

October 31, 2011

The Honorable Jim DeMint
United States Senator
1901 Main Street
Suite 1475
Columbia, SC 29201

Dear Senator DeMint:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of October 12, 2011, forwarding correspondence from your constituent, John Rogers. Mr. Rogers urges the NRC to expeditiously issue the combined operating licenses (COL) for Southern Nuclear Operating Company's (SNC) Vogtle Electric Generating Plant, Units 3 and 4 to prevent a work stoppage and loss of jobs.

The NRC staff has completed its safety and environmental reviews of the Vogtle COL application, and it was the subject of a mandatory hearing, as required by Section 189(a) of the Atomic Energy Act, on September 27-28, 2011. Based on that hearing, the issue of whether the staff's safety and environmental reviews have been adequate to support the necessary regulatory findings is currently pending before the Commission.

It is important to note that the Vogtle COL application references the amended Advanced Passive (AP) 1000 reactor design, which is currently awaiting certification by the NRC. Therefore, the Commission must first make a decision on the AP1000 design certification final rule before it can issue the COLs. Earlier this year the agency published a proposed amendment to the AP1000 design certification rule and received extensive public comments. Review and resolution of those comments was recently completed, and the final rule is now with the Commission for a decision.

On point to Mr. Rogers' particular concern, SNC has asked the Commission to exercise its discretion to issue either the Vogtle COL or a limited work authorization based on the affirmation date of the AP1000 design certification rule to avoid disruption of construction processes and the displacement of workers. The Commission currently has this request under consideration.

If you have any further questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

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