

September 19, 2006

Mr. J. A. "Buzz" Miller
Senior Vice President, Nuclear Development
Southern Nuclear Operating Company, Inc.
40 Inverness Center Parkway
Post Office Box 1295
Birmingham, AL 35201

SUBJECT: ACCEPTANCE OF THE SOUTHERN NUCLEAR OPERATING COMPANY
APPLICATION FOR AN EARLY SITE PERMIT (ESP) FOR THE VOGTLE ESP
SITE

Dear Mr. Miller:

By letter dated August 14, 2006, Southern Nuclear Operating Company (SNC) submitted an application for an early site permit (ESP) for the Vogtle ESP site pursuant to 10 CFR Part 52. The purpose of this letter is to inform you of the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of the ESP application for the Vogtle ESP site. In an acceptance review, the NRC staff determines whether a tendered application is sufficiently complete to allow the staff to proceed with its detailed technical review.

During the acceptance review, the NRC staff identified two subject matter areas in the ESP application in which information was incomplete and which needed to be addressed prior to the NRC's accepting and docketing the application. These two areas were site hazards and seismic hazards. Southern Nuclear Operating Company supplemented its application, by letters dated September 6, 2006 (2 letters), and September 13, 2006, to address the lack of information in these areas. The NRC staff has completed its acceptance review of the ESP application, as supplemented, and determined that SNC has submitted sufficient information in accordance with 10 CFR 2.101 and 10 CFR 52.17 such that the application is acceptable for docketing. The docket number established for this application is 52-011.

As a part of its ESP application for the Vogtle ESP site, SNC has requested approval for complete and integrated emergency plans. The staff notes however, that SNC has not supplied all of the information necessary for approval of such plans as required under 10 CFR 50.47 and Appendix E to 10 CFR Part 50. This is no bar to docketing the application because acceptability of the ESP application is based on 52.17(b)(1) and 52.17(b)(3) which require that the application "...identify physical characteristics unique to the proposed site...that could pose a significant impediment to the development of emergency plans," and ".....include a description of contracts and arrangements made with local, state, and federal government agencies with emergency planning responsibilities." Your application has provided information to address these requirements. In order for the staff to review your request for approval of complete and integrated emergency plans, we request that you provide the information necessary for review of such plans (i.e., identification of and basis for Emergency Action Levels) by March 1, 2007. Your staff discussed this schedule for providing emergency planning information with the NRC staff and agreed to it during a teleconference on September 8, 2006.

This letter also forwards the staff's safety and environmental review schedule for the Vogtle ESP application (Enclosure). One of the key assumptions in this schedule is that RAIs and open items will be responded to within 30 days of issuance. The staff will follow established review procedures and the enclosed schedule to complete the safety and environmental reviews required by 10 CFR Parts 52 and 51. The 21-month review schedule does not include time for the mandatory hearing required by the regulations.

Milestones for hearing activities are not included in the enclosed schedule because these dates are established by the Commission and the Atomic Safety and Licensing Board. We would like to stress that this is a very aggressive schedule, and the staff will make every effort to meet or exceed the milestones. Therefore, we request that you inform the staff as early as possible should potential delays arise in your support of the schedule.

Finally, a notice of acceptance for docketing will be forwarded to the *Federal Register*. 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 mandatory hearing required for this application.

If you have any questions or comments concerning this matter, you may contact Christian Araguas, the NRC safety review project manager, at 301-415-3637, or Mark Notich, the NRC environmental review project manager, at 301-415-3053.

Sincerely,

/RA/

David B. Matthews, Director
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 52-011

Enclosure: As stated

cc: See next page

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David B. Matthews, Director
Division of New Reactor Licensing
Office of Nuclear Reactor Regulation

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*See previous concurrence

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Letter to J. A. Buzz Miller from David B. Matthews dated September 19, 2006

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APPLICATION FOR AN EARLY SITE PERMIT FOR THE VOGTLE ESP SITE

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