

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 11/02/07

SERVED 11/02/07

Before the Licensing Board:

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

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

November 2, 2007

ORDER

(Granting NRC Staff Unopposed Motion
to Accept Answer Out of Time)

Upon consideration of the November 1, 2007 motion of the NRC staff to file out of time an answer to applicant Southern Nuclear Operating Company's (SNC) motion for summary disposition regarding Joint Intervenors¹ Environmental Contention (EC) 1.2, and there being no opposition thereto, it is

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.

ORDERED, that the staff's November 1, 2007 motion for leave to file out of time is granted.²

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

November 2, 2007

² Although consistent with the recently revised 10 C.F.R. § 2.306(c)(2) (72 Fed. Reg 49,139, 49,152 (Aug. 28, 2007)), the out-of-time filing by the staff would provide Joint Intervenors with an additional day to submit their answer to the SNC dispositive motion and the staff's answer regarding EC 1.2, because of the federal holiday on Monday, November 12, 2007, under section 2.306(a) the Joint Intervenors responses to the SNC motions and staff responses relative to both EC 1.2 and EC 1.3 both remain due on the same date, i.e., Tuesday, November 13, 2007.

³ Copies of this order were sent this date by the agency's E-Filing system to counsel for (1) applicant SNC; (2) the Joint Intervenors; and (3) the staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING NRC STAFF UNOPPOSED MOTION TO ACCEPT ANSWER OUT OF TIME) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-011-ESP
LB ORDER (GRANTING NRC STAFF UNOPPOSED
MOTION TO ACCEPT ANSWER OUT OF TIME)

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[Original signed by R. L. Giitter]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
This 2nd day of November 2007