

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 02/01/08

SERVED 02/01/08

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

February 1, 2008

MEMORANDUM AND ORDER
(Revised General Schedule)

In its September 2007 letter advising the Licensing Board and the parties of the public availability of its safety evaluation report (SER) with open items, the NRC staff indicated that its current schedule calls for the final SER (FSER) for this proceeding to be issued on August 6, 2008 (rather than the mid-May 2008 date formerly specified). The Board previously has noted the importance of both the estimated FSER and final environmental impact statement dates in scheduling for this proceeding. See Licensing Board Memorandum (Issuance of Draft Environmental Impact Statement) (Sept. 7, 2007) at 1-2 (unpublished). To reflect the new date for the FSER, in accord with 10 C.F.R. § 2.332(d) the Board is issuing the attached revised general schedule that, consistent with 10 C.F.R. § 2.309(f)(2), provides for the possible submission and litigation of new contentions relating to the FSER.

Any comments regarding this memorandum and order shall be filed within five days after it is served.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

February 1, 2008

¹ Copies of this memorandum and order were sent this date by Internet e-mail transmission and the agency's E-Filing system to counsel for (1) applicant Southern Nuclear Operating Co.; (2) Joint Intervenors; and (3) the staff.

APPENDIX A

Dated: 2/1/2008

REVISED GENERAL SCHEDULE -- Southern Nuclear Operating Co. (Vogtle ESP) Proceeding

Event	Contested Hearing: Environmental/EIS-Related Issues Only	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing (<i>Italicized Dates Reflect Schedule if Safety Issues Are Admitted</i>)
Licensing Board Order on Standing/Admissibility of Contentions	Mar. 12, 2007		
Staff Disclosures, in Electronic Format, Due	Apr. 11, 2007		
Mandatory Disclosures by all Parties other than Staff Due	May 3, 2007		
Draft Environmental Impact Statement Issued	Sept. 10, 2007		
SER with Open Items Issued		Aug. 30, 2007	
Summary Disposition Motions re Admitted Contentions	Oct. 17, 2007		
Responses Supporting Summary Disposition Motion Due	Oct. 29, 2007		
Responses Opposing Summary Disposition Motion Due	Nov. 13, 2007		
Licensing Board Rulings on Summary Disposition Motions Issued	Jan. 15, 2008		
Final EIS Availability Notice	July 3, 2008		July 3, 2008
Final SER Issued		Aug. 6, 2008	Aug. 6, 2008
Amended/New Contentions Motions Due	Aug. 4, 2008	Sept. 5, 2008	

Event	Contested Hearing: Environmental/EIS-Related Issues Only	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing (<i>Italicized Dates Reflect Schedule if Safety Issues Are Admitted</i>)
Answers to Amended/New Contentions Motions Due	Aug. 18, 2008	Sept. 19, 2008	
Replies to Answers re Amended/New Contentions Motions Due	Aug. 25, 2008	Sept. 26, 2008	
Licensing Board Ruling on Amended/New Contention Admission	Sept. 15, 2008	Oct. 17, 2008	
Admitted Amended/New Contentions Mandatory Disclosure Updates Completed	Sept. 29, 2008 (with final witness lists)	Oct. 31, 2008 (with final witness lists)	
Summary Disposition Motions re Admitted Contentions ¹ /Motions to Invoke Subpart G or Subpart N Procedures Due	Oct. 6, 2008	Nov. 7, 2008	
Responses Supporting Summary Disposition Motion Due ²	Oct. 16, 2008	Nov. 17, 2008	
Responses Opposing Summary Disposition Motion Due	Oct. 30, 2008	Dec. 1, 2008	
Licensing Board Ruling on Summary Disposition Motions	Nov. 21, 2008	Dec. 22, 2008	
Position Statements/Prefiled Direct Testimony Due	Nov. 28, 2008	Dec 31, 2008	Nov. 28, 2008/Dec. 31, 2008 ³
In Limine Motions on Prefiled Direct Testimony Due	Dec. 3, 2008	Jan. 6, 2009	
In Limine Motion Responses Due	Dec. 8, 2008	Jan. 12, 2009	
Licensing Board Ruling on In Limine Motions	Dec. 12, 2008	Jan. 16, 2009	

¹ If no amended/new contentions are submitted, summary disposition motion/responses schedule for admitted contentions begins seven days from the date motions to amend contentions were due.

² If no responses supporting a summary disposition motion are filed, then responses opposing the motion are due within twenty days of the date of the dispositive motion.

³ The elements of the mandatory hearing schedule are subject to further refinement based on discussions between the Licensing Board and applicant Southern Nuclear Operating Co. and the NRC staff regarding the timing of the mandatory hearing relative to the contested portion of the proceeding and the scope of and procedures for the mandatory hearing.

Event	Contested Hearing: Environmental/EIS-Related Issues Only	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing (<i>Italicized Dates Reflect Schedule if Safety Issues Are Admitted</i>)
Direct Testimony Proposed Cross-Examination Questions/Requests for Cross-Examination Due	Dec. 17, 2008	Jan. 21, 2009	
Response Statements/Prefiled Rebuttal Testimony Due	Dec. 22, 2008	Jan. 26, 2009	
Responses to Requests for Cross-Examination Due	Dec. 24, 2008	Jan. 28, 2009	
In Limine Motions on Prefiled Rebuttal Testimony Due	Dec. 29, 2008	Feb. 2, 2009	
In Limine Motion Responses Due	Jan. 5, 2009	Feb. 9, 2009	
Licensing Board Ruling on In Limine Motions	Jan. 9, 2009	Feb. 13, 2009	
Rebuttal Testimony Proposed Cross-Examination Questions Due	Jan. 16, 2009	Feb. 20, 2009	
Evidentiary Hearing	Jan. 26-28, 2009 (Hearing on Environmental Issues Only)	March 2-6, 2009 (<i>Hearing on Both Environmental and Safety Issues or Safety Issues Only</i>)	Jan. 28-30, 2009/Mar. 9-11, 2009 ⁴
Proposed Findings of Fact/Conclusions of Law Due	Feb. 27, 2009	Apr. 10, 2009	Mar. 30, 2009/May 8, 2009
Reply Findings of Fact/Conclusions of Law Due	Mar. 13, 2009	Apr. 24, 2009	
Licensing Board Partial Initial Decision	Apr. 30, 2009	June 8, 2009	May 15, 2009/June 22, 2009

⁴ If there is not a contested hearing regarding Safety/SER-related issues, the mandatory hearing will take place in January 2009 following the hearing on contested environmental matters. If there is a contested hearing on Safety/SER-related issues, the mandatory hearing will take place in March 2009 following the hearing on all contested issues and the italicized dates in the columns that follow will apply for deadlines following the mandatory hearing.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
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 MEMORANDUM AND ORDER (REVISED GENERAL SCHEDULE) have been served upon the following persons by Electronic Information Exchange.

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LB MEMORANDUM AND ORDER (REVISED GENERAL SCHEDULE)

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

Dated at Rockville, Maryland
this 1st day of February 2008