May 27, 2010

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

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

SUBJECT: VOGTLE ELECTRIC GENERATING PLANT UNITS 3 AND 4 ADVANCED FINAL SAFETY EVALUATION REPORT WITH NO OPEN ITEMS FOR CHAPTER 11, "RADIOACTIVE WASTE MANAGEMENT"

By letter dated March 28, 2008, Southern Nuclear Operating Company (SNC) submitted its application to the U.S. Nuclear Regulatory Commission (NRC) requesting combined licenses (COLs) for two AP1000 advanced passive pressurized water reactors in accordance with the requirements of Title 10 of the *Code of Federal Regulations*, Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The NRC formally docketed the application on May 30, 2008. These reactors are identified as Vogtle Electric Generating Plant (VEGP) Units 3 and 4 and would be located in Burke County, Georgia. The docket numbers established for VEGP Units 3 and 4 are 52-025 and 52-026, respectively. Subsequent to the original VEGP-COL application, SNC updated and revised the application by letters dated May 22, 2009; September 23, 2009; October 2, 2009; and December 11, 2009.

Based on its review of SNC's application, the staff prepared an Advanced Final Safety Evaluation Report (AFSER) with no open items for Chapter 11, "Radioactive Waste Management." Unless otherwise stated in the AFSER with no open items, the staff's review was based on revisions and updates made to the VEGP COL application through December 11, 2009. Issuance of this AFSER is an important milestone in the staff's review to determine whether SNC's application meets the Commission's regulations.

The staff has reviewed the Memorandum to the Executive Director of Operations dated February 17, 2010, and reviewed our submitted information against the categories that the Advisory Committee Reactor Safeguard (ACRS) requested to be used to highlight information for review by the Committee. Our assessment of this chapter is that there are no items that meet the categories for discussion with the Committee.

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The staff concludes that the AFSER with no open items does not contain any information for which exemption from public disclosure has been sought or approved. However, the NRC will withhold the AFSER from public disclosure for ten calendar days to allow SNC the opportunity to verify the staff's conclusion that the AFSER contains no such exempt information. Therefore, the staff requests that the ACRS likewise withhold the AFSER with no open items from public disclosure until it has been released publicly in the Agencywide Documents Access and Management System (ADAMS). The ADAMS accession number for the AFSER with no open items is ML092610470. The staff will inform the ACRS immediately if SNC requests that any of the information in the document be withheld from public disclosure.

Docket Nos. 52-025 and 52-026

The staff concludes that the AFSER with no open items does not contain any information for which exemption from public disclosure has been sought or approved. However, the NRC will withhold the AFSER from public disclosure for ten calendar days to allow SNC the opportunity to verify the staff's conclusion that the AFSER contains no such exempt information. Therefore, the staff requests that the ACRS likewise withhold the AFSER with no open items from public disclosure until it has been released publicly in the Agencywide Documents Access and Management System (ADAMS). The ADAMS accession number for the AFSER with no open items is ML092610470. The staff will inform the ACRS immediately if SNC requests that any of the information in the document be withheld from public disclosure.

Docket Nos. 52-025 and 52-026

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