar was reconfigured to match the design as shown in the DCD. It's actually this event that is driving my questions.

Essentially the arguments that are put forth for this event occurring is that first Westinghouse and Southern Nuclear were 'unsure of the rules' using the Part 52 DCD process and second, that due to the language I provided you below, some flexibility in the as built design existed. I would note that Appendix D to Part 52 clearly states the means by which tiered information may be changed in the DCD.

Please let me know if this helpful. If it would be easier to discuss over the phone please let me know and I can call you at your convenience.

Thanks,

Steven D. Roetger  
Georgia Public Service Commission  
[sroetger@psc.state.ga.us](mailto:sroetger@psc.state.ga.us)  
404-656-7420

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**From:** Gleaves, Bill [mailto:Bill.Gleaves@nrc.gov]  
**Sent:** Wednesday, May 18, 2016 3:35 PM  
**To:** Steve Roetger  
**Subject:** RE: RE: Tier 2\* DCD / COL information request.

In anticipation of the questions I may receive at our internal discussions on your question, do you have an example of a specific question regarding Tier 2\* Figures that we can discuss?

Billy  
William (Billy) Gleaves

Lead Project Manager for  
V.C. Summer Units 2 and 3  
Licensing Branch 4  
US NRC, Office of New Reactors

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**From:** Steve Roetger [<mailto:sroetger@psc.state.ga.us>]  
**Sent:** Wednesday, May 18, 2016 2:05 PM  
**To:** Gleaves, Bill  
**Cc:** Bill Jacobs ([Bill.Jacobs@gdsassociates.com](mailto:Bill.Jacobs@gdsassociates.com)); Katherine Leigey; McKirgan, John; Patel, Chandu  
**Subject:** [External\_Sender] RE: Tier 2\* DCD / COL information request.

Mr. Gleaves,

Thank you for the quick response. We're in no particular hurry at this time. Please discuss with your colleagues at your earliest convenience and let me know if you have any questions regarding what we're asking for. Would touching base in a couple weeks be OK?

Thanks,

Steven D. Roetger  
Georgia Public Service Commission  
[sroetger@psc.state.ga.us](mailto:sroetger@psc.state.ga.us)  
404-656-7420

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**From:** Gleaves, Bill [<mailto:Bill.Gleaves@nrc.gov>]  
**Sent:** Wednesday, May 18, 2016 1:44 PM  
**To:** Steve Roetger  
**Cc:** Bill Jacobs ([Bill.Jacobs@gdsassociates.com](mailto:Bill.Jacobs@gdsassociates.com)); Katherine Leigey; McKirgan, John; Patel, Chandu  
**Subject:** RE: Tier 2\* DCD / COL information request.

Mr. Roetger,

I apologize for not having an immediate answer to your questions. We will have discuss internally how we can best answer your questions. This may take some time to accomplish, so if there is an urgent need for an interpretation, please let me know what is that urgent need.

I can say what I think was intended to be said before it was made a rule, however, now that the AP1000 DCD is a rule, it is the policy of the NRC that only our Office of General Counsel can interpret those rules.

As you know, the NRC always expects the licensee to meet the regulations and holds the licensee accountable in the event that the NRC finds that it did not.

Respectfully,

Billy  
William (Billy) Gleaves  
Lead Project Manager for

V.C. Summer Units 2 and 3

Licensing Branch 4

US NRC, Office of New Reactors

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**From:** Steve Roetger [<mailto:sroetger@psc.state.ga.us>]

**Sent:** Wednesday, May 18, 2016 1:13 PM

**To:** Gleaves, Bill

**Cc:** Bill Jacobs ([Bill.Jacobs@gdsassociates.com](mailto:Bill.Jacobs@gdsassociates.com)); Katherine Leigey

**Subject:** [External\_Sender] Tier 2\* DCD / COL information request.

Mr. Gleaves,

Good afternoon Billy. I'm sending you this email because the Georgia Public Service Commission Advocacy Staff Vogtle Team, of which I am the Lead, requests clarification of a small sub-section of language contained in the AP1000 Design Control Document ("DCD") and its impact on how the Nuclear Regulatory Commission ("NRC") Staff viewed Tier 2\* information upon approval of the DCD and how NRC Staff views Tier 2\* information in the COLs ("Combined License"). If memory serves me correctly I believe you were integrally involved in the NRC review of the AP1000 DCD. Specifically, the language we're interested in is as follows:

"An applicant who references the AP1000 design certification rule may not depart from Tier 2\* information, which is designated with italicized text or brackets and an asterisk in the AP1000 design control document." The following paragraph states. "Certain figures that are indicated to be Tier 2\* may contain information beyond that that is considered to be Tier 2\*. A review of the text referencing the figure may be necessary to determine what information on the figure is considered to be Tier 2\*." [[Reference AP1000 Design Control Document Intro-6](#)]

My question relates primarily to the last two sentences from above. Did NRC Staff reviewing the AP1000 DCD ever intend there to be information contained in a figure designated as Tier 2\* that should be considered 'beyond that that is considered Tier 2\*' and therefore, would not require the COL holder to submit to NRC a License Amendment Request ("LAR")? Based on the language contained in 10 CFR 52 Appendix D this flexibility appears to be absent. Additionally, based on the history of NRC Staff's reviews of Southern Nuclear Company's ("SNC") LARs to their COL this flexibility is absent i.e. any change to any item contained in the DCD that is designated as Tier 2\* must be approved by the NRC Staff prior to implementation of that change.

Westinghouse Electric Company has taken the position that flexibility in interpreting Tier 2\* information was permitted by NRC Staff and subsequently intended for COL holders. SNC has also adopted this position. My second and last question is, did NRC Staff ever indicate by official documentation that interpretation flexibility existed in the Tier 2\* information or did NRC Staff's position with regard to Tier 2\* information adherence change between the AP1000 and the issuance of the SNC COL?

Any assistance you can provide would be of great service to us. We're open to an informal telephone discussion or we can continue via email; whatever works best for you. If you are not the best person suited for discussing our questions please forward this email to the appropriate party(ies). If this email cannot be responded to please indicate so at your earliest convenience.

Best regards,

Steven D. Roetger

Georgia Public Service Commission

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