

March 5, 2012

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 1, 2011, regarding the issuance of a combined license (COL) or limited work authorization (LWA) for the Vogtle Electric Generating Plant, Units 3 and 4.

On July 20, 2011, the Commission received a letter from Southern Nuclear Operating Company (SNOC) requesting that the Commission issue the Vogtle COL or an LWA based on the affirmation of the AP1000 design certification rule (DCR). SNOC advocated this approach to avoid disruption of construction processes and the displacement of workers. This letter followed up submission to the Commission of a white paper from Balch & Bingham LLP on behalf of SNOC that addressed the timing for issuing an LWA or COL for Vogtle Units 3 and 4. We have also taken into consideration a petition filed by Mindy Goldstein on behalf of several groups in opposition to SNOC's request.

On December 22, 2011, the Commission affirmed the AP1000 DCR amendment. The Commission has decided not to grant SNOC's request to issue either the Vogtle COL or second Vogtle LWA to coincide with the affirmation of the AP1000 DCR amendment. Instead, as permitted under the Administrative Procedure Act and 10 CFR 2.807, the Commission has found good cause for making the AP1000 DCR amendment immediately effective upon either publication in the Federal Register or, with respect to SNOC, actual receipt of the final DCR amendment by SNOC. Accordingly, SNOC will be eligible to receive either the Vogtle COL or second Vogtle LWA upon publication of the final AP1000 DCR amendment in the Federal Register or its receipt of actual notice of the amendment. The final AP1000 DCR amendment was published in the Federal Register on December 30, 2011 (76 FR 82079). The Vogtle COL was issued on February 10, 2012.

Sincerely,

/RA/

Gregory B. Jaczko