UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 09/07/07

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 09/07/07

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. James F. Jackson

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| In the Matter of | Docket No. 52-011-ESP |
| SOUTHERN NUCLEAR OPERATING CO. | ASLBP No. 07-850-01-ESP-BD01 |
| (Early Site Permit for Vogtle ESP Site) | September 7, 2007 |

MEMORANDUM
(Issuance of Draft Environmental Impact Statement)

On August 30, 2007, the NRC staff issued a publicly available letter (ML072400469), in which it (1) noted the "issuance" of its safety evaluation report (SER) for this proceeding, albeit with open items; and (2) stated that the SER was being withheld from public disclosure for fourteen days to permit applicant Southern Nuclear Operating Company (SNC) to review the document for confidential information in accordance with 10 C.F.R. § 2.390. While indicating that "[i]Issuance of this SER is an important milestone in the staff's rigorous review to determine whether SNC's application meets the Commission's regulations," as far as we can determine that letter was not served on or otherwise provided to the Licensing Board (or the Joint Intervenors[1]), notwithstanding the fact that the Board will be conducting the mandatory hearing for this application that will include a review of the SER. See CLI-07-24, 66 NRC __ (Aug. 30, 2007).

[1] The Joint Intervenors include the Center for a Sustainable Coast, Savannah Riverkeeper, Southern Alliance for Clean Energy, Atlanta Women's Action for New Directions, and Blue Ridge Environmental Defense League.

The staff currently is scheduled to issue the draft environmental impact statement (DEIS) for this proceeding on September 14, 2007. As the general schedule for this proceeding indicates, a number of filing deadlines are triggered by the issuance and availability of the DEIS. See Licensing Board Memorandum and Order (Prehearing Conference and Initial Scheduling Order) (May 7, 2007) at app. A (unpublished). As a consequence, it is the Board's hope that the staff will make both the Joint Intervenors and the Board aware of this environmental document's issuance and availability on a timely basis.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD[2]

***/RA/***
G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

September 7, 2007

[2] Copies of this memorandum were sent this date by Internet e-mail transmission and the agency's E-Submittal system to counsel for (1) applicant SNC; (2) the Joint Intervenors; and (3) the staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (ISSUANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT) have been served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Docket No. 52-011-ESP
LB MEMORANDUM (ISSUANCE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT)

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[Original signed by R. L. Giitter]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
This 7th day of September 2007