

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	
)	
SOUTHERN NUCLEAR OPERATING)	
COMPANY, INC.)	Docket No. 52-025-ITAAC
)	
(Vogtle Electric Generating Plant, Unit 3))	May 15, 2020
)	

**LICENSEES' ANSWER TO NUCLEAR WATCH SOUTH'S
PETITION FOR PUBLIC HEARING**

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**LICENSEES' ANSWER TO NUCLEAR WATCH SOUTH'S
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I. INTRODUCTION

On April 20, 2020, Nuclear Watch South (“Petitioner”) filed a “Petition for Public Hearing” in the above-referenced proceeding¹ (“Petition”) in response to the February 12, 2020 Notice of Intended Operation² (“Notice”) of the Vogtle Electric Generating Plant, Unit 3, published by the Nuclear Regulatory Commission (“NRC” or the “Commission”) in the *Federal Register*. Petitioner asserts general complaints against Vogtle construction and staffing practices, the timing of Southern Nuclear Operating Company, Inc.’s (“SNC”) Inspections, Tests, Analyses, and Acceptance Criteria (“ITAAC”) submittals, and alleges that the ITAAC 760 and 761 Uncompleted ITAAC Notifications (“UINs”) contain insufficient or incomplete references.

However, as the body of the Petition makes clear, Petitioner does not request a hearing in accordance with the NRC’s Notice at all, does not satisfy any of the requirements for a request

¹ Nuclear Watch South Petition for Public Hearing (Apr. 20, 2020) (ADAMS Accession No. ML20111C447) (“Petition”).

² Vogtle Electric Generating Plant, Unit 3; Hearing Opportunity Associated with Inspections, Tests, Analyses, and Acceptance Criteria, 85 Fed. Reg. 8030 (Feb. 12, 2020).

for hearing set out in NRC’s regulations and the procedural order attached to the Notice³ (“ITAAC Procedures Order”), and fails to adequately raise a claim of incompleteness. Rather, for the second time in a month, Petitioner requests that proceedings on the Vogtle Combined Operating License (“COL”) be “deferred,”⁴ and that NRC deviate from well-established statutory and regulatory requirements, as well as the procedures attached to NRC’s Notice. Pursuant to the ITAAC Procedures Order and 10 C.F.R. 2.309(i)(1), SNC, on behalf of the licensed owners, Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively, “Licensees”), hereby answers and opposes the Petition.

II. REQUIREMENTS FOR A HEARING UNDER 10 C.F.R. § 52.103

Every COL, including the Vogtle Unit 3 COL, includes ITAAC, the purposes of which are to demonstrate that the facility has been constructed in compliance with the COL and to provide the NRC with reasonable assurance that the “facility has been constructed and will be operated in conformity with the license, the provisions of the [Atomic Energy] Act, and the Commission’s rules and regulations.”⁵

The ITAAC for the AP1000 are in most cases included in the certified design for the facility, which was approved by NRC in 2011, promulgated as Appendix D to 10 C.F.R. Part 52, and incorporated by reference into the Vogtle Unit 3 COL in 2012. The ITAAC require the

³ Vogtle Electric Generating Plant, Unit 3; Hearing Opportunity Associated with Inspections, Tests, Analyses and Acceptance Criteria, Attachment 1: Order Imposing Additional Procedures for ITAAC Hearings Before a Commission Ruling on the Hearing Request, 85 Fed. Reg. 8030 (Feb. 12, 2020).

⁴ On April 3, 2020, Petitioner filed a request to suspend the Notice’s deadline indefinitely. Nuclear Watch South’s Request for Extension of Filing Deadline and Request for Expedited Consideration (Apr. 3, 2020) (ADAMS Accession No. ML20094K978). In response, the Commission Secretary issued an order extending the deadline by one week. Order Ruling on Nuclear Watch South Extension Request (Apr. 9, 2020) (ADAMS Accession No. ML20100K256).

⁵ 10 C.F.R. § 52.97(b).

licensee to conduct inspections and tests throughout the procurement and construction process and to satisfy acceptance criteria, which provide NRC with a basis for a finding that the licensee may operate the facility.⁶

NRC's regulations establish a clear and detailed process for the submission by the licensee and publication of notices by NRC that ITAAC have been complete and acceptance criteria have been met.⁷ The Commission's regulations and guidance similarly require the licensee to provide notice of its scheduled fuel loading date at least 270 days in advance and notice of its methodology for completing ITAAC that are not complete at the time such notice is given at least 225 days before fuel load.⁸ Finally, the Commission's regulations provide for the publication by the Commission in the *Federal Register* of a Notice of Intended Operation.⁹ Each of the notices required in 10 C.F.R. § 52.99 and 52.103 are to be provided "not later than" a specified number of days prior to the scheduled date for loading fuel in the facility.

NRC has provided guidance and regulations to assist in the implementation of the above-referenced requirements. To add margin for potential delays during hearings and additional time for NRC and public review, NRC developed an incremental UIN submission plan. UINs describe the licensee's plan, including the procedures and analytical methods to be used, for closing the ITAAC.¹⁰ This process permits voluntary early submittal of all UINs, as well as the notice of fuel load date and list of uncompleted ITAAC, up to 315 days before scheduled fuel load, with

⁶ 10 C.F.R. § 52.103(g).

⁷ 10 C.F.R. § 52.99(c)(1).

⁸ 10 C.F.R. § 52.103(a); 52.99(c)(3).

⁹ 10 C.F.R. § 52.103(a).

¹⁰ 10 C.F.R. § 52.99(c)(3).

corresponding publication of the ITAAC hearing notice as early as 285 days before fuel load.¹¹ SNC and NRC staff adhered to this schedule for Vogtle Unit 3.

The form of relief and scope of admissible contentions in this proceeding are strictly prescribed by the Atomic Energy Act (“AEA”) and NRC’s implementing regulations in 10 C.F.R. Parts 2 and 52. The only post-COL hearing countenanced by AEA section 189 and NRC regulations is one challenging whether the licensee has satisfied the acceptance criteria set forth in the COL. To be granted such a hearing, a petitioner must make a *prima facie* showing that specific acceptance criteria have not or will not be met and the consequences of that nonconformance is inconsistent with providing reasonable assurance of public health and safety.¹² The fact that an ITAAC has not been closed as of the petition deadline does not absolve petitioners of their obligation to formulate a valid contention. Petitioners challenging a UIN must still make a *prima facie* showing that the acceptance criteria will not be met by identifying deficiencies in the “specific procedures and analytical methods described by the licensee” for completing these ITAAC.¹³

NRC regulations also permit a potential petitioner to submit a “claim of incompleteness,” in which a claimant may assert that information required by regulation is missing from the

¹¹ Final Procedures for Conducting Hearings on Conformance With the Acceptance Criteria in Combined Licenses, 81 Fed. Reg. 43266, 43268–69 (July 1, 2016) (“Final ITAAC Procedures”). NRC’s determination that publication of the ITAAC hearing notice could come as early as 285 days before fuel load was based on NRC’s judgment, informed by extensive public comments, that this earlier publication timeline appropriately provides margin against AEA deadlines without prejudicing intervenors’ ability to review UINs to mount a challenge that the acceptance criteria will not be met based on the information available as of the hearing notice date. *Id.* at 43269; *see also* Comment Summary Report, Procedures for Conducting Hearings on Whether Acceptance Criteria in Combined Licenses Are Met at 40 (June 2016) (ADAMS Accession No. ML16167A464) (“ITAAC Comment Summary Report”) (noting that the NRC “places great weight on the schedule advantages accruing from early publication”).

¹² 42 U.S.C. § 2239(a)(1)(B)(ii); 10 C.F.R. § 52.103(b).

¹³ Final Rule, Licenses, Certifications, and Approvals for Nuclear Power Plants, 72 Fed. Reg. 49352, 49367 (Aug. 28, 2007) (“2007 Part 52 Rule”).

licensee's ITAAC submittals, and such omission prevents that petitioner from making the statutorily required *prima facie* case.¹⁴ Such a claim carries with it the requirement for the claimant to consult with the licensee in an effort to resolve the alleged insufficiency as a prerequisite to submission of the claim.¹⁵

A claim challenging the sufficiency and/or timing of the Notice of Intended Operation or challenging the schedule for the submission of contentions under 10 C.F.R. 52.103(b) is inconsistent with the AEA and is outside the scope of the Commission's regulations.¹⁶ Instead, ITAAC contentions must be focused solely on satisfaction (or not) of the acceptance criteria and the operational consequences of the failure to do so.¹⁷

All proffered ITAAC contentions are subject to the Commission's general pleading standards under 10 C.F.R. 2.309(f)(1).¹⁸ These standards require more than notice pleading. Rather, a well-articulated claim that raises relevant factual or legal arguments that are within the scope of the proceeding and supported by expert declarations or references to specific documents is required.¹⁹ The presiding officer may not overlook material deficiencies in the pleadings,

¹⁴ 10 C.F.R. § 2.309(f)(1)(vii).

¹⁵ ITAAC Procedures Order, 85 Fed. Reg. at 8037.

¹⁶ See 10 C.F.R. §§ 2.309(g), 2.310(j), 52.103(d); see also 10 C.F.R. § 2.335(a); *Fla. Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 & 4), LBP-01-6, 53 N.R.C. 138, 151 (2001). Although 10 C.F.R. § 52.103(f) provides that a petition to modify or amend the terms and conditions of the combined license shall be processed as a petition under 10 C.F.R. § 2.206, Petitioner has neither requested nor provided support for such relief and, at any rate, a petition under 10 C.F.R. § 2.206 is not an appropriate vehicle for challenging the Commission's regulations and processes. See *Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plant), DD-86-15, 24 N.R.C. 618, 626–27 (1986).

¹⁷ See 42 U.S.C. § 2239(a)(1)(B)(ii); 10 C.F.R. § 52.103(b).

¹⁸ As explained in the Notice, “2.309(f)(1) through (v) are essential elements in making the *prima facie* showing.” 85 Fed. Reg. at 8033 n.8.

¹⁹ See *AmerGen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-06-24, 64 N.R.C. 111, 118-19 (2006); *South Carolina Electric & Gas Co.* (Virgil C. Summer Nuclear Station, Units 2 and 3), ASLBP 09-875-03-COL-BD01, 71 N.R.C. 350, 359 (2010); *South Texas Project Nuclear Operating Co.* (South Texas Project, Units 1 and 2), LBP-11-21, 74 N.R.C. 115, 128 (2011).

assume the existence of missing information or arguments,²⁰ or make factual inferences on behalf of a petitioner.²¹ A petition must be rejected where the petitioner merely articulates generalized suspicions, hoping to substantiate them later or is simply vying for more time and information in order to identify a genuine dispute.²²

III. ITAAC SUBMITTALS AND NOTICE OF INTENDED OPERATION FOR VOGTLE UNIT 3

SNC provided NRC with notice on January 13, 2020, that it intended to load fuel in Vogtle Unit 3 on November 23, 2020.²³ Simultaneously, SNC submitted the notice required by Section 52.99(c)(3) listing all 280 ITAAC that had not been closed as of the submittal date, with references to the previously-submitted UIN for each.²⁴ The remaining 119 of the Vogtle Unit 3 ITAAC had already been the subject of ITAAC Closure Notices (“ICN”).²⁵ The NRC published the Notice for Unit 3 on February 12, 2020, in accordance with 10 C.F.R. 52.103(a).²⁶

²⁰ See, e.g., *Ariz. Pub. Serv. Co.*, (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), CLI-91-12, 34 N.R.C. 149, 155; *AmerGen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-09-7, 69 N.R.C. 235, 260 (2009) (noting that the contention admissibility rules “require the petitioner (not the board) to supply all of the required elements for a valid intervention petition” (footnote omitted)).

²¹ *Id.* (citing *Palo Verde*, CLI-91-12, 34 N.R.C. 149). See also *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-98-7, 47 N.R.C. 142, 180 (1998) (explaining that a “bald assertion that a matter ought to be considered or that a factual dispute exists . . . is not sufficient;” rather, “a petitioner must provide documents or other factual information or expert opinion . . . to show why the proffered bases support [a] contention” (citations omitted)).

²² *Duke Energy Corp.* (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-03-17, 58 N.R.C. 419, 424 (2003).

²³ Letter from Southern Nuclear Operating Company, Docket No. 52-025, Schedule Date for Initial Loading of Fuel (Jan. 13, 2020) (ADAMS Accession No. ML20013F991).

²⁴ Letter from Southern Nuclear Operating Company, Docket No. 52-025, Notice of Uncompleted ITAAC 315-days Prior to Initial Fuel Load (Jan. 13, 2020) (ADAMS Accession No. ML20013F132).

²⁵ Petitioner is not challenging any of the Vogtle Unit 3 ICNs.

²⁶ Notice, 85 Fed. Reg. at 8030.

Among the uncompleted ITAAC are 760 and 761—the two referenced in the Petition. SNC submitted UINs for ITAAC 760 and 761 on November 22, 2019.²⁷ Both ITAAC acceptance criteria require reconciliation of the as-built structures against the design bases. By way of background, the UINs explain, generally, that the containment internal structures (“CIS”) and shield building will be “inspected during construction to verify the as-built structures conform to the specified design, codes and standards.”²⁸ The UINs describe the analytical methodology and procedures that will be used to evaluate the as-built structures. In particular, the UINs explain that the CIS and shield building will be inspected and structural deviations will be “documented, evaluated and reconciled by engineering” in an as-built summary report that will confirm compliance with the ITAAC 760 and 761 acceptance criteria.²⁹ The UINs also refer back to the sections of the Vogtle licensing basis as documented in the Vogtle Unit 3 Updated Final Safety Analysis Report (“UFSAR”) that govern construction, inspection, and testing activities and the design analyses. NRC Staff reviewed the UINs and determined that both contain sufficient information to demonstrate that the inspections, tests, and analyses will be successfully performed and the acceptance criteria will be met using the methodology described in the UINs.³⁰

²⁷ Vogtle Electric Generating Plant Unit 3 and Unit 4, Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load Item 3.3.00.02a.i.a [Index Number 760] (Nov. 22, 2019) (ADAMS Accession No. ML19326C865) (“UIN 760”) (attached hereto as Appendix A); Vogtle Electric Generating Plant Unit 3 and Unit 4, Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load Item 3.3.00.02a.i.b [Index Number 761] (Nov. 22, 2019) (ADAMS Accession No. ML19326B992) (“UIN 761”) (attached hereto as Appendix B).

²⁸ UIN 760 and 761 at 3.

²⁹ See *id.* at page 3. The UINs were submitted for both Vogtle units due to the fact ITAAC 760 and 761 are identical for Vogtle Units 3 and 4 and early submittal provides additional time for NRC and public review.

³⁰ See ITAAC 3.3.00.02a.i.a Uncompleted ITAAC Notification Checklist (UINC) (Dec. 9, 2019) (ADAMS Accession No. ML19343C877); ITAAC 3.3.00.02a.i.b Uncompleted ITAAC Notification Checklist (UINC) (Dec. 9, 2019) (ADAMS Accession No. ML19343D698).

IV. PETITIONER'S CHALLENGE TO SNC'S ITAAC SUBMISSIONS AND NRC'S NOTICE OF INTENDED OPERATION SHOULD BE DENIED

A. The Remedy Requested By Petitioner Is Not Available in a 52.103 Hearing

As noted above, SNC's submission of UINs and ICNs, its notifications to NRC of the expected fuel load date for Vogtle Unit 3, and NRC's Notice of Intended Operation, are all in full compliance with NRC's regulations and the ITAAC Procedures Order. The Petition does not allege otherwise. Neither does the Petition allege that the acceptance criteria for ITAAC 760 and 761 will not be met. Instead, Petitioner asserts that SNC has not submitted information in the UINs to show the acceptance criteria have been met, but that is irrelevant. The fact that an ITAAC has not been closed on the date the Notice is issued or as of the petition deadline does not absolve petitioners of their obligation to formulate a valid contention as to the applicable UIN.³¹ In ignoring the prescribed remedy and instead asking the Commission to rescind the Notice until all Unit 3 ITAAC have been closed, Petitioner is effectively challenging NRC's issuance of the Notice, the Commission's regulations in 10 C.F.R. 52.99, 52.103(a) and 2.309(f)(1)(vii), and the ITAAC Procedures Order. Indeed, the relief requested by Petitioner is irreconcilable with the schedule for resolving ITAAC issues created not only by the Commission's regulations, but also by the AEA.³² Petitioners are prohibited from challenging the AEA, NRC regulations or NRC's procedural orders in a petition to intervene in an individual license proceeding, much less one governed by 10 C.F.R. 52.103.³³

³¹ 2007 Part 52 Rule, 72 Fed. Reg. at 49367.

³² AEA § 189(a)(1)(B)(v) requires the Commission, "to the maximum possible extent" to render a decision on ITAAC contentions within 180 days of the hearing notice or anticipated fuel load date, whichever is later. 42 U.S.C. § 2239(a)(1)(B)(v). The Petition's request to delay the deadline for filing contentions until all ITAAC are complete would make this timeline unachievable and would render the Commission's compliance with its statutory mandate impossible.

³³ See *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 N.R.C. 349, 364 (2001) ("Petitioners 'may not demand an adjudicatory hearing to attack generic NRC requirements or regulations, or to express generalized grievances about NRC policies.'") (quoting *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, & 3), CLI-99-11, 49 N.R.C. 328, 334 (1999)). The Petition's request for a remedy

The Commission should not (indeed, cannot, while abiding by its AEA mandates) grant the relief requested by Petitioner. Because the Petition does not provide any basis for granting a 52.103 hearing, the Petition must be denied.

B. Petitioner's Arguments Do Not Establish a *Prima Facie* Case

In addition to Petitioner's failure to request a form of relief available in an ITAAC hearing, none of the various arguments Petitioner raises provide any basis for a *prima facie* case that the acceptance criteria will not be met. Any *prima facie* challenge to a UIN must focus on the procedures and methods described by the licensee to meet the acceptance criteria.³⁴ Most of the Petition is devoted to general, unsupported criticism of Vogtle construction or staffing practices and the timing of the SNC's submittals. Petitioner does not connect any of these issues to ITAAC 760 or 761, much less connect these general grievances to a deficiency in the closure methodology described in UINs 760 and 761. In any event, as documented above, all of SNC's submittals were made in accordance with NRC regulations and ITAAC procedures and, due to SNC's early submittals, Petitioner actually had *more time* to review SNC's ITAAC submittals than the time period anticipated by NRC regulations.³⁵ Petitioner's complaint regarding what it

that is not available under the AEA alone requires its denial. *See Moab Mill Reclamation Trust* (Atlas Corporation, Moab, Utah Facility), 2001 WL 760002 at 3 (2001) (the scope of relief that the NRC can grant is "strictly limited" to those listed in a statute); *Fla. Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), 68 N.R.C. 279, 286 (2008) ("If the petition requests a remedy that is beyond the scope of the hearing, then the hearing request must be denied....").

³⁴ *See* 2007 Part 52 Rule, 72 Fed. Reg. at 49367 ("The NRC expects that any contentions submitted by prospective parties regarding uncompleted ITAAC would focus on any inadequacies of the specific procedures and analytical methods described by the licensee under paragraph (c)(2), in the context of the findings called for by § 52.103(b)(2).")

³⁵ Contrary to Petitioner's suggestion that SNC shortchanged its review time, Petitioner actually had double the amount of time to review the UINs due to SNC's submittal of the UINs in November 2019. Had SNC waited until 225 days before fuel load, Petitioner would have had 76 days to digest the UINs and draft its Petition (assuming NRC maintained its longstanding goal to publish the ITAAC hearing notice 210 days before scheduled fuel load). Under the actual submission timeline, Petitioner had 150 days from submission of the UINs for ITAAC 760 and 761 and 98 days from submission of SNC's 52.99(c)(3) notice, which, given the earlier submission of the UINs, simply alerted Petitioner that NRC would soon open the ITAAC hearing process. *See generally* Final ITAAC

views as an incomplete list of references in the UINs likewise is unaccompanied by any discussion explaining why the supposed failure to cite inspection reports, historical licensing documents, or completed principal closure documents (which, by definition, cannot be completed until the ITAAC is closed) in the UINs somehow violates any NRC requirement or reveals any flaws in the intended closure methodology.

Petitioner also claims that “nondestructive testing is required to verify that the as-built structure conforms to the design” of the CIS and shield building and “[s]imply measuring the thickness and placement of the wall will be insufficient if the wall contains a void.”³⁶ These claims reveal a misunderstanding of SNC’s licensing basis and conduct of construction inspection activities, which require more than simply measuring wall thickness to validate proper construction of the CIS and shield building. Both structures are subject to extensive requirements governing design, materials, fabrication, and inspection and testing during construction.³⁷ The UINs reference UFSAR Sections 3.7, 3.8, and Appendix 3H, which describe the construction testing activities for the nuclear island structures, use of nondestructive examinations, references to the industry codes that govern inspection and testing, the evaluation that will be conducted to compare the as-built plant to the design commitment, and the structural and radiological methodologies used to design these structures and against which the as-built plant will be

Procedures, 81 Fed. Reg. at 43281 (discussing the timing limitations on petitioners created if licensees submit UINs at the 225 deadline).

³⁶ Petition at 8–9.

³⁷ See Revision 8 to UFSAR, Chapter 3, Design of Structures, Components, Equipment and Systems, Sections 3.8.3.2, 3.8.3.6, 3.8.3.8, 3.8.4.2, 3.8.4.6, 3.8.4.8, *et al.* (Mar. 21, 2019) (ADAMS Accession No. ML19171A058); Revision 8 to UFSAR, Chapter 17, Quality Assurance (Mar. 21, 2019) (ADAMS Accession No. ML19171A076); ACI 349-01/349R-01, Code Requirements for Nuclear Safety Related Concrete Structures (ACI 349-01) and Commentary (ACI 349R-01); ANSI/AISC N690-1994, American National Standard Specification for Design, Fabrication, and Erection of Steel Safety-Related Structures for Nuclear Facilities.

evaluated.³⁸ Petitioner’s claim that the UINs call only for measurement of wall thickness is a demonstrably incorrect characterization of the UIN and the UFSAR that does not create a genuine issue of material fact necessary to establish a *prima facie* case.³⁹ Moreover, the applicable sections of the Vogtle licensing basis describing construction inspection activities for the CIS and shield building were reviewed and approved by NRC in issuing the AP1000 Design Control Document (“DCD”) and incorporated by reference in the Vogtle COL.⁴⁰ The adequacy of the activities described are therefore resolved with finality and are not subject to challenge in an ITAAC proceeding.⁴¹

In sum, Petitioner’s general arguments about the Vogtle project and timing of ITAAC submittals are not relevant to the UIN 760 and 761 closure methodologies, and Petitioner’s claims related to construction testing on the CIS and shield building simply misstate portions of

³⁸ See Revision 8 to UFSAR, Chapter 3, Design of Structures, Components, Equipment and Systems, Section 3.7, Seismic Design (ADAMS Accession No. ML19171A057), Section 3.8, Design of Category I Structures (Mar. 21, 2019) (ADAMS Accession No. ML19171A058), and Appendix 3H, Auxiliary and Shield Building Critical Sections (ADAMS Accession No. ML19171A061).

³⁹ Any contention that fails directly to controvert the application or that mistakenly asserts the application does not address a relevant issue can be dismissed. See *Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), LBP-93-23, 38 N.R.C. 200, 247-48 (1993), review declined, CLI-94-2, 39 N.R.C. 91 (1994); *Texas Utilities Electric Co.* (Comanche - 14 - Peak Steam Electric Station, Unit 2), LBP-92-37, 36 N.R.C. 370, 384 (1992). Moreover, Petitioner’s arguments are unaccompanied by any technical analysis or meaningful expert support, as required by 10 C.F.R. § 2.309(f)(1)(v). The one-page declaration of Arthur Frank Higley simply stating that he agrees with the Petition does not pass muster. See *USEC, Inc.* (Am. Centrifuge Plant), CLI-06-10, 63 N.R.C. 451, 472 (2006) (“[A]n expert opinion that merely states a conclusion . . . without providing a reasoned basis or explanation for that conclusion is inadequate.”) (quotations omitted)).

⁴⁰ See NUREG-1793, Final Safety Evaluation Report Related to Certification of the AP1000 Standard Design, Initial Report, Sections 3.7 and 3.8 (Sept. 2004); NUREG-1793, Supp. 2, Sections 3.7 and 3.8 (Sept. 2011); NUREG-2124, Final Safety Evaluation Report for Combined Licenses for Vogtle Electric Generating Plant, Units 3 and 4, Sections 3.7 and 3.8 (Aug. 10, 2011).

⁴¹ See 10 C.F.R. §§ 2.335, 52.63, 52.98; 52.103(f); 10 C.F.R. Part 52, Appendix D, Section VI.B; Final ITAAC Procedures, 81 Fed. Reg. at 43277 n.10; *Progress Energy Carolinas, Inc.* (Shearon Harris Nuclear Power Plant, Units 2 & 3), CLI-10-09, 71 N.R.C. 245, 260 (2010) (“To the extent that [petitioner] challenges the AP1000 design certified in Part 52, Appendix D, it is an impermissible challenge to NRC regulations . . .”). Like the ITAAC themselves, no portion of the approved Vogtle combined license is subject to challenge in a hearing under 52.103. 10 C.F.R. § 52.103(f); see also *Southern Nuclear Operating Co., Inc.* (Vogtle Elec. Generating Plant, Units 3 & 4), CLI-17-02, 2017 WL 663738 at 4 (Feb. 16, 2017) (explaining the finality afforded to combined licenses matters in a license amendment request).

the UFSAR that are not open to challenge in this proceeding anyway. Accordingly, none of the arguments presented in the Petition could form the basis for an admissible contention in a hearing under 10 C.F.R. 52.103.

V. THE PETITION DOES NOT RAISE A VALID CLAIM OF INCOMPLETENESS

Petitioner's arguments also do not provide a basis for a claim of incompleteness under the ITAAC Procedures Order. Petitioner's contention is labeled as a "Contention of Omission;" however, contentions of omission merely alleging that information is missing are not available in ITAAC hearings. The Commission intentionally channeled claims related to missing ITAAC information into claims of incompleteness, which are subject to procedural and substantive requirements that differ from those applicable to a contention of omission.⁴²

Specifically, to bring a claim of incompleteness, a petitioner must consult with the licensee within 21 days of the hearing notice to resolve any claims regarding missing information in the licensee's ITAAC submittals.⁴³ Petitioner failed to do so here.⁴⁴ If consultation does not resolve the issue, then a petitioner may file a claim of incompleteness alleging that the licensee's ITAAC submittals fail to include information required by 52.99(c)(3), and that the missing information prevents the petitioner from making the requisite *prima facie* showing.⁴⁵ The Petitioner did not satisfy any of the requirements for a claim of incompleteness under 2.309(f)(1)(vii) and the ITAAC Procedures Order.

⁴² Contentions of omission are available under 2.309(f)(1)(vi), which the Commission specifically amended to exclude ITAAC hearings at the same time it added 2.309(f)(1)(vii)'s provisions that create the basis for claims of incompleteness in ITAAC hearings. 2007 Part 52 Rule, 72 Fed. Reg. at 49413–14, 49474.

⁴³ ITAAC Procedures Order, 85 Fed. Reg. at 8037; *see also* ITAAC Comment Summary Report at 12 (“[T]he petitioner must make a sincere effort to timely initiate and meaningfully engage in consultation with the licensee....”).

⁴⁴ *See* the attached Certification Regarding Consultation.

⁴⁵ Notice, 85 Fed. Reg. at 8033.

A. Petitioner Failed to Consult with SNC Regarding Any Alleged Missing Information

Petitioner's failure to consult with SNC in and of itself warrants denial of any claim of incompleteness raised by Petitioner.⁴⁶ The Commission has denied motions filed under 10 C.F.R. 2.323, which includes a similar consultation requirement, where the filer failed to consult as required.⁴⁷ Enforcement of this procedural requirement, which was specifically added to the ITAAC hearing procedures to avoid unnecessary delays,⁴⁸ is all the more important in this context, where the Commission's decision on any contention that may arise from a claim of incompleteness is subject to AEA timing requirements. Moreover, Petitioner had access to the underlying ITAAC filings well in advance of the hearing notice.⁴⁹ Here, Petitioner had 103 days from submission of UIN 760 and 761 (November 22, 2019) until the consultation deadline expired on March 3, 2020, to confer with SNC regarding any incompleteness concerns.

B. Petitioner Did Not Identify Any Information Required by 10 C.F.R. § 52.99(c)(3) to Be Included in a UIN

Additionally, the Petition fails to reveal any supposedly missing information that is required by Section 52.99(c)(3) to be included in the UINs.⁵⁰ Section 52.99(c)(3) requires UINs to include "sufficient information" to demonstrate that the prescribed inspections, tests, or

⁴⁶ ITAAC Procedures Order, 85 Fed. Reg. at 8038.

⁴⁷ See *FirstEnergy Nuclear Operating Co.* (Davis-Besse Nuclear Power Station, Unit 1), LBP-11-34, 74 N.R.C. 685, 695 (2011) (holding that if a moving party fails to file a motion in accordance with 2.323(b), "[t]he motion can...be rejected on this ground alone"); *Fla. Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 6 and 7), LBP-11-15, 73 N.R.C. 629, 635 n.13 (2011) ("[A] moving party's...failure to comply with this requirement will render its motion vulnerable to summary denial with prejudice.").

⁴⁸ ITAAC Comment Summary Report at 12 (explaining that the consultation process can eliminate the need for petitioners to file claims of incompleteness and, therefore, "potentially shorten the hearing schedule and conserve participants and the Commission's resources").

⁴⁹ See Final ITAAC Procedures, 81 Fed. Reg. at 43270.

⁵⁰ The fact that SNC submitted a UIN, as opposed to an ICN, cannot form the basis for a claim of incompleteness. Notice, 85 Fed. Reg. at 8033 n.9.

analyses will be performed and the prescribed acceptance criteria met. The crux of the UIN's satisfaction of 52.99(c)(3) is in its *description of the methodology and key steps* the licensee will use to close the ITAAC,⁵¹ which Petitioner does not challenge at all in UIN 760 and 761 and which, as explained above, is largely set forth in the existing Vogtle UFSAR. As further explained in NEI 08-01 (endorsed by NRC as a means for satisfying 52.99(c)(3)),⁵² UINs are not required to be exhaustive resources that explain detailed licensing concepts; incorporate every related reference, inspection report, or historical licensing document; and contain ITAAC closure information explaining how the acceptance criteria were *actually* met.⁵³

As for Petitioner's complaints that the UINs fail to reference inspection reports and LAR-19-005R1, these documents were available to Petitioner and, therefore, cannot form the basis for a claim of incompleteness. In any event, there is no requirement for UINs to include documents demonstrating the ITAAC was properly closed because UINs focus on closure methodology, not actual performance of closure activities. Moreover, historical licensing documents that have already been approved and incorporated into a UIN are irrelevant in a claim of incompleteness.⁵⁴ Petitioner's attempt to support its contention by referencing the inspection reports and LAR-19-005R1 is inappropriate.

⁵¹ See NEI 08-01, Rev. 5 - Corrected, Industry Guideline for the ITAAC Closure Process Under 10 C.F.R. Part 52 at 29–30 (June 2014) (“NEI 08-01”).

⁵² See Regulatory Guide 1.215, Rev. 2, Guidance for ITAAC Closure Under 10 C.F.R. Part 52 (July 2015) (endorsing NEI 08-01, Rev. 5 – Corrected).

⁵³ See *generally* NEI 08-01 at 29–31 (requirements for UINs); *compare id.* at 26–29 (requirements for ICNs).

⁵⁴ LAR-16-005R1 consolidated certain structural ITAAC and revised the acceptance criteria to reflect the as-built facility; *i.e.*, it amended the license itself. See Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Revised Request for License Amendment: Consolidation of Structural Building ITAAC (LAR-19-005R1) at 3 (ADAMS Accession No. ML19284C427). NRC approved the license amendment request (“LAR”) before the UINs were submitted, and the changes made by the LAR are reflected in the UIN. See Safety Evaluation Report, Vogtle Electric Generating Plant Units 3 and 4, Amendment No. 167 and 165 (LAR-19-005) (Nov. 15, 2019) (ADAMS Accession No. ML19164A271).

There is likewise no requirement to make principal closure documents available along with a UIN, nor could there be, as many of these documents will not be completed until the ITAAC is actually closed.⁵⁵ While UINs commonly reference the closure documents that will be created once the ITAAC is closed (as UIN 760 and 761 do) to maintain consistency with the ultimate ICN, the final closure documents are subject to change pending completion, and there is no requirement that licensees create drafts or make them available to NRC or the public at the time a UIN is submitted.⁵⁶

That the Petition fails to reveal missing information required by 52.99(c)(3) is not surprising given that NRC Staff concluded that the UINs meet the requirements of 52.99(c)(3),⁵⁷ and the two UINs are essentially identical to the template provided in Appendix D-9 to NEI 08-01.⁵⁸

C. The Referenced Materials Did Not Affect Petitioner’s Ability to Make a *Prima Facie* Case

Petitioner was aware of and had access to LAR-19-005R1 and the historical inspection reports, and so the UINs’ failure to include or reference this information could not have prevented Petitioner from making its *prima facie* case. Petitioner also failed to articulate how

⁵⁵ As explained in NEI 08-01, principal closure documents are the documents that “directly support the conclusion that acceptance criteria *are met*.” NEI 08-01 at 5 (emphasis added).

⁵⁶ NEI 08-01 at 24, Appendix E-1 (recognizing that the exact numbers or titles of Principal Closure Documents may not be known and ultimately “may differ from those described in ITAAC Completion Plans”). Petitioner’s complaint that SNC did not make the current drafts of these reports available to Petitioner is particularly ironic given that Petitioner did not ask SNC for drafts during the 21-day consultation period and did not take any of the steps needed to obtain access to this kind of proprietary information.

⁵⁷ See ITAAC 3.3.00.02a.i.a Uncompleted ITAAC Notification Checklist (UINC) (Dec. 9, 2019) (ADAMS Accession No. ML19343C877); ITAAC 3.3.00.02a.i.b Uncompleted ITAAC Notification Checklist (UINC) (Dec. 9, 2019) (ADAMS Accession No. ML19343D698).

⁵⁸ NEI 08-01 at App D-9. The templates in NEI 08-01 Appendix D are provided as ICNs, but they may also be used as guidance for UINs, with the caveat that the UIN will describe the ITAAC completion activities as they are planned to be performed and described in the ICN. NEI 08-01 at 30. NRC Staff uses the NEI 08-01 templates in its review of UINs. See Office Instruction, NRO-REG-103, Rev. 1, Inspections, Tests, Analyses, and Acceptance Criteria Closure Verification Process (ICVP) at 7 (Apr. 27, 2018).

draft principal closure documents have any bearing on its ability to demonstrate “inadequacies of the specific procedures and analytical methods” SNC intends to use to close ITAAC 760 and 761.⁵⁹ UFSAR Section 3.8 explains that the as-built summary reports (the closure documents Petitioner references) for the CIS and shield building will document the *results* of the evaluation of the as-built plant against the structural design basis. Petitioner’s lack of access to these closure documents has no effect on its ability to submit a contention on *the UIN*, which is required to focus on closure methodology rather than actual closure.

In sum, Petitioner failed to comply with the consultation requirement, identify any missing information related to UINs 760 and 761 that is required by 52.99(c)(3), or demonstrate that any of the referenced information impacted its ability to make out a *prima facie* case. Accordingly, none of the critiques of the UINs form the basis for a valid claim of incompleteness.

VI. PETITIONER HAS NOT DEMONSTRATED STANDING

Because Petitioner has not proffered an admissible contention, the Commission need not address the question of Petitioner’s standing to intervene in this proceeding.⁶⁰ But if it were to reach the issue, the Commission should dismiss the Petition due to a lack of standing.

The Petition itself does not articulate any basis for standing under 10 C.F.R. 2.309(d), but it appears from the Declaration of Susan Bloomfield (“Declaration”) submitted with the Petition

⁵⁹ 2007 Part 52 Rule, 72 Fed. Reg. at 49367.

⁶⁰ See *PPL Susquehanna, LLC* (Susquehanna Steam Elec. Station, Units 1 & 2), CLI-15-8, 81 N.R.C. 500, 503 n.19 (2015) (“Because [the petitioner’s] contentions all fall far short of our contention admissibility standards, we need not address his standing to intervene.”). And establishing standing does not constitute proffering a valid contention justifying intervention. *Conn. Coal. Against Millstone v. NRC*, 114 F. App’x 36, 39 (2d Cir. 2004) (“What the Coalition has failed to acknowledge, and failed to remedy in subsequent arguments before the Commission and this Court, is that satisfaction of standing requirements, alone, falls short of meriting intervention.”) (citing *In re Fla. Power & Light Co.*, 54 N.R.C. 3, 26 (2001)).

that Petitioner believes Ms. Bloomfield's residence within 40 miles of Vogtle Unit 3 establishes Petitioner's standing.⁶¹ Although the NRC has applied an automatic 50-mile proximity presumption in proceedings on construction permits and operating licenses,⁶² that proximity presumption has not been specifically extended to ITAAC hearings. Given the discrete nature of ITAAC proceedings, it is not a foregone conclusion that the Commission should do so.⁶³ In any event, "[t]he petitioner has the burden to show that the proximity presumption should apply."⁶⁴ Given Petitioner's failure to articulate a basis for applying the 50-mile proximity presumption here or to otherwise establish the traditional elements of standing, Petitioner has failed to demonstrate standing.

In sum, Petitioner's general arguments about the Vogtle project and timing of ITAAC submittals are not relevant to the UIN 760 and 761 closure methodologies, and Petitioner's claims related to construction testing on the CIS and shield building simply misstate portions of the UFSAR that are not open to challenge in this proceeding anyway. Accordingly, none of the arguments presented in the Petition could form the basis for an admissible contention in a hearing under 10 C.F.R. 52.103.

⁶¹ The Declaration states that Ms. Susan Bloomfield lives "less than 40 miles" from Vogtle Unit 3.

⁶² *Fla. Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 N.R.C. 325, 329 (1989) (holding that the proximity presumption may be sufficient to confer standing on an individual or group in proceedings conducted under Part 50 for reactor construction permits, operating licenses, or significant license amendments) (citations omitted).

⁶³ Outside construction permit and operating license proceedings, the presiding officer determines on a case-by-case basis, *based on a showing by the petitioner*, whether and how the proximity presumption applies considering the "obvious potential for offsite [radiological] consequences" and the "nature of the proposed action and the significance of the radioactive source." *Consumers Energy Co.* (Big Rock Point ISFSI), CLI-07-19, 65 N.R.C. 423, 426 (2007) (citations omitted).

⁶⁴ *In the Matter of NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), 86 N.R.C. 59, 75 (2017).

VII. THE COMMISSION'S INTERIM OPERATION DETERMINATION

The AEA specifically states that the Commission's interim operation determination is based on the parties' initial filings. To this end, petitioners are required, as part of their *prima facie* showing, to demonstrate "specific operational consequences of nonconformance that would be contrary to providing reasonable assurance of adequate protection of the public health and safety" (42 U.S.C. § 2239(a)(1)(B)(ii)) and encouraged to include in their hearing requests information regarding the time period and modes of operation during which the adequate protection concern arises.⁶⁵ Petitioner, however, did not make any arguments relevant to interim operation or even allege (much less establish a *prima facie* case) that the operational consequences of nonconformance with the ITAAC 760 and 761 acceptance criteria would be contrary to providing reasonable assurance of adequate protection of the public health and safety. In fact, the Petitioner does not even mention interim operation. Absent such a showing or claim, there is no basis upon which to question reasonable assurance of adequate protection of the public health and safety, much less conclude the need for an interim operation finding or consider mitigation measures. Accordingly, SNC submits the Petitioner has failed to make a claim or present information that requires the Commission to address interim operation or provides any relevant arguments that SNC could respond to in this Answer.⁶⁶

⁶⁵ 10 C.F.R. § 52.103(c) ("The Commission's determination *must consider the petitioner's prima facie showing* and any answers thereto.") (emphasis added). *See also* Notice, 85 Fed. Reg. at 8035.

⁶⁶ In the event the Commission decides to grant a hearing based on the Petition, SNC reiterates that the Petitioner has provided no basis for concluding that there will not be "reasonable assurance of adequate protection of the public health and safety" and therefore SNC should, in any event, be allowed to operate the plant under a period of interim operations under 10 C.F.R. 52.103(c) if an ITAAC hearing is pending. Nevertheless, should the Commission grant a hearing, SNC requests that the Commission exercise its discretionary authority to allow SNC to address interim operations in response to the specific bases admitted for hearing. *Cf.* Notice 85 Fed. Reg. at 8035.

VIII. CONCLUSION

The hallmark of Part 52 is front-loaded regulatory decision making that incrementally tapers the scope of issues open for review, reanalysis, intervention, and hearing.⁶⁷ This approach was an overriding factor in the decisions of DCD and COL applicants to pursue new nuclear projects and has guided NRC's licensing and regulatory processes for almost twenty years. These steps were all premised on the longstanding assurance that pre-operational hearings would be *strictly limited* to whether the as-built facility satisfies the acceptance criteria set forth in the COL.⁶⁸

The first facility to be completed under a combined license presents an opportunity to clearly establish that the regulatory principles upon which the 10 C.F.R. Part 52 is based will be followed, and thereby enhance regulatory certainty and confidence in the process. The Petition does not request a remedy available in an ITAAC hearing, does not satisfy the standard for granting a hearing, and Petitioner did not comply with applicable ITAAC procedures. Accordingly, the Commission must preserve the integrity of the ITAAC hearing process, the very purpose of ITAAC, and the policies underlying creation of Part 52, and reject the Petition.

⁶⁷ Final Rule, Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors, 54 Fed. Reg. 15372, 15381 (Apr. 18, 1989) (“[T]he bulk of uncertainty should be addressed and resolved prior to, not after, construction.”); 2007 Part 52 Rule, 72 Fed. Reg. at 49368 (acknowledging the Commission’s goal of “early resolution of all design issues and finality for those issue resolutions, which would avoid repetitive consideration of design issues in individual combined license proceedings”).

⁶⁸ 10 C.F.R. § 52.103(f); Proposed Rule, Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors, 53 Fed. Reg. 32060, 32062 (Aug. 23, 1988) (“[T]he scope of the combined license proceeding for a facility can be far more limited than the scope of the two-step licensing process currently in use. Similarly, after the combined license proceeding, the regulatory matters which would remain for resolution before authorization to operate under the combined license would be much more limited and well-defined than are the issues which remain to be resolved in an operating license proceeding under the current practice.”); Part 52 Rule, 72 Fed. Reg. at 49367 n.3 (“Inasmuch as the ITAAC themselves have already been approved by the NRC and their adequacy may not be challenged except under the provisions of § 52.103(f), a contention which alleges the deficiency of the ITAAC is not admissible under § 52.103(b).”).

For all of the foregoing reasons, the Petition should be denied.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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May 15, 2020

APPENDIX A

Notice of Uncompleted ITAAC, Index Number 760

[See attached.]

NOV 22 2019

Docket Nos.: 52-025
52-026ND-19-1348
10 CFR 52.99(c)(3)U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Unit 3 and Unit 4
Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load
Item 3.3.00.02a.i.a [Index Number 760]

Ladies and Gentlemen:

Pursuant to 10 CFR 52.99(c)(3), Southern Nuclear Operating Company hereby notifies the NRC that as of November 15, 2019, Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4 Uncompleted Inspection, Test, Analysis, and Acceptance Criteria (ITAAC) Item 3.3.00.02a.i.a [Index Number 760] has not been completed greater than 225-days prior to initial fuel load. The Enclosure describes the plan for completing ITAAC 3.3.00.02a.i.a [Index Number 760]. Southern Nuclear Operating Company will at a later date provide additional notifications for ITAAC that have not been completed 225-days prior to initial fuel load.

Southern Nuclear Operating Company (SNC) previously submitted Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load for Item 3.3.00.02a.i.a [Index Number 760] ND-16-1883 [ML16274A289], dated Sept. 29, 2016, Item 3.3.00.02a.ii.a [Index Number 764] ND-18-0621 [ML18131A218], dated May 9, 2018, and Item 3.3.00.03a [Index Number 777] ND-18-0618 [ML18127A009], dated May 4, 2018. This resubmittal supersedes ND-16-1883, ND-18-0621 and ND-18-0618 in their entirety.

This notification is informed by the guidance described in NEI-08-01, *Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52*, which was endorsed by the NRC in Regulatory Guide 1.215. In accordance with NEI 08-01, this notification includes ITAAC for which required inspections, tests, or analyses have not been performed or have been only partially completed. All ITAAC will be fully completed and all Section 52.99(c)(1) ITAAC Closure Notifications will be submitted to NRC to support the Commission finding that all acceptance criteria are met prior to plant operation, as required by 10 CFR 52.103(g).

This letter contains no new NRC regulatory commitments.

If there are any questions, please contact Tom Petrak at 706-848-1575.

Respectfully submitted,



Michael J. Yox
Regulatory Affairs Director Vogtle 3&4

U.S. Nuclear Regulatory Commission
ND-19-1348
Page 2 of 4

Enclosure: Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4
Completion Plan for Uncompleted ITAAC 3.3.00.02a.i.a [Index Number 760]
MJY/GJL/sfr

To:

Southern Nuclear Operating Company/ Georgia Power Company

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Other

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Ms. L. Matis, Tetra Tech NUS, Inc.
Dr. W. R. Jacobs, Jr., Ph.D., GDS Associates, Inc.
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Mr. K. C. Greene, Troutman Sanders
Mr. S. Blanton, Balch Bingham

U.S. Nuclear Regulatory Commission
ND-19-1348 Enclosure
Page 1 of 10

**Southern Nuclear Operating Company
ND-19-1348
Enclosure**

**Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4
Completion Plan for Uncompleted ITAAC Item 3.3.00.02a.i.a [Index No. 760]**

ITAAC Statement

Design Commitment

2.a) The nuclear island structures, including the critical sections listed in Table 3.3-7, are seismic Category I and are designed and constructed to withstand design basis loads as specified in the Design Description, without loss of structural integrity and the safety-related functions.

3.) Walls and floors of the nuclear island structures as defined on Table 3.3-1 except for designed openings or penetrations, provide shielding during normal operations.

Inspections/Tests/Analyses

i) An inspection of the nuclear island structures will be performed. Deviations from the design due to as-built conditions will be analyzed for the design basis loads, and for radiation shielding.

Acceptance Criteria

i.a) A report exists which reconciles deviations during construction, including Table 3.3-1 wall and floor thicknesses, and concludes that the as-built containment internal structures, including the critical sections, conform to the approved design and will withstand the design basis loads specified in the Design Description without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

ITAAC Completion Description

Multiple ITAAC are performed to demonstrate that the nuclear island (NI) structures, including the critical sections listed in VEGP Unit 3&4 Combined License (COL) Appendix C (Reference 1 and 2) Table 3.3-7 (Attachment A), are seismic Category I and are designed and constructed to withstand design basis loads as specified in the VEGP Unit 3&4 COL Appendix C Section 3.3 Design Description, without loss of structural integrity and the safety-related functions. In addition, multiple ITAAC are performed on walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B) except for designed openings or penetrations, that provide radiation shielding during normal operations.

The subject ITAAC verifies inspection of the as-built containment internal structures, including the critical sections and Table 3.3-1 wall and floor thicknesses, and reconciles deviations during construction to the approved design such that the as-built structures will withstand design basis loads without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

Design bases loads are defined in VEGP Unit 3&4 COL Appendix C Section 3.3 as those loads associated with:

- Normal plant operation (including dead loads, live loads, lateral earth pressure loads, and equipment loads, including hydrodynamic loads, temperature and equipment vibration);

- External events (including rain, snow, flood, tornado, tornado generated missiles and earthquake); and
- Internal events (including flood, pipe rupture, equipment failure, and equipment failure generated missiles).

VEGP 3&4 Updated Final Safety Analysis Report (Reference 3), Section 3.7 "Seismic Design", Section 3.8 "Design of Category I Structures", and Appendix 3H "Auxiliary and Shield Building Critical Sections" describe the analyses for the design basis loads for the NI Structures. Section 3.8 specifies the applicable codes and standards governing the design, materials, fabrication, construction inspection and testing for the NI structures. Section 3.8 also describes the as-built design summary reports which document that the seismic Category I structures meet the specified acceptance criteria.

Radiation zone and equipment qualification requirements are met in accordance with VEGP 3&4 UFSAR Tier 2 design criteria including UFSAR Subsections 3.11.4 "Estimated Radiation and Chemical Environment," 3D.5.1.2 "Radiation Dose," and 12.3.2.1 "Shielding, Design Objectives".

The containment internal structures, including the critical sections, listed in Attachment A, and walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B) except for designed openings or penetrations, provide radiation shielding during normal operations and are constructed as designed and specified in the VEGP Unit 3&4 COL Appendix C Section 3.3 Design Description to withstand the Design Description design basis loads without loss of structural integrity and the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

The containment internal structures, including the critical sections, listed in Attachment A, and walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B), except for designed openings or penetrations, which provide radiation shielding during normal operations are inspected during construction to verify the as-built structures conform to the specified design, codes and standards. Construction identified structural deviations are documented, evaluated, and reconciled by engineering to confirm the structures' ability to withstand design basis loads without impacting compliance with the radiation protection licensing basis. The As-Built Summary Reports (References 4 through 9) exist and document the reconciliation of NI structural deviations identified during construction and conclude that the as-built containment internal structures, including the critical sections and walls and floors of the NI structures as defined on Table 3.3-1 except for designed openings or penetrations, will withstand the design basis loads specified in the Design Description without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

Unit 3 & 4 Principle Closure Documents (References 4 through 9) are available for NRC inspection as part of the Unit 3 & 4 ITAAC 3.3.00.02a.i.a Completion Packages (References 10 and 11)

List of ITAAC Findings

In accordance with plant procedures for ITAAC completion, Southern Nuclear Operating Company (SNC) performed a review of all findings pertaining to the subject ITAAC and associated corrective actions. This review found sixteen (16) NRC findings associated with this ITAAC.

1. 05200025/2015002-01 (Closed - ML16032A554)
2. 05200026/2015002-01 (Closed - ML16032A554)
3. 05200025/2014005-01 (Closed - ML16032A554)
4. 05200025/2012004-01 (Closed - ML13312A316)
5. 05200025/2014004-01 (Closed - ML14311A666)
6. 05200025/2014004-02 (Closed - ML14311A666)
7. 05200025/2016004-01 (Closed - ML18317A395)
8. 05200026/2016004-01 (Closed - ML18317A395)
9. 05200026/2017001-01 (Closed - ML17132A345)
10. 05200025/2012004-01 (Closed - ML12319A458)
11. 99901439/2015-201-01 (Closed - ML18100A857)
12. 99901439/2015-201-02 (Closed - ML18100A857)
13. 99901439/2014-201-01 (Closed - ML15175A446)
14. 99901425/2014-201-01 (Closed - ML18101A168)
15. 99901419/2012-201-03 (Closed - ML18131A260)
16. 99901409/2011-201-03 (Closed - ML18186A573)

The ITAAC completion review is documented in the ITAAC Completion Packages for ITAAC 3.3.00.02a.i.a Unit 3 and Unit 4 (Reference 10 and 11) and are available for NRC review.

References (available for NRC inspection)

1. VEGP Unit 3 COL Appendix C, Amendment 167
2. VEGP Unit 4 COL Appendix C, Amendment 165
3. VEGP 3&4 UFSAR, Revision 8.1
4. As-Built Summary Report for Unit 3 Containment Structural Modules, SV3-AAA-BBB-###
5. As-Built Summary Report for Unit 4 Containment Structural Modules, SV4-AAA-BBB-###
6. As-Built Summary Report for Unit 3 Other Containment Internal Structures, SV3-CCC-DDD-###
7. As-Built Summary Report for Unit 4 Other Containment Internal Structures, SV4-CCC-DDD-###
8. As-Built Summary Report for Unit 3 Nuclear Island Basemat, SV3-EEE-FFF-###
9. As-Built Summary Report for Unit 4 Nuclear Island Basemat, SV4-EEE-FFF-###
10. 3.3.00.02a.i.a-U3-CP-Rev0, ITAAC Completion Package
11. 3.3.00.02a.i.a-U4-CP-Rev0, ITAAC Completion Package
12. NEI 08-01, "Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52"

Attachment A: Excerpt of COL Appendix C Table 3.3-7

Table 3.3-7 Nuclear Island Critical Structural Sections
<u>Containment Internal Structures</u> South west wall of the refueling cavity South wall of the west steam generator compartment North east wall of the in-containment refueling water storage tank In-containment refueling water storage tank steel wall Column supporting the operating floor

Attachment B: Excerpt of COL Appendix C Table 3.3-1

Table 3.3-1 Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building⁽¹⁾				
Wall or Section Description	Column Lines⁽⁷⁾	Floor Elevation or Elevation Range⁽⁷⁾⁽⁸⁾	Concrete Thickness⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁹⁾⁽¹⁸⁾	Applicable Radiation Shielding Wall (Yes/No)
Containment Building Internal Structure⁽¹⁵⁾				
Shield Wall between Reactor Vessel Cavity and RCDT Room	E-W wall parallel with column line 7 (Inside face is 3'-0" north of column line 7. Width of wall section with stated thickness is defined by inside wall of reactor vessel cavity.)	From 71'-6" to 83'-0"	3'-0" ⁽¹⁰⁾	Yes
West Reactor Vessel Cavity Wall	N-S wall parallel with column line N (Width of wall section with stated thickness is defined by inside wall of reactor vessel cavity.)	From 83'-0" to 98'-0"	7'-6" ⁽¹⁰⁾	Yes
North Reactor Vessel Cavity Wall	E-W wall parallel with column line 7 (Width of wall section with stated thickness is defined by inside wall of reactor vessel cavity.)	From 83'-0" to 98'-0"	9'-0" ⁽¹⁰⁾	Yes

Attachment B: Excerpt of COL Appendix C Table 3.3-1

Table 3.3-1 Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building⁽¹⁾				
Wall or Section Description	Column Lines⁽⁷⁾	Floor Elevation or Elevation Range⁽⁷⁾⁽⁸⁾	Concrete Thickness⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁹⁾⁽¹⁸⁾	Applicable Radiation Shielding Wall (Yes/No)
Containment Building Internal Structure⁽¹⁵⁾				
East Reactor Vessel Cavity Wall	N-S wall parallel with column line N (Width of wall section with stated thickness is defined by inside wall of reactor vessel cavity.)	From 83'-0" to 98'-0"	7'-6" ⁽¹⁰⁾	Yes
West Refueling Cavity Wall	N-S wall parallel with column line N	From 98'-0" to 135'-3"	4'-0"	Yes
North Refueling Cavity Wall	E-W wall parallel with column line 7	From 98'-0" to 135'-3"	4'-0"	Yes
East Refueling Cavity Wall	N-S wall parallel with column line N	From 98'-0" to 135'-3"	4'-0"	Yes
South Refueling Cavity Wall	E-W wall parallel with column line 7	From 98'-0" to 135'-3"	4'-0"	Yes
South wall of west steam generator compartment	Not Applicable	From 103'-0" to 153'-0"	2'-6"	Yes
West wall of west steam generator compartment	N-S wall parallel with column line N	From 103'-0" to 153'-0"	2'-6"	Yes
North wall of west steam generator compartment	Not Applicable	From 103'-0" to 153'-0"	2'-6"	Yes
South wall of pressurizer compartment	Not Applicable	From 103'-0" to 153'-6"	2'-6"	Yes
West wall of pressurizer compartment	N-S wall parallel with column line N	From 107'-2" to 160'-0"	2'-6"	Yes

Attachment B: Excerpt of COL Appendix C Table 3.3-1

Table 3.3-1 Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building⁽¹⁾				
Wall or Section Description	Column Lines⁽⁷⁾	Floor Elevation or Elevation Range⁽⁷⁾⁽⁸⁾	Concrete Thickness⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁹⁾⁽¹⁸⁾	Applicable Radiation Shielding Wall (Yes/No)
Containment Building Internal Structure⁽¹⁵⁾				
North wall of pressurizer compartment	E-W wall parallel with column line 7	From 107'-2" to 160'-0"	2'-6"	Yes
East wall of pressurizer compartment	N-S wall parallel with column line N	From 118'-6" to 160'-0"	2'-6"	Yes
North-east wall of in-containment refueling water storage tank	Parallel to column line N	From 103'-0" to 135'-3"	2'-6"	No
West wall of in-containment refueling water storage tank	Not Applicable	From 103'-0" to 135'-3"	5/8" steel plate with stiffeners	No
South wall of east steam generator compartment	Not Applicable	From 87'-6" to 153'-0"	2'-6"	Yes
East wall of east steam generator compartment	N-S wall parallel with column line N	From 94'-0" to 153'-0"	2'-6"	Yes
North wall of east steam generator compartment	Not Applicable	From 87'-6" to 153'-0" with a 158'-0" portion	2'-6"	Yes

Attachment B: Excerpt of COL Appendix C Table 3.3-1

1. The column lines and floor elevations are identified and included on Figures 3.3-1 through 3.3-13.
2. These wall (and floor) thicknesses have a construction tolerance of ± 1 inch, except as noted and for exterior walls below grade where the tolerance is +12 inches, - 1 inch. These tolerances are not applicable to the nuclear island basemat.
3. For walls that are part of structural modules, the concrete thickness also includes the steel face plates. Where faceplates with a nominal thickness of 0.5 inches are used in the construction of the wall modules, the wall thicknesses in this column apply. Where faceplates thicker than the nominal 0.5 inches are used in the construction of the structural wall modules, the wall thicknesses in the area of the thicker faceplates are greater than indicated in this column by the amount of faceplate thickness increase over the nominal 0.5 inches. Overlay plates are not considered part of the faceplates, and thus are not considered in the wall thicknesses identified in this column.
4. For floors with steel surface plates, the concrete thickness also includes the plate thickness.
5. Where a wall (or a floor) has openings, the concrete thickness does not apply at the opening.
6. N/A to ITAAC 3.3.00.02a.i.a.
7. The Wall or Section Description, Column Line information, and Floor Elevation or Elevation Ranges are provided as reference points to define the general location. The concrete thickness of an item intersecting other walls, roofs or floors at a designated location (e.g., column line) is not intended to be measured to the stated column line, but only to the point where the intersection occurs.
8. Where applicable, the upper wall portions extend to their associated roofs, which may vary in elevation, e.g., sloped roofs.
9. From one wall/floor section to another, the concrete thickness transitions from one thickness to another, consistent with the configurations in Figures 3.3-1 through 3.3-14.
10. N/A to ITAAC 3.3.00.02a.i.a.
11. N/A to ITAAC 3.3.00.02a.i.a.
12. N/A to ITAAC 3.3.00.02a.i.a.
13. N/A to ITAAC 3.3.00.02a.i.a.
14. N/A to ITAAC 3.3.00.02a.i.a.
15. Reconciliation of construction deviations in the nuclear island structures from the thickness and tolerances specified in this table is included in the reconciliation reports, and demonstrate that the as-built structures will withstand design basis loads without loss of structural integrity or safety functions and without impacting compliance with the radiation protection licensing basis, such as GDC 19, established radiological zoning and equipment qualification in accordance with ITAAC 3.3.00.02a.i.a, 3.3.00.02a.i.b, 3.3.00.02a.i.c, or 3.3.00.02a.i.d.
16. N/A to ITAAC 3.3.00.02a.i.a.
17. N/A to ITAAC 3.3.00.02a.i.a.
18. Nonconformances from the thicknesses and tolerances specified in Table 3.3-1 (i.e. out of tolerance conditions) are addressed under the 10 CFR Part 50, Appendix B process and subsequently are screened in accordance with the 10 CFR Part 52, Appendix D, Section VIII process, to ensure that the licensing basis is adequately maintained. Construction deviations will continue to be assessed against the licensing basis requirements and will be addressed in accordance with licensee procedures and regulatory requirements and, if applicable, a license amendment will be obtained prior to implementation of the change.

APPENDIX B

Notice of Uncompleted ITAAC, Index Number 761

[See attached.]

NOV 22 2019

Docket Nos.: 52-025
52-026ND-19-1349
10 CFR 52.99(c)(3)U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Southern Nuclear Operating Company
Vogtle Electric Generating Plant Unit 3 and Unit 4
Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load
Item 3.3.00.02a.i.b [Index Number 761]

Ladies and Gentlemen:

Pursuant to 10 CFR 52.99(c)(3), Southern Nuclear Operating Company hereby notifies the NRC that as of November 15, 2019, Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4 Uncompleted Inspection, Test, Analysis, and Acceptance Criteria (ITAAC) Item 3.3.00.02a.i.b [Index Number 761] has not been completed greater than 225-days prior to initial fuel load. The Enclosure describes the plan for completing ITAAC 3.3.00.02a.i.b [Index Number 761]. Southern Nuclear Operating Company will at a later date provide additional notifications for ITAAC that have not been completed 225-days prior to initial fuel load.

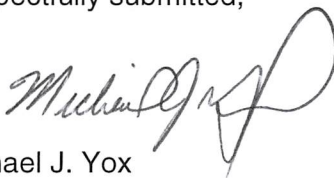
Southern Nuclear Operating Company (SNC) previously submitted Notice of Uncompleted ITAAC 225-days Prior to Initial Fuel Load for Item 3.3.00.02a.i.b [Index Number 761] ND-16-1884 [ML16278A353], dated Sept. 30, 2016, Item 3.3.00.02a.ii.b [Index Number 765] ND-19-0184 [ML19059A387], dated Feb 28, 2018, and Item 3.3.00.03b [Index Number 778] ND-19-0185 [ML19059A376], dated Feb 28, 2019. This resubmittal supersedes ND-16-1884, ND-19-0184 and ND-19-0185 in their entirety.

This notification is informed by the guidance described in NEI-08-01, *Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52*, which was endorsed by the NRC in Regulatory Guide 1.215. In accordance with NEI 08-01, this notification includes ITAAC for which required inspections, tests, or analyses have not been performed or have been only partially completed. All ITAAC will be fully completed and all Section 52.99(c)(1) ITAAC Closure Notifications will be submitted to NRC to support the Commission finding that all acceptance criteria are met prior to plant operation, as required by 10 CFR 52.103(g).

This letter contains no new NRC regulatory commitments.

If there are any questions, please contact Tom Petrak at 706-848-1575.

Respectfully submitted,



Michael J. Yox
Regulatory Affairs Director Vogtle 3&4

U.S. Nuclear Regulatory Commission
ND-19-1349
Page 2 of 4

Enclosure: Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4
Completion Plan for Uncompleted ITAAC 3.3.00.02a.i.b [Index Number 761]
MJY/GJL/sfr

To:

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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

**Southern Nuclear Operating Company
ND-19-1349
Enclosure**

**Vogtle Electric Generating Plant (VEGP) Unit 3 and Unit 4
Completion Plan for Uncompleted ITAAC Item 3.3.00.02a.i.b [Index No. 761]**

ITAAC Statement

Design Commitment

2.a) The nuclear island structures, including the critical sections listed in Table 3.3-7, are seismic Category I and are designed and constructed to withstand design basis loads as specified in the Design Description, without loss of structural integrity and the safety-related functions.

3.) Walls and floors of the nuclear island structures as defined on Table 3.3-1 except for designed openings or penetrations, provide shielding during normal operations.

Inspections/Tests/Analyses

i) An inspection of the nuclear island structures will be performed. Deviations from the design due to as-built conditions will be analyzed for the design basis loads, and for radiation shielding.

Acceptance Criteria

i.b) A report exists which reconciles deviations during construction, including Table 3.3-1 wall and floor thicknesses, and concludes that the as-built shield building structures, including the critical sections, conform to the approved design and will withstand the design basis loads specified in the Design Description without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

ITAAC Completion Description

Multiple ITAAC are performed to demonstrate that the nuclear island (NI) structures, including the critical sections listed in VEGP Unit 3&4 Combined License (COL) Appendix C (Reference 1 and 2) Table 3.3-7 (Attachment A), are seismic Category I and are designed and constructed to withstand design basis loads as specified in the VEGP Unit 3&4 COL Appendix C Section 3.3 Design Description, without loss of structural integrity and the safety-related functions. In addition, multiple ITAAC are performed on walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B) except for designed openings or penetrations, that provide radiation shielding during normal operations.

The subject ITAAC verifies inspection of the as-built shield building structures, including the critical sections and Table 3.3-1 wall and floor thicknesses, and reconciles deviations during construction to the approved design such that the as-built structures will withstand design basis loads without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

Design bases loads are defined in VEGP Unit 3 COL Appendix C Section 3.3 as those loads associated with:

- Normal plant operation (including dead loads, live loads, lateral earth pressure loads, and equipment loads, including hydrodynamic loads, temperature and equipment vibration);

- External events (including rain, snow, flood, tornado, tornado generated missiles and earthquake); and
- Internal events (including flood, pipe rupture, equipment failure, and equipment failure generated missiles).

VEGP 3&4 Updated Final Safety Analysis Report (Reference 3), Section 3.7 "Seismic Design", Section 3.8 "Design of Category I Structures", and Appendix 3H "Auxiliary and Shield Building Critical Sections" describe the analyses for the design basis loads for the NI Structures. Section 3.8 specifies the applicable codes and standards governing the design, materials, fabrication, construction inspection and testing for the NI structures. Section 3.8 also describes the as-built design summary reports which document that the seismic Category I structures meet the specified acceptance criteria.

Radiation zone and equipment qualification requirements are met in accordance with VEGP 3&4 UFSAR Tier 2 design criteria including UFSAR Subsections 3.11.4 "Estimated Radiation and Chemical Environment," 3D.5.1.2 "Radiation Dose," and 12.3.2.1 "Shielding, Design Objectives".

The shield building structures, including the critical sections, listed in Attachment A, and walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B) except for designed openings or penetrations, provide radiation shielding during normal operations are constructed as designed and specified in the VEGP Unit 3 COL Appendix C Section 3.3 Design Description to withstand the Design Description design basis loads without loss of structural integrity and the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

The shield building structures, including the critical sections, listed in Attachment A, and walls and floors of the NI structures as defined on Table 3.3-1 (Attachment B) except for designed openings or penetrations, which provide radiation shielding during normal operations are inspected during construction to verify the as-built structures conform to the specified design, codes and standards. Construction identified structural deviations are documented, evaluated, and reconciled by engineering to confirm the structures' ability to withstand design basis loads without impacting compliance with the radiation protection licensing basis. The As-Built Summary Reports (References 4 through 7) exist and document the reconciliation of NI structural deviations identified during construction and conclude that the as-built shield building structures, including the critical sections and walls and floors of the NI structures as defined on Table 3.3-1 except for designed openings or penetrations, will withstand the design basis loads specified in the Design Description without loss of structural integrity or the safety-related functions, and without impacting compliance with the radiation protection licensing basis.

Unit 3 & 4 Principle Closure Documents (References 4 through 7) are available for NRC inspection as part of the Unit 3 & 4 ITAAC 3.3.00.02a.i.b Completion Packages (References 8 and 9)

List of ITAAC Findings

In accordance with plant procedures for ITAAC completion, Southern Nuclear Operating Company (SNC) performed a review of all findings pertaining to the subject ITAAC and

associated corrective actions. This review found seven (7) NRC findings associated with this ITAAC.

1. 05200025/2015002-01 (Closed – ML16032A554)
2. 05200026/2015002-01 (Closed – ML16032A554)
3. 05200025/2012008-01 (Closed – ML12319A458)
4. 05200026/2012008-02 (Closed – ML12319A458)
5. 05200025/2016004-02 (Open)
6. 99901419/2012-201-03 (Closed – ML18131A260)
7. 99901409/2011-201-03 (Closed – ML18186A573)

All Open ITAAC NRC findings will be closed prior to ICN submittal. The ITAAC completion review is documented in the ITAAC Completion Packages for ITAAC 3.3.00.02a.i.b Unit 3 and Unit 4 (Reference 8 and 9) and are available for NRC review.

References (available for NRC inspection)

1. VEGP Unit 3 COL Appendix C, Amendment 167
2. VEGP Unit 4 COL Appendix C, Amendment 165
3. VEGP 3&4 UFSAR, Revision 8.1
4. As-Built Summary Report for Unit 3 Shield Building, SV3-AAA-BBB-###
5. As-Built Summary Report for Unit 4 Shield Building, SV4-AAA-BBB-###
6. As-Built Summary Report for Unit 3 Nuclear Island Basemat, SV3-EEE-FFF-###
7. As-Built Summary Report for Unit 4 Nuclear Island Basemat, SV4-EEE-FFF-###
8. 3.3.00.02a.i.b-U3-CP-Rev0, ITAAC Completion Package
9. 3.3.00.02a.i.b-U4-CP-Rev0, ITAAC Completion Package
10. NEI 08-01, "Industry Guideline for the ITAAC Closure Process Under 10 CFR Part 52"

Attachment A: Excerpt of COL Appendix C Table 3.3-7

Table 3.3-7
Nuclear Island Critical Structural Sections
<u>Shield Building</u>
Roof slab at elevation 180'-0" adjacent to shield building cylinder
Shield building roof, exterior wall of the PCS water storage tank
Shield building roof, interior wall of the PCS water storage tank
Shield building roof, tension ring and air inlets
Shield building SC cylinder
Shield building SC to RC connection

Attachment B: Excerpt of COL Appendix C Table 3.3-1

Table 3.3-1 Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building⁽¹⁾				
Wall or Section Description	Column Lines⁽⁷⁾	Floor Elevation or Elevation Range⁽⁷⁾⁽⁸⁾	Concrete Thickness⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁹⁾⁽¹⁸⁾	Applicable Radiation Shielding Wall (Yes/No)
Shielding Building⁽⁶⁾⁽¹⁵⁾				
Shielding Building Cylinder	Not Applicable	From 100'-0" to 248'-6"	3'-0" (including 3/4 inch thick min. steel plate liner on each face on portion not protected by auxiliary building)	Yes
Air Inlet	Not Applicable	From 248'-6" to 251'-6"	3'-0" (including 3/4 inch thick min. steel plate liner on each face)	Yes
		From 251'-6" to 254'-6"	3'-0" to 4'-6" (including 1 inch thick steel plate liner on each face)	Yes
		From 254'-6" to 266'-4"	4'-6" (including 1 inch thick min. steel plate liner on each face)	Yes
Tension Ring	Not Applicable	From 266'-4" to 271'-6" (at top of plate)	4'-6" (including 1-1/2 inch thick steel plate liner on each face)	Yes
Conical Roof	Not Applicable	From 271'-6" to 293'-9"	3'-0" (including 1/2 inch thick min. steel plate liner on bottom face, outside of PCS tank exterior wall)	Yes

Attachment B: Excerpt of COL Appendix C Table 3.3-1

Table 3.3-1 Definition of Wall Thicknesses for Nuclear Island Buildings, Turbine Building, and Annex Building⁽¹⁾				
Wall or Section Description	Column Lines⁽⁷⁾	Floor Elevation or Elevation Range⁽⁷⁾⁽⁸⁾	Concrete Thickness⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾⁽⁹⁾⁽¹⁸⁾	Applicable Radiation Shielding Wall (Yes/No)
Shielding Building⁽⁶⁾⁽¹⁵⁾				
PCS Tank External Cylindrical Wall	Not Applicable	From 293'-9" to 328'-9"	2'-0"	Yes
PCS Tank Internal Cylindrical Wall	Not Applicable	From 309'-4" to 329'-0"	1'-6"	Yes
PCS Tank Roof	Not Applicable	328'-9" (Lowest) 329'-0" (Highest)	1'-3"	No
Nuclear Island Basemat	Below shield building	From 60'-6" to containment vessel or 82'-6"	6'-0" ⁽¹⁴⁾ to 22'-0" (varies)	No

Attachment B: Excerpt of COL Appendix C Table 3.3-1

1. The column lines and floor elevations are identified and included on Figures 3.3-1 through 3.3-13.
2. These wall (and floor) thicknesses have a construction tolerance of ± 1 inch, except as noted and for exterior walls below grade where the tolerance is +12 inches, - 1 inch. These tolerances are not applicable to the nuclear island basemat.
3. For walls that are part of structural modules, the concrete thickness also includes the steel face plates. Where faceplates with a nominal thickness of 0.5 inches are used in the construction of the wall modules, the wall thicknesses in this column apply. Where faceplates thicker than the nominal 0.5 inches are used in the construction of the structural wall modules, the wall thicknesses in the area of the thicker faceplates are greater than indicated in this column by the amount of faceplate thickness increase over the nominal 0.5 inches. Overlay plates are not considered part of the faceplates, and thus are not considered in the wall thicknesses identified in this column.
4. For floors with steel surface plates, the concrete thickness also includes the plate thickness.
5. Where a wall (or a floor) has openings, the concrete thickness does not apply at the opening.
6. The elevation ranges for the shield building items are rounded to the nearest inch.
7. The Wall or Section Description, Column Line information, and Floor Elevation or Elevation Ranges are provided as reference points to define the general location. The concrete thickness of an item intersecting other walls, roofs or floors at a designated location (e.g., column line) is not intended to be measured to the stated column line, but only to the point where the intersection occurs.
8. Where applicable, the upper wall portions extend to their associated roofs, which may vary in elevation, e.g., sloped roofs.
9. From one wall/floor section to another, the concrete thickness transitions from one thickness to another, consistent with the configurations in Figures 3.3-1 through 3.3-14.
10. N/A to ITAAC 3.3.00.02a.i.b.
11. N/A to ITAAC 3.3.00.02a.i.b.
12. N/A to ITAAC 3.3.00.02a.i.b.
13. N/A to ITAAC 3.3.00.02a.i.b.
14. The 6-foot concrete thickness includes the thickness of the containment vessel bottom head in a local area at the center of containment.
15. Reconciliation of construction deviations in the nuclear island structures from the thickness and tolerances specified in this table is included in the reconciliation reports, and demonstrate that the as-built structures will withstand design basis loads without loss of structural integrity or safety functions and without impacting compliance with the radiation protection licensing basis, such as GDC 19, established radiological zoning and equipment qualification in accordance with ITAAC 3.3.00.02a.i.a, 3.3.00.02a.i.b, 3.3.00.02a.i.c, or 3.3.00.02a.i.d.
16. N/A to ITAAC 3.3.00.02a.i.b.
17. N/A to ITAAC 3.3.00.02a.i.b.
18. Nonconformances from the thicknesses and tolerances specified in Table 3.3-1 (i.e. out of tolerance conditions) are addressed under the 10 CFR Part 50, Appendix B process and subsequently are screened in accordance with the 10 CFR Part 52, Appendix D, Section VIII process, to ensure that the licensing basis is adequately maintained. Construction deviations will continue to be assessed against the licensing basis requirements and will be addressed in accordance with licensee procedures and regulatory requirements and, if applicable, a license amendment will be obtained prior to implementation of the change.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	
)	
SOUTHERN NUCLEAR OPERATING)	
COMPANY, INC.)	Docket No. 52-025-ITAAC
)	
(Vogtle Electric Generating Plant, Unit 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Licensees' Answer to Nuclear Watch South's Petition for Public Hearing has been served through the E-Filing system on the participants in the above-captioned proceeding this 15th day of May, 2020.

/signed electronically by Alan D. Lovett/

**UNITED STATES OF AMERICA
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CERTIFICATION REGARDING CONSULTATION

This certification is provided in accordance with Section II.B.2.k of the ITAAC Procedures Order attached to the Notice. I am designated counsel for Southern Nuclear Operating Company in the Notice. I hereby certify that no representative of Nuclear Watch South contacted me to attempt to resolve any claim of incompleteness or request any documents or information related to ITAAC 760 or 761, the UINs filed in connection therewith, or the arguments presented in the Petition. I am likewise not aware of any attempt by Nuclear Watch South to contact any representative of SNC in connection with the same.

Executed in Accord with 10 C.F.R. § 2.304(d)
M. Stanford Blanton
BALCH & BINGHAM LLP
1710 Sixth Avenue North
Birmingham, AL 35203-2015
(205) 226-3417

May 15, 2020