

February 3, 2010

Mr. C. Dukes Scott, Executive Director
Office of Regulatory Staff
State of South Carolina
1401 Main Street, Suite 850
Columbia, SC 29201

Dear Mr. Scott:

Thank you for your December 17, 2009, letter expressing interest in U. S. Nuclear Regulatory Commission's (NRC's) new reactor program. You requested that the South Carolina Office of Regulatory Staff (ORS) be allowed to attend NRC meetings related to the review of the Combined Operating License (COL) application for the new V. C. Summer proposed nuclear reactors, as well as the other matters that could impact this review, such as the review of the Westinghouse AP 1000 Design Certification (DC) Amendment application.

Based on your letter and our discussions with Ms. Shannon Bowyer-Hudson of your staff, we recognize your duty to represent the public interest with respect to electric utility regulation and assure the citizens of South Carolina that the financial integrity of the public utilities is sound. We also acknowledge your interest in the impact that delays in the upcoming construction schedule could have on the public interest your office is charged to represent, as well as the financial impact to South Carolina ratepayers, the financial integrity of South Carolina Electric and Gas Company, and the economic development in South Carolina. Your request to attend NRC meetings was based on these interests.

The NRC considers public involvement in our activities to be a cornerstone of strong, fair regulation of the nuclear industry. As a result, the NRC invites ORS to take advantage of the many avenues available for the general public, media outlets, governmental organizations, and any other interested private organizations to observe NRC activities. For example, Commission meetings are open to public observation and also shown via webcast, except in rare instances where either security issues or staffing and personnel issues are discussed. NRC staff meetings with external stakeholders are open to members of the public with very few exceptions (e.g., proprietary meetings, security meetings). Our internet web site address is www.nrc.gov and contains notices of all of these meetings, as well as all NRC press releases that are issued. Internal staff meetings are not open to outside observation, due in part to the pre-decisional nature of such meetings. Specific information related to the review of the V.C. Summer Units 2 & 3 COL application is located at www.nrc.gov/reactors/new-reactors/col/summer.html and specific information on the AP 1000 DC amendment application review is located at www.nrc.gov/reactors/new-reactors/design-cert/amended-ap1000.html.

Additionally, if the V. C. Summer COL application review reaches a point where our Region II office in Atlanta, Georgia would be in a position to conduct regulatory inspections, representatives of the State of South Carolina may observe the NRC staff as they conduct inspections at the facility. Any accompaniments are subject to appropriate protocols, consistent with the Commission's Policy Statement on "*Cooperation with States*" as specified in NRC Management Directive 5.2, "Memorandum of Understanding with States"

http://adamswebsearch2.nrc.gov/idmws/doccontent.dll?library=PU_ADAMS^PBNTAD01&ID=041530086). The NRC's statutory mandate is to protect public health and safety and the environment. Therefore, the NRC does not approve, control, or influence licensee's construction schedules. Our principal concern with construction, whether late or on schedule, is to assure that construction is conducted in accordance with the COL, applicable NRC regulations, consistent with providing reasonable assurance that neither public health and safety nor the environment are adversely affected.

We appreciate your interest in the NRC licensing process and we look forward to your continued interest in our process. If you have any questions regarding the V.C. Summer COL application review, please contact Joseph Sebrosky, NRC Project Manager for the V.C. Summer Unit 2 & 3 COL application review. He can be reached at (301) 415-1132 and at Joseph.Sebrosky@nrc.gov. If you have any questions regarding the AP 1000 DC amendment review please contact William Gleaves, NRC Project Manager for the AP 1000 Design Certification Amendment review. He can be reached at (301) 415-5843 and at Bill.Gleaves@nrc.gov. Representatives from your office, as discussed with Ms. Bowyer-Hudson, have been added to the V.C. Summer and the AP 1000 DC Amendment service lists, whereby they will receive information and correspondence related to the V.C. Summer COL application review and the AP 1000 DC amendment review.

If you have questions about our response to your December 17, 2009 request, please contact Bob Trojanowski in our Atlanta, GA Regional Office. Mr. Trojanowski can be reached at (404) 562-4427 and at Robert.Trojanowski@nrc.gov.

Sincerely,

/RA/

Bruce S. Mallett
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

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Bruce S. Mallett
Deputy Executive Director for Reactor
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PUBLIC

J. Sebrosky, NRO

B. Gleaves, NRO

R. Trojanowski, RII

EDO r/f

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE

ADAMS: Yes ACCESSION NUMBER: **ML100222068** SUNSI REVIEW COMPLETE

OFFICE	RII:ORA/RSLO	RII:ORA/DRAC	HQ:NRO	HQ:OGC	HQ:FSME	HQ: DEDR
SIGNATURE	GW	LRP	M Johnson email	M Zobler e-mail	GDeegan email	Bmallett /RA/
NAME	G Woodruff	L Plisco	M Johnson	M Zobler	C Miller	BMallett
DATE	1/21 /2010	1/21/2010	1/22/10	1/22/10	1/22/10	2/3/2010
E-MAIL COPY	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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