

December 8, 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. Trikourous
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:

In its Memorandum and Order of November 13, 2008, the Licensing Board asked the parties to provide their views, preferably by joint submission, on a date by which the applicant ("Southern") and/or the NRC staff ("Staff") must designate and provide relevant information associated with any U.S. Army Corps of Engineers ("Corps") witness whose testimony they wish to provide in support of their positions regarding Contention EC 6.0. *See Southern Nuclear Operating Co. (Early Site Permit for Vogtle ESP Site), Memorandum and Order (Revised General Schedule), slip op. at 2 (Nov. 13, 2008).* By letter dated November 19, 2008, the Staff, in consultation with counsel for the applicant and counsel for Joint Intervenors, described the status of the Staff's discussions with the Corps concerning the Corps' participation in this proceeding. *See Letter from Patrick A. Moulding, NRC Staff Counsel, to Administrative Judges (Nov. 19, 2008).* In that letter, the Staff stated that by December 8 it would provide a further status report on this matter.

Based on further discussions with the Savannah District's Office of Counsel, Staff counsel's understanding is that the Corps has agreed to authorize the participation of Corps witnesses in this proceeding. However, Staff counsel is now coordinating with the Office of Counsel to determine the specific witness(es) for the subjects to be addressed in testimony, and so the list of the potential Corps witness(es) is not yet finalized. Nevertheless, the Office of Counsel indicated that it would be reasonable to expect that the Staff would be able to update its witness list to include the appropriate Corps witness(es) by December 12. Subsequently, as discussed in the Staff's letter of November 19, the Staff would produce the resume or statement of professional qualifications for any Corps witness(es) in its next hearing file update, currently scheduled for December 18. The Staff does not anticipate that this approach will necessitate

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Judge Trikouros
Judge Jackson

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adjustments to the remainder of the Licensing Board's general schedule, including the submittal of prefiled direct testimony on January 9, 2009.

Consistent with its November 19 letter, Staff counsel has discussed the above approach with counsel for the applicant and counsel for the Joint Intervenors. Both have authorized Staff counsel to state that they consider the above approach to be acceptable.

Respectfully submitted,

/signed (electronically) by/
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Dated at Rockville, Maryland
This 8th day of December, 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 December 8, 2008, have been served upon the following persons by Electronic Information Exchange this 8th day of December, 2008:

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