

October 9, 2008

G. Paul Bollwerk, III, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. James F. Jackson
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Nicholas G. Trikouros
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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

Dear Administrative Judges:

By letter dated October 8, 2008 ("Letter"), the Joint Intervenors requested that the Licensing Board implement the "alternative" general schedule provided in its Order¹ dated July 14, 2008. Letter at 2. Alternatively, the Letter requests that the Licensing Board hold a prehearing conference to discuss the general schedule. *Id.* The applicant, Southern Nuclear Operating Company ("SNC"), responded by letter dated October 8, 2008. SNC advocates continuing under the present schedule, which the parties are following pursuant to the Licensing Board's Order² dated September 24, 2008. By Order³ dated October 9, 2008, the Licensing Board requested the Staff's written comments on the Letter.

¹ See *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), Memorandum and Order (Revised General Schedule), slip op. (July 14, 2008).

² See *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), Memorandum and Order (Scheduling Guidance and Information Request Relating to Motion to Admit New Contention), slip op. (Sept. 24, 2008).

³ See *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), Memorandum and Order (Mandatory Hearing Questions/Presentations, Oral Argument on Admission of New Contention, and General Schedule Revision Request), slip op. (Oct. 9, 2008).

Judge Bollwerk
Judge Trikouros
Judge Jackson

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As stated in the Letter, the Staff takes no position on the Joint Intervenors' schedule request. The Staff previously identified no objection to the alternative schedule detailed in the Licensing Board's earlier scheduling Orders, and the Staff is prepared to support those alternative deadlines should the Licensing Board choose to reinstitute them pending its ruling on the admissibility of the proposed new contention. Nevertheless, the Staff has been preparing to support the stated schedule for the contested hearing, as well as to respond in parallel to the anticipated written questions and presentation topics from the Licensing Board associated with the mandatory hearing. Therefore, the Staff neither endorses nor opposes the request.

Respectfully submitted,

/signed (electronically) by/

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated October 9, 2008, have been served upon the following persons by Electronic Information Exchange this 9th day of October, 2008:

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