

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

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

July 14, 2008

MEMORANDUM AND ORDER  
(Revised General Schedule)

By letter dated July 10, 2008, the NRC staff advised the Licensing Board that because of scheduling conflicts for counsel for the staff and for applicant Southern Nuclear Operating Company (SNC), they are requesting modifications to the Board's July 3, 2008 revised general schedule.<sup>1</sup> Specifically, they ask for a change to that portion of schedule that involves litigating Joint Intervenors<sup>2</sup> two admitted environmental contentions, beginning with the date for the submission of position statements and prefiled direct testimony, currently scheduled for October 22, 2008. The letter notes that the requested changes would impact the dates for various filings from that time up through mid-December 2008, but would not impact the

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<sup>1</sup> As we noted in the July 3 issuance, the general schedule for this proceeding is being revised to address a six-month delay in the issuance of the staff's final safety evaluation report. See Licensing Board Memorandum and Order (Revised General Schedule) (July 3, 2008) at 1 (unpublished).

<sup>2</sup> 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.

proposed mid-January 2008 evidentiary hearing on contested environmental matters (or the associated mandatory hearing on uncontested environmental matters). According to the staff's letter, Joint Intervenors were consulted and had no objection to the proposed schedule revisions.

Given there is no objection to the suggested changes and the modifications will not affect the date for convening the evidentiary hearing on Joint Intervenors admitted environmental contentions, in accord with 10 C.F.R. § 2.334, the Board grants the request to revise the schedule, albeit with modifications regarding the last two dates involved. The revised dates are included in bold italics on pages 4-5 of the attached revised general schedule (Appendix A).

Any comments regarding this memorandum and order should be filed on or before Friday, July 18, 2008.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

/RA/

G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

July 14, 2008

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

Dated: 7/14/2008

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

Pre-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS- Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS- Related Issues	Mandatory Hearing: Safety/SER-Related Issues
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	Aug. 22, 2008		Aug. 22, 2008	
Final SER Issued		Feb. 5, 2009		Feb. 5, 2009

Post-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS-Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues	Mandatory Hearing: Safety/SER-Related Issues
	No New/Amended Environmental/EIS-Related Contentions Submitted	No New Safety/SER-Related Contentions Submitted	No New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	No New Safety/SER-Related Contentions Submitted in Contested Hearing
	New/Amended Environmental/EIS-Related Contentions Submitted	New Safety/SER-Related Contentions Submitted	New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	New Safety/SER-Related Contentions Submitted in Contested Hearing
Amended/New Contentions Motions Due	No New/Amended Contentions Submitted	No New Contentions Submitted		
	Sept. 22, 2008	Mar. 9, 2009		
Answers to Amended/New Contentions Motions Due	Not Applicable (N/A)	N/A		
	Oct. 6, 2008	Mar. 23, 2009		
Replies to Answers re Amended/New Contentions Motions Due	N/A	N/A		
	Oct. 14, 2008	Mar. 30, 2009		
Licensing Board Ruling on Amended/New Contention Admission	N/A	N/A		
	Nov. 3, 2008	Apr. 17, 2009		
Admitted Amended/New Contentions Mandatory Disclosure Updates Completed <sup>1</sup>	N/A	N/A		
	Nov. 17, 2008	May 1, 2009		

<sup>1</sup> If a request to admit new/amended contentions is filed but denied, the Board will provide a revised contested hearing/mandatory hearing schedule.

Post-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS-Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues	Mandatory Hearing: Safety/SER-Related Issues
	No New/Amended Environmental/EIS-Related Contentions Submitted	No New Safety/SER-Related Contentions Submitted	No New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	No New Safety/SER-Related Contentions Submitted in Contested Hearing
	New/Amended Environmental/EIS-Related Contentions Submitted	New Safety/SER-Related Contentions Submitted	New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	New Safety/SER-Related Contentions Submitted in Contested Hearing
Summary Disposition Motions re Admitted New/Amended Contentions <sup>2</sup> /Motions to Invoke Subpart G or Subpart N Procedures Due	Sept. 22, 2008 (Subpart G/N Motions Only)	N/A		
Final Witness Lists Due	Nov. 24, 2008	May 8, 2009		
	Sept. 26, 2008	N/A		
	Nov. 17, 2008	May 1, 2009		
Responses Supporting Summary Disposition Motion Due <sup>3</sup>	N/A	N/A		
	Dec. 5, 2008	May 18, 2009		
Responses Opposing Summary Disposition Motion Due	N/A	N/A		
	Dec. 19, 2008	June 1, 2009		
Licensing Board Ruling on Summary Disposition Motions	N/A	N/A		
	Jan. 9, 2009	June 22, 2009		

<sup>2</sup> 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.

<sup>3</sup> 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.

Post-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS-Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues	Mandatory Hearing: Safety/SER-Related Issues
	No New/Amended Environmental/EIS-Related Contentions Submitted	No New Safety/SER-Related Contentions Submitted	No New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	No New Safety/SER-Related Contentions Submitted in Contested Hearing
	New/Amended Environmental/EIS-Related Contentions Submitted	New Safety/SER-Related Contentions Submitted	New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	New Safety/SER-Related Contentions Submitted in Contested Hearing
Position Statements/Prefiled Direct Testimony Due <sup>4</sup>	<b>Oct. 29, 2008</b>	N/A	Oct. 22, 2008	Feb. 23, 2009
	Jan. 16, 2009	June 29, 2009	Jan. 16, 2009	July 10, 2009
In Limine Motions on Prefiled Direct Testimony Due	<b>Nov. 3, 2008</b>	N/A		
	Jan. 21, 2009	July 6, 2009		
In Limine Motion Responses Due	<b>Nov. 10, 2008</b>	N/A		
	Jan. 26, 2009	July 13, 2009		
Licensing Board Ruling on In Limine Motions	<b>Nov. 14, 2008</b>	N/A		
	Jan. 30, 2009	July 17, 2009		

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<sup>4</sup> The timing of certain procedural elements of the mandatory hearing are subject to further refinement based on discussions between the Licensing Board and applicant Southern Nuclear Operating Co. and the NRC staff regarding the scope of, and procedures for, the mandatory hearing.

Post-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS-Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues	Mandatory Hearing: Safety/SER-Related Issues
	No New/Amended Environmental/EIS-Related Contentions Submitted	No New Safety/SER-Related Contentions Submitted	No New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	No New Safety/SER-Related Contentions Submitted in Contested Hearing
	New/Amended Environmental/EIS-Related Contentions Submitted	New Safety/SER-Related Contentions Submitted	New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	New Safety/SER-Related Contentions Submitted in Contested Hearing
Direct Testimony Proposed Cross-Examination Questions/Requests for Cross-Examination Due	<b>Nov. 19, 2008</b>	N/A		
	Feb. 4, 2009	July 22, 2009		
Response Statements/Prefiled Rebuttal Testimony Due	<b>Nov. 20, 2008</b>	N/A		
	Feb. 9, 2009	July 27, 2009		
Responses to Requests for Cross-Examination Due	<b>Dec. 5, 2008</b>	N/A		
	Feb. 11, 2009	July 29, 2009		
In Limine Motions on Prefiled Rebuttal Testimony Due	<b>Dec. 5, 2008</b>	N/A		
	Feb. 17, 2009	Aug. 3, 2009		
In Limine Motion Responses Due	<b>Dec. 12, 2008</b>	N/A		
	Feb. 23, 2009	Aug. 10, 2009		
Licensing Board Ruling on In Limine Motions	<b>Dec. 17, 2008</b>	N/A		
	Feb. 27, 2009	Aug. 14, 2009		
Rebuttal Testimony Proposed Cross-Examination Questions Due	<b>Dec. 24, 2008</b>	N/A		
	Mar. 6, 2009	Aug. 21, 2009		

Post-FEIS/FSER Issuance Events	Contested Hearing: Environmental/EIS-Related Issues	Contested Hearing: Safety/ SER-Related Issues	Mandatory Hearing: Environmental/EIS-Related Issues	Mandatory Hearing: Safety/SER-Related Issues
	No New/Amended Environmental/EIS-Related Contentions Submitted	No New Safety/SER-Related Contentions Submitted	No New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	No New Safety/SER-Related Contentions Submitted in Contested Hearing
	New/Amended Environmental/EIS-Related Contentions Submitted	New Safety/SER-Related Contentions Submitted	New/Amended Environmental/EIS-Related Contentions Submitted in Contested Hearing	New Safety/SER-Related Contentions Submitted in Contested Hearing
Evidentiary Hearing	Jan. 12-14, 2009	N/A	Jan. 15-16, 2009	Mar. 23-24, 2009
	Mar. 16-18, 2009	Aug. 31-Sept. 2, 2009	Mar. 19-20, 2009	Sept. 3-4, 2009
Proposed Findings of Fact/Conclusions of Law Due	Feb. 13, 2009	N/A	Mar. 13, 2009	Apr. 24, 2009
	Apr. 17, 2009	Oct. 2, 2009	May 18, 2009	Oct. 30, 2009
Reply Findings of Fact/Conclusions of Law Due <sup>5</sup>	Feb. 27, 2009	N/A		
	May 1, 2009	Oct. 16, 2009		
Licensing Board Partial/Final Initial Decision <sup>6</sup>	Apr. 13, 2009	N/A	May 1, 2009	June 5, 2009
	June 15, 2009	Nov. 30, 2009	July 2, 2009	Dec. 11, 2009

<sup>5</sup> The Board reserves the right at a subsequent time to request the filing of reply findings relating to some or all aspects of the environmental or safety issues considered during the mandatory hearing portion of the proceeding.

<sup>6</sup> The mandatory hearing-related initial decision dates provided are subject to a final Board determination about whether it will bifurcate its initial decision on the environmental and safety mandatory hearing-related aspects of this proceeding.



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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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[Original signed by Christine M. Pierpoint]  
 Office of the Secretary of the Commission

Dated at Rockville, Maryland  
 this 14<sup>th</sup> day of July 2008