

May 30, 2008

Mr. Joseph A. (Buzz) Miller
Senior Vice President
and Chief Nuclear Officer
Southern Nuclear Operating Company
P.O. Box 1295
Birmingham, AL 35201

SUBJECT: ACCEPTANCE REVIEW FOR THE VOGTLE ELECTRIC GENERATING PLANT
UNITS 3 AND 4 COMBINED LICENSE APPLICATION

Dear Mr. Miller:

By letter dated March 28, 2008, Southern Nuclear Operating Company (SNC), acting on behalf of itself and Georgia Power Company, Oglethorpe Power Corporation (an Electric Membership Corporation), Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, an incorporated municipality in the State of Georgia acting by and through its Board of Water, Light and Sinking Fund Commissioners, submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for two AP1000 advanced passive pressurized water reactors in accordance with the requirement contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." This letter informs you that the NRC staff has completed its acceptance review and has determined that your application is acceptable for docketing. These reactors will be identified as Vogtle Electric Generating Plant (VEGP) Units 3 and 4 (VEGP Units 3 and 4), and are to be located on the existing VEGP site in Burke County, Georgia. The docket numbers established for VEGP Units 3 and 4 are 52-025 and 52-026, respectively.

The VEGP combined license application (COLA) incorporates by reference Appendix D to 10 CFR Part 52 and the AP1000 Design Control Document submitted by Westinghouse as Revision 16. As allowed by 10 CFR 52.55(c), at your own risk, you have referenced a design certification application that has been docketed but not granted. Therefore your COL review schedule is dependent on the review schedule for the design certification. In addition, as a subsequent combined license (S-COL) applicant, your COL review schedule is also dependent on the review schedule for the Tennessee Valley Authority's (TVA's) Bellefonte Units 3 and 4 COLA (the reference COL for the AP1000 design center). Because you utilize the standard content contained in the reference COL (R-COL), it is incumbent upon SNC to remain cognizant of the resolution of the standard technical issues that will be addressed during the NRC review of the Bellefonte R-COL application. If you determine that it is necessary to resolve a standard issue differently for the VEGP Units 3 and 4 COLA, you must notify the NRC immediately so that we may determine the review impact of this standard issue's being considered as site specific. Finally, the Vogtle COLA incorporates by reference your Early Site Permit (ESP) application. The COL review schedule is therefore dependent on the review schedule for the ESP.

As stated in the April 24, 2008 letter, which acknowledged receipt of the COLA, the staff intends to publish a schedule for review of the VEGP Units 3 and 4 COLA within 30 days of completing the acceptance review. As discussed with your staff, the schedule will be limited to the review of phases 1, 2, and 3.

The schedule for the remaining phases is to be published between 60 to 90 days from the date of this letter. During this period, the staff will work with you and the AP1000 design center working group to assess the feasibility of reviewing standard content on a stand-alone basis so that subsequent COL applicants, such as yourself, are minimally affected by site-specific safety and/or environmental issues that may arise on the R-COL. The staff expects to interact with you as this schedule is developed.

Enclosure 1 is a notice of acceptance for docketing. This notice is being forwarded to the Office of the Federal Register, and a separate notice will be published in accordance with the provisions of 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the hearing required for this application.

Should you have any questions, please contact me at (301) 415-3863 or send an e-mail to Manny.Comar@nrc.gov.

Sincerely,

/RA/

Manny Comar, Lead Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-025
52-026

Enclosure:
Federal Register Notice

The schedule for the remaining phases is to be published between 60 to 90 days from the date of this letter. During this period, the staff will work with you and the AP1000 design center working group to assess the feasibility of reviewing standard content on a stand-alone basis so that subsequent COL applicants, such as yourself, are minimally affected by site-specific safety and/or environmental issues that may arise on the R-COL. The staff expects to interact with you as this schedule is developed.

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Should you have any questions, please contact me at (301) 415-3863 or send an e-mail to Manny.Comar@nrc.gov.

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/RA/

Manny Comar, Lead Project Manager
AP1000 Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Docket Nos. 52-025
52-026

Enclosure:
Federal Register Notice

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U.S. NUCLEAR REGULATORY COMMISSION
SOUTHERN NUCLEAR OPERATING COMPANY
ACCEPTANCE FOR DOCKETING OF AN APPLICATION FOR
COMBINED LICENSE FOR VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4
DOCKET NOS. 52-025 AND 52-026

By letter dated March 28, 2008, Southern Nuclear Operating Company (SNC), acting on behalf of itself and Georgia Power Company, Oglethorpe Power Corporation (an Electric Membership Corporation), Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, an incorporated municipality in the State of Georgia acting by and through its Board of Water, Light and Sinking Fund Commissioners, submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for two AP1000 advanced passive pressurized water reactors in accordance with the requirements contained in 10 CFR 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." These reactors will be identified as Vogtle Electric Generating Plant (VEGP) Units 3 and 4 and located on the existing VEGP site in Burke County, Georgia. A notice of receipt and availability of this application was previously published in the *Federal Register* (73 FR 24616) on May 5, 2008.

The NRC staff has determined that SNC has submitted information in accordance with 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," and 10 CFR Part 52 that is acceptable for docketing. The docket numbers established for the VEGP Units 3 and 4 COL application are 52-025 and 52-026, respectively. This COL application is referencing an Early Site Permit (ESP) application (docket number 52-011) for the VEGP Units 3 and 4 site. The ESP application is currently being considered by the NRC.

The NRC staff will perform a detailed technical review of the application. Docketing of the application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will conduct a hearing in accordance with Subpart L, "Informal Hearing Procedures for NRC Adjudications," of 10 CFR Part 2 and will receive a report on the COL application from the Advisory Committee on Reactor Safeguards in accordance with 10 CFR 52.87, "Referral to the Advisory Committee on Reactor Safeguards (ACRS)." If the Commission finds that the COL application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a COL, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

In accordance with 10 CFR Part 51, the Commission will also prepare a supplemental environmental impact statement for the proposed action. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future *Federal Register* notice.

Finally, the Commission will announce in a future *Federal Register* notice the opportunity to petition for leave to intervene in the hearing required for this application by 10 CFR 52.85.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. The application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS

should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 30th day of May 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

Manny Comar, Lead Project Manager
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Office of New Reactors

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(Revised 04/14/2008)

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