

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

October 9, 2008

MEMORANDUM AND ORDER

(Mandatory Hearing Questions/Presentations,
Oral Argument on Admission of New Contention,
and General Schedule Revision Request)

With this issuance, the Licensing Board provides the parties with guidance regarding several pending matters.

A. Mandatory Hearing Questions/Presentation Topics

In a September 19, 2008 memorandum and order regarding mandatory hearing procedures, the Board indicated it would provide applicant Southern Nuclear Operating Company (SNC) and the NRC staff with questions and a list of potential presentation topics for the environmental portion of the mandatory hearing on or before October 13, 2008. Given this date is a federal holiday and because the Board has concluded it needs several additional days to finalize its questions and potential presentation topics, the Board's issuance date for these questions and topics needs to be adjusted. Accordingly, SNC and the staff are advised the Board anticipates issuing its questions and topics list on or before Friday, October 17, 2008. Although the Board had set October 29, 2008, as the date for any SNC and staff responses to

its questions under the previous schedule, it now will establish a new filing date for responses in the issuance setting forth its questions and possible presentation topics. SNC and the staff can anticipate having at least fourteen days to respond to the Board's questions.

B. Tentative Oral Argument Date Regarding Admission of New Contention

As the Board's law clerk discussed with the parties by telephone yesterday, the Board is considering providing the parties with an opportunity to make oral presentations regarding the admissibility of Joint Intervenors¹ proposed new contention, denoted as EC 6.0. Although the Board will not make a final determination about whether it wishes to hold an oral argument until it has reviewed Joint Intervenors reply pleading, which currently is due to be filed on October 14, 2008, it requests that the parties be prepared to make themselves available by telephone for such an argument beginning at 2:00 p.m. Eastern Time (ET) on Monday, October 20, 2008. The Board will advise the parties by the middle of next week whether it wishes to hold this argument and will provide telephone connection information, if appropriate. If the Board decides to conduct the oral argument, which will be transcribed, it also may provide the parties with a list of focus areas that it would like to have addressed during the parties' presentations.

C. General Schedule Revision Request

By letter dated October 8, 2008, Joint Intervenors have requested the currently scheduled evidentiary hearing dates in January 2009 be postponed and that the Board convene a conference call to discuss scheduling alternatives. Applicant SNC provided written comments regarding the Joint Intervenors request by an October 8, 2008 letter. The Board requests that the staff provide its written comments regarding the Joint Intervenors request on or before Noon ET on Tuesday, October 14, 2008. After reviewing the staff's comments, the Board will provide

¹ 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.

further guidance to the parties on this matter, including whether it will conduct a scheduling conference, either in conjunction with the October 20 oral argument or at some other time.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

October 9, 2008

² 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.

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 QUESTIONS/PRESENTATIONS, ORAL ARGUMENT ON ADMISSION OF NEW
 CONTENTION, AND GENERAL SCHEDULE REVISION REQUEST

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[Original signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of October 2008