

SummerRAIsPEm Resource

From: Gleaves, Bill
Sent: Monday, June 13, 2016 11:30 AM
To: SummerRAIsPEm Resource
Subject: FW: Tier 2* DCD / COL information request.

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); 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,

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