

For the Nuclear Regulatory Commission.

**James R. Hall,**

*Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

**[NRC-2010-0355; Order EA-11-180; Docket Nos. 70-7003, 70-7004; License Nos. SNM-7003, SNM-2011]**

### **In the Matter of USEC Inc., American Centrifuge Lead Cascade Facility, and American Centrifuge Plant; Order Extending the Date by Which the Direct Transfer of Licenses Is To Be Completed**

#### I

USEC Inc. (USEC) is the holder of materials licenses SNM-7003 and SNM-2011 for the American Centrifuge Lead Cascade Facility (Lead Cascade) and American Centrifuge Plant (ACP), respectively, which authorize the licensee to: (1) Possess and use source and special nuclear material at the Lead Cascade at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio, in accordance with materials license number SNM-7003; and (2) construct and operate a gas centrifuge uranium enrichment facility (the ACP) at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio, in accordance with materials license number SNM-2011.

#### II

The U.S. Nuclear Regulatory Commission's (NRC) Order, dated February 10, 2011, approved the direct transfer of the licenses of the above facilities from USEC to the limited liability company American Centrifuge Operating, LLC (ACO), pursuant to Sections 161(b), 161(i), 161(o) and 184 of the Atomic Energy Act, as amended; 42 United States Code (U.S.C.) 2201(b), 2201(i), and 2234; and Title 10 *Code of Federal Regulations* (10 CFR) parts 30.34(b), 40.46, "Inalienability of Licenses," and 70.36, "Inalienability of Licenses." By its terms, the February 10, 2011, Order will become null and void if the license transfers are not completed within 180 days from February 10, 2011 (i.e., by August 9, 2011). However, the February 10 Order further states that upon written application and for good cause shown, the 180-day period may be extended by further Order.

#### III

By letter dated July 22, 2011, as supplemented by electronic communication dated August 1, 2011, USEC submitted a request to extend the date by which the license transfers must be completed from August 9, 2011, to February 9, 2012. USEC stated that it has been working diligently with the Department of Energy over the past several months to conclude the review process for USEC's loan guarantee application, but would not be able to complete this process by August 9, 2011.

USEC states that there have been no changes in the information and technical and financial qualifications presented in its September 10, 2010, request to transfer the licenses. USEC states that the basis for granting that request has, thus, not changed and remains valid. The NRC staff notes that its basis for approving the transfers of USEC's licenses for the Lead Cascade and the ACP from USEC to ACO is documented in its Safety Evaluation Report (SER) supporting the February 10 Order. The NRC staff concluded that the basis for approval has not changed since the issuance of the February 10 Order.

The NRC staff has considered the submittal of July 22, 2011, as supplemented by electronic communication dated August 1, 2011, and has determined that good cause has been shown to extend, until February 9, 2012, the date by which the license transfers must be completed.

#### IV

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 30.34(b), 40.46, "Inalienability of Licenses," and 70.36, "Inalienability of Licenses," *It Is Hereby Ordered* that the date by which the license transfers described above must be completed is extended to February 9, 2012. If the proposed direct transfer of licenses is not completed by February 9, 2012, this Order and the February 10 Order shall become null and void. However, upon written application and for good cause shown, the February 9, 2012, date may be extended by further Order.

This Order is effective upon issuance. The Order of February 10, 2011, as modified by this Order, remains in full force and effect.

For further details with respect to this Order, see the submittal dated July 22, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11210B497), as supplemented by electronic

communication dated August 1, 2011 (ADAMS Accession No. ML11213A282), and the SER documenting NRC's staff evaluation of USEC's submittal dated July 22, 2011 (ADAMS Accession No. ML112140088), which may be examined—and/or copied for a fee—at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (First Floor), Rockville, MD 20852; and accessible online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>.

Dated at Rockville, Maryland, this 8th day of August 2011.

For the U.S. Nuclear Regulatory Commission.

**Catherine Haney,**

*Director, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

**[NRC-2008-0441; Docket Nos. 52-025-COL and 52-026-COL]**

### **Southern Nuclear Operating Co., et al.; Combined Licenses for Vogtle Electric Generating Plant, Units 3 and 4, and Limited Work Authorizations**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding the application of Southern Nuclear Operating Company for two combined licenses (COLs) seeking approval to construct and operate new nuclear power generation facilities at the Vogtle Electric Generating Plant, Units 3 & 4 (VEGP), as well as for two limited work authorizations (LWAs) to engage in selected construction activities. This mandatory hearing will concern safety and environmental matters relating to the proposed issuance of the requested COLs and LWAs.

**DATES:** The hearing will be held on September 27, 2011, from 9 a.m. (Eastern Daylight Time). For a schedule for submitting prefiled documents and deadlines affecting Interested Government Participants, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Rochelle C. Bavol, Office of the Secretary, U.S. Nuclear Regulatory