

June 17, 2008

G. Paul Bollwerk, III, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. James F. Jackson
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Nicholas G. Trikouros
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
SOUTHERN NUCLEAR OPERATING CO.
(Early Site Permit for Vogtle ESP Site)
Docket No. 52-011-ESP

Dear Administrative Judges:

The NRC Staff ("Staff") is providing notice to the Licensing Board and the parties of its revised anticipated date for issuing the Final Safety Evaluation Report ("FSER") for the Vogtle Early Site Permit ("ESP") application. As explained in more detail below, the Staff plans to issue the FSER on February 5, 2009. The Staff has no changes to report with respect to its anticipated date for issuing the Final Environmental Impact Statement ("FEIS") for the ESP application and still plans to issue the FEIS on August 22, 2008.

In its Memorandum and Order of February 1, 2008, the Licensing Board issued a revised general schedule for this proceeding and invited the parties to comment on that schedule. See *Southern Nuclear Operating Co. (Early Site Permit for Vogtle ESP Site)*, Memorandum and Order (Revised General Schedule), slip op. (Feb. 1, 2008). In response, on February 6, 2008, the Staff submitted comments identifying expected or potential delays in issuance of the FEIS and the FSER that would delay the revised schedule set forth in the Board's Order. See *Southern Nuclear Operating Co. (Early Site Permit for Vogtle ESP Site)*, NRC Staff Comments on Revised General Schedule (Feb. 6, 2008). As the Staff explained in its comments, the Staff has been reviewing Southern Nuclear Operating Company's ("Southern's") responses to certain requests for additional information ("RAIs"). These RAIs are associated with Southern's Limited Work Authorization ("LWA") request as well as with Open Items contained in the SER issued on August 30, 2007.

On March 5, 2008, the Staff advised the Licensing Board and the parties of its revised date (August 22, 2008) for issuance of the FEIS but indicated that for the reasons explained in its

February 6 comments, it would not be able to revise the scheduled date for issuing the FSER until the end of April 2008. See Letter from Patrick A. Moulding to Administrative Judges (Mar. 5, 2008) (ML080650837).¹ Subsequently, at a prehearing conference held in Augusta, Georgia, on April 28, 2008, the Staff further advised the Licensing Board that the Staff was still reviewing Southern's RAI responses but hoped to provide its revised FSER issuance date before the middle of May 2008. By letter dated May 21, 2008, the Staff advised the Licensing Board that, due in part to the technical complexity of those RAI responses, the Staff was still determining the extent to which its review of this information would result in changes to the issuance date of the FSER, and that the Staff expected to be able to inform the Licensing Board and parties of a revised date by June 17, 2008.

By letter dated March 28, 2008, Southern submitted to the NRC revision 4 of the ESP application. During the sufficiency review of revision 4, the Staff identified a significant technical issue connected to Southern's request for an LWA as part of its ESP application. Specifically, the issue concerns Southern's development of the coefficient of friction at the interface between the soil and the mudmat underneath the basemat for the nuclear island. In order for the Staff to complete its review of the ESP application, it will need to perform a review of the soil-structure interaction ("SSI") analysis that Southern initially prepared for its combined license ("COL") application. The scope of this review will include (but is not limited to) the calculation of input ground motion, development of the model (2D and 3D) for the SSI analysis (the "SASSI" model), comparison of transfer functions (2D vs. 3D), analysis of results (including floor response spectra as well as seismic demand for evaluating the potential for sliding and overturning of nuclear island structures), development of bearing capacities (static and dynamic) of the Category I backfill soil, and evaluation of the basis for the 0.45 friction coefficient between the mudmat and backfill soil proposed by Southern.

In addition, the Staff is currently resolving issues pertaining to the review of hydrology and fitness-for-duty. Although these issues are not currently critical path items, review of these issues is ongoing and the potential exists for further impacts on the FSER review schedule.

¹ The Licensing Board subsequently issued a revised general schedule reflecting the revised date for issuance of the FEIS. See *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), Memorandum and Order (Revised General Schedule), slip op. (Mar. 13, 2008).

Judge Bollwerk
Judge Trikouros
Judge Jackson

- 3 -

June 17, 2008

As a result of the Staff's review associated with the aforementioned RAI responses and technical issues, as well as the additional review time necessary for the SSI analysis beyond what the Staff has currently scheduled for the review of the Vogtle ESP application, the Staff now plans to issue the FSER on February 5, 2009. With respect to its environmental review, the Staff still plans to issue the FEIS on August 22, 2008.

Respectfully submitted,

/signed (electronically) by/
Patrick A. Moulding
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-2549
Patrick.Moulding@nrc.gov

Dated at Rockville, Maryland
this 17th day of June, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN NUCLEAR OPERATING CO.) Docket No. 52-011-ESP
)
(Early Site Permit for Vogtle ESP Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated June 17, 2008, have been served upon the following persons by Electronic Information Exchange this 17th day of June, 2008:

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: gpb@nrc.gov)

Administrative Judge
Nicholas G. Trikouros
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: ngd@nrc.gov)

Administrative Judge
James Jackson
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: jackson538@comcast.net)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: ocaamail@nrc.gov)

Margaret Parish
Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: map4@nrc.gov)

Office of the Secretary
ATTN: Docketing and Service
Mail Stop 0-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: HEARINGDOCKET@nrc.gov)

Diane Curran, Esq.
Harmon, Curran, Spielberg &
Eisenberg, LLP
1726 M Street, NW
Suite 600
Washington, DC 20036
(E-mail: dcurran@harmoncurran.com)

M. Stanford Blanton, Esq.
Peter D. LeJeune, Esq.
C. Grady Moore, III, Esq.
Kenneth C. Hairston, Esq.
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, AL 35203-2014
(E-mail: sblanton@balch.com;
plejeune@balch.com;
kchairston@balch.com;
gmoore@balch.com)

Steven P. Frantz, Esq.
Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
Mary Freeze
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(E-mail: sfrantz@morganlewis.com;
ksutton@morganlewis.com;
pbessette@morganlewis.com;
mfreeze@morganlewis.com)

Lawrence D. Sanders, Esq.
Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
(E-mail: lsanders@law.emory.edu)

Moanica Caston, Esq.
Southern Nuclear Operating Co., Inc.
40 Inverness Center Parkway
P.O. Box 1295, Bin B-022
Birmingham, AL 35201-1295
(E-mail: mcaston@southernco.com)
Copy provided by e-mail only

Jeffrey Stair, Esq.
Georgia Public Service Commission
244 Washington Street
Atlanta, GA 30334
(E-mail: jeffreys@psc.state.ga.us)
Copy provided by e-mail only

/signed (electronically) by/
Patrick A. Moulding
Counsel for the NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-2549
Patrick.Moulding@nrc.gov