

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 16, 2008

MEMORANDUM

(Regarding Oral Argument on Admission of
New Contention and General Schedule Revision Request)

After considering Joint Intervenors¹ October 14, 2008 reply pleading, as well as the October 6, 2008 responses of applicant Southern Nuclear Operating Company (SNC) and the NRC staff and the motion of Joint Intervenors dated September 22, 2008, seeking the admission of new contention EC 6.0, the Licensing Board has decided it does not need to convene an oral argument prior to making a determination regarding the motion. As the Board indicated in its September 24, 2008 issuance, the Board currently anticipates issuing a ruling on the motion before October 29, 2008, the date upon which the parties' position statements and prefiled testimony are due relative to the two already-admitted environmental contentions, EC 1.2 and EC 1.3. See Licensing Board Memorandum and Order (Scheduling Guidance and

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.

Information Request Relating to Motion to Admit New Contention) (Sept. 24, 2008) at 2 (unpublished).

In connection with Joint Intervenors October 8, 2008 letter requesting, among other things, that a scheduling conference be convened, the Board has concluded that no conference is necessary at this time. Relative to that letter, however, the Board notes there was no objection by any party when it promulgated the current general schedule that does not provide any additional opportunity for summary disposition submissions regarding admitted contentions EC 1.2 and EC 1.3.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

October 16, 2008

² Copies of this memorandum 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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COMPANY)
)
(Early Site Permit for the Vogtle ESP Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (REGARDING ORAL ARGUMENT ON ADMISSION OF NEW CONTENTION AND GENERAL SCHEDULE REVISION REQUEST) have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of October 2008