

September 17, 2007

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
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Administrative Judge
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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 the availability of the *Safety Evaluation of the Early Site Permit Application in the Matter of Southern Nuclear Operating Company, for the Vogtle Early Site Permit Site* (Aug. 2007) (SER) with open items. The SER with open items can be accessed electronically from the Publicly Available Records System (PARS) component of the NRC's Agencywide Document Access and Management System (ADAMS). The ADAMS accession number for the SER with open item package is ML071581032. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. The SER with open items will also be posted on the NRC website at <http://www.nrc.gov/reactors/new-licensing/esp/vogtle.html>. Hard copies will be provided to members of the Licensing Board as requested.

During the pre-hearing conference of August 1, 2007, the Licensing Board indicated that it might begin the mandatory hearing process (e.g., holding pre-hearing conferences and issuing questions) following the issuance of the draft environmental impact statement and the SER with open items. Although the Staff continues to support early interactions to prepare for the mandatory hearing, on August 15, 2007, the applicant submitted a supplement to its ESP application requesting an authorization to perform selected activities described in 10 C.F.R. § 50.10(e)(3). See Letter from J.A. Miller to NRC (Aug. 15, 2007) (ML072330245). Given the Licensing Board's interest in reviewing the SER with open items for mandatory hearing, the Staff is informing the Board that, based on its preliminary review of the supplement to the ESP application, the Staff has determined that two portions of the SER with open items will need to be rewritten: Section 2.5.4 of Chapter 2, "Stability of Subsurface Materials and Foundations" and Chapter 17, "Early Site Permit Quality Assurance Measures." In addition, the following new sections will be added in the final SER: Section 3.8.5 of Chapter 3, "Foundations" and Section 13.7 of Chapter 13, "Fitness for Duty."

The Staff plans to review the supplement to the ESP application in parallel to the ongoing ESP review and then combine the results in the final SER (*i.e.*, the Staff will not issue a supplemental SER with open items with respect to the supplement to the ESP application). Given the additional review that is needed for the supplement to the ESP application, the Staff now plans to make the final SER available on the NRC website on June 2, 2008. See Letter from S. Coffin to J.A. Miller (Sept. 12, 2007) (ML072530510). After receiving the report by the Advisory Committee on Reactor Safeguards, the Staff plans to issue the final SER on August 6, 2008.

In addition, the Licensing Board should be aware that the Commission will issue a supplementary notice of hearing and opportunity to petition for leave to intervene to be published in the *Federal Register* expanding the scope of the hearing to address the applicant's supplement to the ESP application requesting an authorization to perform selected activities described in 10 C.F.R. § 50.10(e)(3).

/signed (electronically) by/
Jonathan M. Rund
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