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EXHIBIT E

January 9, 2018

Via Email and U.S. Mail

Darren Mickler, Executive Director
Georgia Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217

Re: Vogtle Units 3 and 4 -- PE Stamping Allegations by Nuclear Watch South

Dear Mr. Mickler:

I write on behalf of my client, Georgia Power Company, to address allegations made in a December 12, 2017 letter submitted to the Board by Nuclear Watch South. Although Nuclear Watch South has not adhered to the Board's Complaint Procedures, or otherwise complied with the Board's rules to request an investigation, Georgia Power believes Nuclear Watch South's misinformed allegations are of sufficient public interest to warrant this informal response. Contrary to Nuclear Watch South's allegations, Vogtle Units 3 and 4 are being designed and constructed in strict compliance with all applicable state and federal regulations intended for the protection of the public's health and safety, including applicable state law requirements associated with Professional Engineers.

Nuclear Watch South was an intervenor participant in a recently-concluded Vogtle Construction Monitoring (VCM) proceeding before the Georgia Public Service Commission. The Vogtle Construction Monitoring proceedings were established by the PSC to monitor Georgia Power's construction progress and capital expenditures on a semi-annual basis. In the most recent proceeding, VCM 17, Georgia Power requested that the Public Service Commission approve its estimated cost and schedule to complete Units 3 and 4 under a new contractual framework following the bankruptcy of its Contractor, Westinghouse Electric Company. As part of Nuclear Watch South's opposition, it alleged that Westinghouse had issued design documents for Vogtle Units 3 and 4 without PE stamps required by Georgia law. In making these allegations, Nuclear Watch South has not provided any detail as to which drawings or set of drawings it believes are non-compliant. Instead, the allegations in the VCM proceeding and its letter to this Board rely on similar generic allegations made against Westinghouse by public advocacy groups in South Carolina related to the V.C. Summer 2 and 3 project.

Westinghouse is the design authority for both the V.C. Summer and Vogtle 3 and 4 designs. These units share the same AP1000 standard plant design certified by the United States Nuclear Regulatory Commission (NRC) in the form of the AP1000 Design Control Document (DCD). *See* 10 CFR Pt. 52, Appendix D. The NRC's certification permits construction of the standard design in approved locations in all states within the United States. Nuclear Watch South's stated public safety concern that "unqualified individuals rather than licensed engineers may have prepared design drawings and such drawings may have lacked the proper professional engineer review that is required by State of Georgia and Nuclear Regulatory Commission regulations" appears grounded in a misunderstanding of the federal regime in place to regulate the radiological safety aspects of nuclear construction and plant operation.

Upon learning of the allegations related to V.C. Summer, Georgia Power conducted a thorough review of Westinghouse design procedures, those procedures' compliance with federal and state laws and regulations, as well as Westinghouse's execution of its design procedures. Georgia Power concurs with Westinghouse's legal analysis that Georgia state law regarding licensure and design approval are not applicable to design and construction work addressed by the DCD, *i.e.*, work within the "nuclear island," based on the doctrine of federal preemption. This conclusion is supported by specific authority of the United States Supreme Court, which has held that the federal Atomic Energy Act preempts the entire field of nuclear safety and the NRC possesses exclusive authority over nuclear plant construction and operation. *Pacific Gas & Electric Co. v. State Energy Resources Conservation and Development Commission*, 461 U.S. 190 (1983). A copy of Westinghouse's March 30, 2012 Memorandum providing further detail on these points is submitted herewith as Exhibit A. Although any question of federal preemption is beyond this Board's jurisdiction, the Board may rest assured that the Atomic Energy Act and implementing NRC safety regulations provide for design scrutiny that is many levels beyond the ordinary PE stamping procedures the Board is familiar with.

With this background, Georgia Power's design review concluded that:

- Design documents for the standard plant/nuclear island are required to bear the signature or stamp of a PE only when required by a code (ASME, ACI, etc.) that is referenced or incorporated in the AP1000 DCD certified by the NRC. Georgia Power has confirmed standard plant design documents comply with this requirement.
- Where the applicable code referenced in the DCD does not require the signature of a PE, a Westinghouse "authorized engineer" signed the drawings. Westinghouse authorized engineers are qualified under Westinghouse's procedures, although not necessarily licensed PEs.
- Southern Nuclear Operating Company, the licensed constructor for Vogtle 3 and 4 and Georgia Power's affiliate, has established using NRC mandated processes that a PE signature satisfies DCD-mandated PE stamp requirements for the standard plant

where applicable. The NRC has not questioned this position.

- The NRC has conducted hundreds of inspections and design reviews since the Combined Operating License (COL) was issued by the NRC in 2012. The NRC has not asserted any non-compliance with the COL or NRC regulations relative to the processes employed in the preparation and approval of construction drawings for the standard plant structures.
- Georgia's PE stamping requirements are not preempted and apply to all site specific (non-standard plant) design documents. Georgia Power has confirmed site specific design documents comply with Georgia requirements.

As evidenced by the above, Nuclear Watch South's allegations are unfounded and lack evidentiary support. All of the concerns expressed in its letter to the Board pertain to public health and safety. With respect to non-standard plant structural safety, Georgia Power has confirmed that construction drawings bear appropriate PE stamps required by Georgia law. Design and construction drawings for the standard plant/nuclear island structures are within the exclusive purview of the NRC and comply with all DCD and COL review and approval processes. Moreover, as confirmed by numerous NRC inspections and reviews, as well as the semi-annual construction monitoring proceedings conducted by the PSC, Georgia Power and Southern Nuclear maintain the highest standards of safety, quality, and compliance with design requirements. On-site NRC personnel review design and construction activities as they are implemented and will oversee an integrated testing and inspection procedure prior to plant operation to ensure public safety and compliance with the NRC-certified design. Nuclear Watch South's request that this Board conduct an investigation should be denied.

Sincerely,



Jason D. McLarry

JDM:jd

Enclosure

cc: Ms. Glenn Carroll, Nuclear Watch South