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October 8, 2008

Hon. G. Paul Bollwerk, III  
Hon. Nicholas G. Trikouros  
Hon. James F. Jackson  
Atomic Safety and Licensing Board  
Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: Southern Nuclear Operating Co., Inc. (ESP for Plant Vogtle)  
Docket No. 52-011-ESP -- ASLBP No. 07-850-01-ESP-BD01

Dear Judges Bollwerk, Trikouros and Jackson:

In this letter Applicant, Southern Nuclear Operating Co., (“SNC”) responds to the letter of October 8, 2008 from the Joint Intervenors to the Atomic Safety and Licensing Board regarding the scheduling of the pre-hearing activities for this proceeding. For the first time, Joint Intervenors take issue with the Board’s Order of September 24, 2008 retaining the schedule set forth in its Order of July 14, 2008 for the submission of pre-filed testimony and position statements for contested environmental issues, pending a resolution of the admissibility of Joint Intervenors’ new contention EC 6. Joint Intervenors take the position that the schedule for pre-hearing filings, and the hearing itself, should be delayed simply because they have sought to file a new contention, regardless of whether the contention is admitted.

SNC submits that the schedule clarification in the Board’s Order of September 24, 2008 is reasonable, practical, and the only way to balance the interests of all the parties to this proceeding. The Order makes clear that the schedule will be revised in the event new contention EC 6 is admitted. Conversely, the Order takes the common sense approach that the submission of an inadmissible new contention at this late stage of the proceeding should not delay preparation for and conduct of the hearing of the environmental issues in this matter. That approach is especially compelling where, as here, Joint Intervenors could have filed EC 6 as much as a year ago, based on the Draft Environmental Impact Statement (“DEIS”), as evidenced by Joint Intervenors comments on the DEIS. See SNC’s Answer to Joint Intervenor’s Motion to Admit New Contention, pp. 17-18.<sup>1</sup>

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<sup>1</sup> Given that the Board has already ruled that genuine issues of material fact preclude summary disposition as to Contentions 1.2 and 1.3, it would appear that there is no prejudice to Joint Intervenors regarding the schedule for motions for summary disposition as to admitted contentions.

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Joint Intervenors' desire to participate in the proceeding on SNC's application for a Combined Operating License for Vogtle Units 3 and 4 or in the Georgia Public Service Commission Certification proceeding for those units provides no basis to alter the schedule in this ESP proceeding. Progress on this application, which was filed in August of 2006, should not be delayed because of a claimed lack of resources on the part of the Joint Intervenors.

Sincerely,

/s/ M. Stanford Blanton

M. Stanford Blanton

MSB:dc

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