



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 12, 2021

The Honorable Viola Davis  
Representative, District 87  
Post Office Box 830726  
Stone Mountain, GA 30083

Dear Representative Davis:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your September 2, 2021, letter requesting information on Southern Nuclear Operating Company's (SNC's) Vogtle Electric Generating Plant (Vogtle) Units 3 and 4. Your letter raises questions and requests information regarding settlement of buildings and a leak in the Vogtle Unit 3 spent fuel pool. Because the NRC has already addressed settlement issues in detail, this response will refer to documents available in the NRC's Agencywide Documents Access and Management System (ADAMS), available at <https://www.nrc.gov/reading-rm/adams.html>.

Regarding settlement, your letter references Mr. Arnold Gundersen's declarations in support of a May 2020 hearing request and a December 2020 motion by the Blue Ridge Environmental Defense League (BREDL) concerning an SNC license amendment request (LAR) associated with seismic gap requirements for Vogtle Unit 3 (LAR-20-001) (ADAMS Accession No. ML20038A939). In that LAR, SNC proposed to change a requirement that the Vogtle Unit 3 auxiliary and annex buildings be constructed with a 3-inch minimum seismic gap between them.

The NRC takes its mission of protecting public health and safety very seriously. The NRC issues license amendments only if it finds that all regulatory requirements have been met and that there is reasonable assurance of adequate protection of the public health and safety. Also, in NRC proceedings, presiding officers independently consider whether hearing requests from the public meet the standards for such requests.

The NRC staff performed a regulatory audit of SNC's settlement data as part of its review of LAR-20-001 (ADAMS Accession No. ML20141L698). Since this information was reviewed as part of a regulatory audit, the NRC did not take possession of the settlement data. The information in possession of the NRC related to LAR-20-001 was released as part of a Freedom of Information Act request (ADAMS Accession No. ML20315A080). As a result of the regulatory audit, "the NRC staff did not identify any outstanding issues or the need for the licensee to submit any additional information on the docket." After performing an independent review of LAR-20-001, the NRC staff issued the requested license amendment on August 4, 2020 (ADAMS Accession No. ML20132A032). In its safety evaluation, the NRC staff concluded that actual and predicted settlement are within the limits already established in the Vogtle Units 3 and 4 licensing basis and stated the NRC staff's expectation that "settlement will be well controlled within the acceptable settlement limits throughout the entire construction sequence and through plant operation." On August 10, 2020, an Atomic Safety and Licensing Board (ASLB) denied BREDL's May 2020 hearing request (ADAMS Accession No. ML20223A385). BREDL's appeal of the ASLB decision was denied by the Commission on December 22, 2020 (ADAMS Accession No. ML20357A101). On December 7, 2020, BREDL submitted a motion to reopen the proceeding.

The Commission denied this motion on March 15, 2021 (ADAMS Accession No. ML21074A116). The questions regarding settlement in your September 2, 2021, letter center around the licensing action and BREDL's associated hearing submissions. The NRC has thoroughly reviewed these issues and did not identify any safety concerns. Additional information about the NRC's determinations on these issues can be found using the referenced ADAMS accession numbers cited above.

Your letter also discusses a leak in the Vogtle Unit 3 spent fuel pool identified during testing and prior to fuel being placed in the pool. The NRC is aware of this issue and is conducting inspections to assess the adequacy of SNC's actions to repair the leak. The information you requested related to the spent fuel pool is considered proprietary by SNC or is related to pre-decisional inspection activities. The results of the NRC's inspection activities will be documented in future inspection reports.

If you have any questions or need more information, please contact Mr. John Pelchat, Senior Regional Government Liaison Officer, Region II, at (404) 997-4427.

Sincerely,



Signed by Dorman, Dan  
on 10/12/21

Daniel H. Dorman  
Executive Director  
for Operations

Docket Nos.: 52-025  
52-026

cc: Listserv

SUBJECT: REQUEST FOR DATA CONCERNING GEORGIA POWER COMPANY'S VOGTLE  
UNITS 3 AND 4 CONSTRUCTION MONITORING DATED: October 12, 2021

DISTRIBUTION: LTR-21-0253

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John Pelchat, RII

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**ADAMS Accession Numbers: ML21263A212 (Letter)**

**ML21256A271 (Package)**

**\*via email**

OFFICE	NRR/VPO/PM	NRR/VPO/LA	NRR/VPO/PM	NRR/VPO/BC
NAME	JRankin	RButler	CSantos	PMcKenna
DATE	9/21/2021	9/22/2021	9/21/2021	9/21/2021
OFFICE	NRR/VPO/D	OGC	NRR/DD	NRC/EDO/DD
NAME	GBowman	MSpencer	MKing for AVeil	DDorman
DATE	9/21/2021	9/29/2021	10/5/2021	10/12/2021

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