

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

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

DOCKETED 09/11/07  
SERVED 09/11/07

In the Matter of

SOUTHERN NUCLEAR OPERATING CO.

(Early Site Permit for Vogtle ESP Site)

Docket No. 52-011-ESP

ASLBP No. 07-850-01-ESP-BD01

September 11, 2007

MEMORANDUM

(Availability of Draft Environmental Impact Statement)

By letter dated September 10, 2007, the NRC staff notified the Licensing Board and the parties to this proceeding, including the Joint Intervenors,<sup>1</sup> of the public availability as of that date of the staff's draft environmental impact statement (DEIS) through the agency's website. The staff also noted that on September 14, 2007, a notice regarding the public availability of the DEIS is to be published in the Federal Register.

Previously, in its May 2007 memorandum and order establishing an initial general schedule for this proceeding, the Board noted that "to be considered timely any motion to admit a new/late-filed or to amend an admitted contention must be filed within thirty days of the event that provides the triggering basis for submitting a new/late-filed or amended contention." Licensing Board Memorandum and Order (Prehearing Conference and Initial Scheduling Order) (May 7, 2007) at 3 (unpublished). In addition, the Board provided an appendix to that issuance

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<sup>1</sup> 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.

in which it set forth a series of filing deadline dates, including dates for submitting new/late-filed and amended contentions, associated with the staff's then-current estimate that the DEIS would be issued and made available to the public (and the Joint Intervenors) on September 14, 2007. See id. app. A, at 1.

Relative to those dates, as well as any others in the schedule that correspond to an event that triggers a deadline for party filings, the Board observes that the continuing validity of the specific dates in the schedule rests on the presumption that the event actually occurs on the estimated date specified in the schedule. If an event (such as the availability of the DEIS to the Joint Intervenors) occurs before or after that date, then the filing dates would adjust accordingly (absent some other specific directive from the Board).

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

September 11, 2007

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<sup>2</sup> 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 Southern Nuclear Operating Co.; (2) the Joint Intervenors; and (3) the staff.

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NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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SOUTHERN NUCLEAR OPERATING ) Docket No. 52-011-ESP  
COMPANY )  
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(Early Site Permit for the Vogtle ESP Site) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (AVAILABILITY 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 (AVAILABILITY OF DRAFT  
 ENVIRONMENTAL IMPACT STATEMENT)

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[Original signed by Adria T. Byrdsong]  
 Office of the Secretary of the Commission

Dated at Rockville, Maryland  
 this 11<sup>th</sup> day of September 2007