

November 3, 2009

MEMORANDUM TO: Edwin M. Hackett, Executive Director
Advisory Committee on Reactor Safeguards

FROM: David B. Matthews, Director **/RA Frank Akstulewicz for/**
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: BELLEFONTE UNITS 3 AND 4 SAFETY EVALUATION REPORT WITH
OPEN ITEMS FOR CHAPTER 7, "INSTRUMENTATION AND
CONTROLS"

By letter dated October 30, 2007 (ML073110527), as supplemented by letters dated November 2, 2007 (ML073090428), January 8, 2008 (ML080100104), and January 14, 2008 (ML080160252), the Tennessee Valley Authority (TVA) 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 requirements of 10 CFR 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." The NRC formally docketed the application on January 18, 2008. These reactors are identified as Bellefonte (BLN) Units 3 and 4 and would be located near the town of Scottsboro in Jackson County, Alabama. Subsequent to the original BLN COL application, TVA has updated and revised the application by letters dated October 10, 2008 (ML083100262), November 18, 2008 (ML083250490), and January 21, 2009 (ML090290406).

Based on our review of the application, the staff prepared a Safety Evaluation Report (SER) with Open Items for Chapter 7, "Instrumentation and Controls." Unless otherwise stated in the SER with Open Items, the staff's review was based on revisions and updates made to the BLN COL application through January 21, 2009. Issuance of this SER is an important milestone in the staff's review to determine whether TVA's application meets the Commission's regulations.

In a letter dated April 28, 2009, the NuStart Energy Development, LLC, consortium informed the NRC that it had changed the Reference COL designation for the AP1000 Design Center from BLN Nuclear Plant, Units 3 and 4 to the Vogtle Electric Generating Plant (VEGP), Units 3 and 4. The NRC staff is taking steps necessary to implement this change. During this transition, the BLN Units 3 and 4 docket will continue to be the vehicle of standard content.

The staff concludes that the SER with Open Items does not contain any information for which exemption from public disclosure has been sought or approved. However, the NRC will withhold the SER from public disclosure for ten calendar days to allow TVA the opportunity to verify the staff's conclusion that the SER contains no such exempt information.

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Therefore, the staff requests that the ACRS likewise withhold the SER with Open Items from public disclosure until it has been released publicly in the Agencywide Documents Access and Management System (ADAMS). The accession numbers for the SER with Open Items is ML083390149. The staff will inform the ACRS immediately if TVA requests that any of the information in the document be withheld from public disclosure.

Should you have any questions, please contact Ms. Tanya Simms at (301) 415-1387 tanya.simms@nrc.gov or Mr. Joseph Sebrosky, the lead project manager for the BLN COL application at (301) 415-1132, joseph.sebrosky@nrc.gov.

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Therefore, the staff requests that the ACRS likewise withhold the SER with Open Items from public disclosure until it has been released publicly in the Agencywide Documents Access and Management System (ADAMS). The accession numbers for the SER with Open Items is ML083390149. The staff will inform the ACRS immediately if TVA requests that any of the information in the document be withheld from public disclosure.

Should you have any questions, please contact Ms. Tanya Simms at (301) 415-1387 tanya.simms@nrc.gov or Mr. Joseph Sebrosky, the lead project manager for the BLN COL application at (301) 415-1132, joseph.sebrosky@nrc.gov.

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