

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

Southern Nuclear Operating Company, Inc.

(Vogtle Electric Generating Plant, Unit 3)

Docket No. 52-025

ORDER

In response to a *Federal Register* notice announcing the schedule for initial fuel loading of Vogtle Unit 3 and the associated opportunity for hearing on conformance with acceptance criteria in the combined license, Nuclear Watch South requests an extension of the hearing request deadline.¹ Nuclear Watch South seeks extensions of the deadlines for hearing requests and applications for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) or Safeguards Information (SGI) to “60 days from the official lifting of the national COVID-19 emergency.”² The NRC Staff and Southern Nuclear Operating Company, Inc. (on behalf of the licensed owners of Unit 3) oppose the request for an open-ended delay, although the Staff does not object to a seven-day extension of the hearing request deadline.³

¹ Vogtle Electric Generating Plant, Unit 3; Hearing Opportunity Associated with Inspections, Tests, Analyses, and Acceptance Criteria, 85 Fed. Reg. 8030 (Feb. 12, 2020) (Vogtle Notice of Intended Operation and Associated Orders); *Nuclear Watch South’s Request for Extension of Filing Deadline and Request for Expedited Consideration* (Apr. 3, 2020) (Extension Request).

² Extension Request at 1.

³ *NRC Staff Answer to Request for Extension of Time from Nuclear Watch South* (Apr. 7, 2020), at 13-14; *Licensees’ Answer Opposing Nuclear Watch South’s Motion for Extension of Filing Deadline and Request for Expedited Consideration* (Apr. 7, 2020), at 2.

The Commission set forth the requirements for extension requests in the Vogtle Notice of Intended Operation and Associated Orders, which were based on a template published in the *Federal Register* in 2016.⁴ As the Staff noted, the deadline for requesting access to SUNSI or SGI was February 24, 2020, and Nuclear Watch South did not explain why it missed this deadline. Pursuant to my authority under 10 C.F.R. § 2.346(c), I deny the request related to SUNSI and SGI access.

With respect to the extension for hearing requests, good cause exists to extend the deadline for Nuclear Watch South by seven days in light of the COVID-19-related impacts that it has identified in its Extension Request. Accordingly, pursuant to my authority under 10 C.F.R. § 2.346(b), I grant Nuclear Watch South a seven-day extension of the hearing request deadline so that its hearing request must be filed on or before April 20, 2020.

IT IS SO ORDERED.

For the Commission

NRC SEAL

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of April 2020.

⁴ Vogtle Notice of Intended Operation and Associated Orders, 85 Fed. Reg. at 8036-37 (citing Final Procedures for Conducting Hearings on Conformance with the Acceptance Criteria in Combined Licenses, 81 Fed. Reg. 43,266 (July 1, 2016)).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
Southern Nuclear Operating Company) Docket No. 52-025-ITAAC
(Vogtle Electric Generating Plant, Unit 3))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Ruling on Nuclear Watch South Extension Request)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E. Roy Hawkens, Chairman
G. Paul Bollwerk, III, Administrative Judge
E-mail: roy.hawkens@nrc.gov
paul.bollwerk@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-14A44
Washington, DC 20555-0001
Jody C. Martin, Esq.
Michael A. Spencer, Esq.
Olivia J. Mikula, Esq.
Kevin C. Roach, Esq.
Julie G. Ezell, Esq.
Brian P. Newell, Senior Paralegal
Felicia Y. Keith, Paralegal
E-mail: jody.martin@nrc.gov
michael.spencer@nr.gov
olivia.mikula@nrc.gov
kevin.roach@nrc.gov
julie.ezell@nrc.gov
brian.newell@nrc.gov
felicia.keith@nrc.gov

Balch & Bingham, LLP
1710 6th Avenue North
Birmingham, AL 35203
Melvin S. Blanton, Esq.
Alan Lovett, Esq.
Nick Theodore, Esq.
Peter LeJeune, Esq.
Email: sblanton@balch.com
alovett@balch.com
ntheodore@balch.com
plejeune@balch.com

Vogle 52-025-ITAAC

ORDER (Ruling on Nuclear Watch South Extension Request)

Nuclear Watch South

P.O. Box 8574

Atlanta, GA 31106

Glenn Carroll

Email: atom.girl@nonukesyall.org

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Ave NW

Washington, DC 20005

Paul M. Bessette, Esq.

Email: paul.bessette@morganlewis.com

Dated at Rockville, Maryland,
this 9th day of April 2020.

[Original signed by Krupskaya T. Castellon]
Office of the Secretary of the Commission