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APR 19 2013

Docket Nos.: 52-025
52-026

ND-13-0858
10 CFR 2.390

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

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Units 3 and 4
Affidavit Under 10 CFR 2.390

Ladies and Gentlemen:

Southern Nuclear Operating Company (SNC), the licensee for Vogtle Electrical Generating Plant (VEGP) Units 3 and 4, recently submitted proprietary presentation materials (slides in PowerPoint format entitled "Human Factors Engineering") to the U.S. Nuclear Regulatory Commission to support a closed meeting on April 17, 2013.

This letter is in accordance with the provisions of 10 CFR 2.390. Enclosure 1 is the affidavit of A. G. Aughtman providing the bases upon which the presentation materials may be withheld from public disclosure by the Commission and address the considerations in 10 CFR 2.390(b)(4). Enclosure 2 is the Non-Proprietary version of the presentation materials. Enclosure 3 has the **Proprietary** portions of the presentation materials that should be withheld from public disclosure.

Correspondence with respect to the copyright or proprietary aspects of the presentation materials or the supporting affidavits should reference Brian H. Whitley, SNC, at the contact information within this letter.

Should you have any questions, please contact C. Brian Meadors at (205) 992-7331.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY

A handwritten signature in black ink that reads "A. G. Aughtman".

A. G. Aughtman

AGA/CBM/kms

Enclosures:

- 1) Affidavit of A.G. Aughtman, Southern Nuclear Operating Co. (1 page)
- 2) Presentation materials for April 17, 2013 meeting, Non-Proprietary (14 pages)
- 3) Presentation materials for April 17, 2013 meeting, **Proprietary** portions (2 pages)

cc:

Southern Nuclear Operating Company/ Georgia Power Company

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Mr. J. A. Miller
Mr. D. A. Bost (w/o enclosures)
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Mr. M. D. Rauckhorst (w/o enclosures)
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Mr. T. E. Tynan
Mr. D. M. Lloyd
Mr. B.H. Whitley
Mr. C. R. Pierce
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Mr. C. H. Mahan
Ms. A. G. Aughtman
Mr. J. M. Giddens
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Document Services RTYPE: VND.RA.L06
File AR.01.02.06

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Mr. P. A. Russ

Mr. R. A. DeLong

Mr. G. F. Couture

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Mr. T. J. Ray

Other

Mr. J. S. Prebula, Bechtel Power Corporation (w/o enclosures)

Mr. R. W. Prunty, Bechtel Power Corporation

Ms. K. K. Patterson, Tetra Tech NUS, Inc.

Dr. W. R. Jacobs, Jr., Ph.D., GDS Associates, Inc.

Mr. S. Roetger, Georgia Public Service Commission

Ms. S. W. Kernizan, Georgia Public Service Commission

Mr. K. C. Greene, Troutman Sanders

Mr. S. Blanton, Balch Bingham

Ms. A. Monroe, South Carolina Electric & Gas Company

Mr. B. Kitchen, Duke Energy

Mr. S. Franzone, Florida Power & Light

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Enclosure 1

Affidavit of A.G. Aughtman, Southern Nuclear Operating Co. (1 page)

Affidavit of A.G. Aughtman

1. My name is Amy G. Aughtman. I am a Licensing Manager, Regulatory Affairs, for Southern Nuclear Operating Company (SNC). I have been delegated the function of reviewing proprietary information sought to be withheld from public disclosure and am authorized to apply for its withholding on behalf of SNC.

2. I am making this affidavit on personal knowledge, in conformance with the provisions of 10 CFR Section 2.390 of the Commission's regulations, and in conjunction with SNC's submittal of proprietary presentation materials (slides in PowerPoint format entitled "Human Factors Engineering") to the U.S. Nuclear Regulatory Commission to support a closed meeting on April 17, 2013. I have personal knowledge of the criteria and procedures used by SNC to designate information as a trade secret, privileged, or as confidential commercial or financial information.

3. Based on the reason(s) at 10 CFR 2.390(a)(4), this affidavit seeks to withhold from public disclosure the presentation materials described above.

4. The following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.

a. The information sought to be withheld from public disclosure has been held in confidence by SNC and Westinghouse Electric Company.

b. The information is of a type customarily held in confidence by SNC and Westinghouse and not customarily disclosed to the public.

c. The release of the information might result in the loss of an existing or potential competitive advantage to SNC and/or Westinghouse.

d. Other reasons identified in previously filed affidavits relating to the Human Factors Engineering license amendment requests (see ADAMS accession numbers ML13087A351, ML13050A214, ML13098A727, ML130870559). Those reasons are incorporated here by reference.

5. Additionally, release of the information may harm SNC because SNC has a contractual relationship with the Westinghouse Electric Company regarding proprietary information. SNC is contractually obligated to seek confidential and proprietary treatment of the information.

6. To satisfy the requirements of 10 CFR 2.390(b)(1)(i)(B) and (b)(1)(ii)(E), SNC submits Enclosure 2, which is non-proprietary, and Enclosure 3, which is proprietary.

7. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR Section 2.390, it is to be received in confidence by the Commission.

To the best of my knowledge and belief, the information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method.

I declare under penalty of perjury that the foregoing is true and correct.



Amy G. Aughtman

Executed on 4/19/2013
Date

ND-13-0858

Enclosure 2

Presentation materials for April 17, 2013 meeting, Non-Proprietary (14 pages)

Vogtle

units 3&4 Nuclear Development



Human Factors Engineering

April 17, 2013

Agenda

- Human Factors Engineering (HFE) overview
- Documents that reference other documents
- Definition of “construction date” as it relates to HFE

Vogtle

units 3&4 Nuclear Development



HFE V&V Documents and Activities

- Five HFE V&V activities work together to demonstrate that AP1000 attains a high standard of human factors adequacy, and the plant is safe, operable and maintainable
 - HFE Design Verification (GEH-120)
 - Task Support Verification (GEH-220)
 - Both verification activities are carried out using design documentation
 - Complementary activities
 - Integrated System Validation (GEH-320)
 - Larger and more complex activity, requiring use of a simulator
 - Human Engineering Discrepancy Resolution (GEH-420)
 - HFE Design verification, task support verification and ISV feed into the HED resolution process (and not vice versa)
 - Verification at Plant Startup (GEH-520)
 - A final check, and close out any outstanding HF issues/HEDs

Note, the Design Verification, Task Support Verification and ISV plans/documents do not feed into each other, and the results of each of the five activities will be documented in individual results report; each one closing a separate ITAAC.

- Redacted under 10 CFR 2.390(a)(4)

Vogtle

units 3&4 Nuclear Development



- Redacted under 10 CFR 2.390(a)(4)

Vogtle

units 3&4 Nuclear Development



Documents that reference other documents

- The UFSAR incorporates by reference the ‘20 documents. The ‘20 documents, through “References” and the “Bibliography” sections, identify other documents (“tertiary documents”).

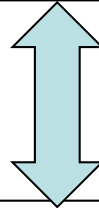
The UFSAR:

Incorporates the HFE '20 documents by reference as Tier 2* information



The '20 documents:

Identify, through “Reference” and “Bibliography” sections, other documents (“tertiary documents”)



The Tertiary documents:
May change

- Possible licensing actions if a tertiary document is changed

1. No change to the UFSAR

or

2. Some licensing action must be taken

1. No change to the UFSAR

- HFE activities may be completed using later revisions of tertiary documents than those identified in the '20 documents.
- The actual revision of a tertiary document used during performance of HFE activities would be recorded in the Results Report.
- In such an event, no licensing action (i.e., no departures) would be required.

2. Some licensing action must be taken

- If this is the situation, then the licensee suggests the following solutions, in order of preference:
 - A. Amend the COLs to make the '20 documents entirely Tier 2 instead of Tier 2*
 - B. Exclude certain portions of the '20 documents, for example, the References and Bibliography, from Tier 2*.
 - This could be done by a statement in the UFSAR
 - Or by brackets/italics within the '20 document.

- Solution “A” (amend the COLs to make the ‘20 documents Tier 2), has the benefit of:
 - Being an efficient solution (i.e., removes the burden of serial LARs resulting from changes to tertiary documents)
 - Safety continues to be assured through the ITAAC and NRC oversight of the ISV testing

- Solution “B” (excluding portions of the ‘20 documents from Tier 2*), has the benefits and burdens of:
 - Resolving the concern, but
 - Would require reaching consensus on text considered Tier 2 and text considered Tier 2*

(This could be done by a statement in the UFSAR or by brackets/italics within the ‘20 document.)

The paradigm to consider

- Assure safety by the HFE V&V and the ITAAC
- Focus resources on safety significant changes ---
Tier 2* requirements should not apply to non-Tier 2* tertiary documents

HFE activities are not “construction” until the completion of the ITAAC

- No change to the licensing basis needs to be made until the completion of the ITAAC.
- This is because the HFE documents are not “construction” until the completion of the ITAAC.
- “Construction... is, in part, the in-place assembly, erection, fabrication or testing for specified SSCs.” ISG-025, page 1, note 2, (limiting construction to “in-place” activities).