

February 4, 2009

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

SUBJECT: FINAL SAFETY EVALUATION REPORT FOR THE VOGTLE ELECTRIC
GENERATING PLANT EARLY SITE PERMIT APPLICATION AND LIMITED
WORK AUTHORIZATION REQUEST

Dear Mr. Miller:

By letter dated August 14, 2006, Southern Nuclear Operating Company (SNC) tendered its application for an early site permit (ESP) for the Vogtle Electric Generating Plant (VEGP) site, in accordance with Subpart A, "Early Site Permits," of Title 10, Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," of the *Code of Federal Regulations* (10 CFR Part 52). The U.S. Nuclear Regulatory Commission (NRC or Commission) formally docketed the application on September 19, 2006.

In addition, by letter dated August 16, 2007, SNC submitted a limited work authorization (LWA) request in accordance with 10 CFR 52.17(c). The activities that SNC requested under its LWA are limited to placement of engineered backfill, retaining walls, lean concrete, mudmats, and a waterproof membrane.

The enclosed final safety evaluation report (FSER) documents the NRC staff's position on all safety issues associated with the ESP application and LWA request. It is being issued in accordance with the published schedule on the NRC public website. Issuance of this FSER is an important milestone in the staff's review to determine whether SNC's application meets the Commission's regulations. The Commission is expected to reach a final decision on the ESP application and LWA request after reviewing the staff's FSER and final environmental impact statement (FEIS), along with the report from the ACRS and the findings of the Atomic Safety and Licensing Board.

The staff concludes that the enclosed FSER does not contain any information for which exemption from public disclosure has been sought or approved. In addition, because SNC staff conducted a proprietary review on the advanced SER (ASER), we have determined that the FSER does not contain any information for which exemption from public disclosure should be sought. Therefore, the FSER will be made available for public upon issuance of this letter, and can be accessed through the NRC's Public Document Room and the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the Public Electronic Reading Room section of the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. A. Miller

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Please contact Mr. Christian Araguas, the NRC project manager for the review of the SNC VEGP ESP application and LWA request, at (301) 415-3637 or cja2@nrc.gov if you have any questions or comments concerning this matter.

Sincerely,

/RA by Thomas Bergman for/

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

Docket No. 52-011

Enclosure: As stated

cc w/o encl: See next page

J. A. Miller

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Sincerely,

/RA by Thomas Bergman for/

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

Docket No. 52-011

Enclosure:
VEGP ESP FSER

cc w/o encl: See next page

Package: ML090130038
Letter: ML090330493
Chapter 1: ML090130141
Chapter 2.1 to 2.4: ML090130153
Chapter 2.5: ML090130160
Chapter 3: ML090130404
Chapter 11: ML090130410
Chapter 13: ML090130417
Chapter 15: ML090130423
Chapter 17: ML090130433
Chapter 18: ML090130449
Chapter 19: ML090130454
Appendix A: ML090130137
Appendix B: ML090130460
Appendix C: ML090130467
Appendix D: ML090130469
Appendix E: ML090220004

ADAMS Accession Nos.: Ltr. ML090330493 Pkg. ML090130038

OFFICE	LA: NWE1	PM:NWE1	BC:NWE1	OGC	D:DNRL
NAME	KGoldstein	CAraguas	SCoffin	PMoulding*	DMatthews
DATE	02/02/09	02/02/09	02/03/09	02/04/09	02/04/09

OFFICIAL RECORD COPY

*No Legal Objection

Distribution of SER for the Vogtle ESP Application and LWA request Dated February 5, 2009

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(Revised 09/16/2008)

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