

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

G. Paul Bollwerk, III, Chairman  
Nicholas G. Trikouros  
Dr. James 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

January 21, 2009

**JOINT INTERVENORS' REVISED EXHIBIT LIST, INITIAL POSITION  
STATEMENT AND PREFILED DIRECT TESTIMONY  
AND  
CORRECTED EXHIBIT JTI000025**

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Pursuant to the Atomic Safety and Licensing Board's (the "Board") January 14, 2009 Memorandum and Order,<sup>1</sup> Joint Intervenors<sup>2</sup> hereby provide their revised pre-filed exhibit list for the evidentiary hearing on contested environmental issues. This revised exhibit list adheres to the format requested by the Board in its December 15, 2008 Memorandum and Order (the "Administrative Order").<sup>3</sup> In addition, in order to prevent duplicity and pursuant to the Administrative Order, Joint Intervenors have indicated on the revised exhibit list that: (1) because JTI000001 duplicates NRC000003, Joint Intervenors will rely upon and refer to Staff's exhibit NRC000003; (2) because

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<sup>1</sup> Memorandum and Order (Scheduling Prehearing Conference; Requesting Revised Exhibit Lists) (Jan. 14, 2009)

<sup>2</sup> 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.

<sup>3</sup> Memorandum and Order (Contested Hearing Administrative Matters) (Dec. 15, 2008)

JTI000002 duplicates NRC000004, Joint Intervenors will rely upon and refer to Staff’s exhibit NRC000004; (3) because JTI000024 duplicates NRC000012, Joint Intervenors will rely upon and refer to Staff’s exhibit NRC000012; and (4) because JTI000028 duplicates NRC000025, Joint Intervenors will rely upon and refer to Staff’s exhibit NRC000025. Accordingly, Joint Intervenors identify the following corrections to their Initial Position Statement and Prefiled Direct Testimony:

Young Prefiled Direct Testimony, Answer 13	Reference to “JTI000001” shall be replaced with “NRC000003”
Young Prefiled Direct Testimony, Answer 13	References to “JTI000002” shall be replaced with “NRC000004”
Initial Position Statement, footnote 50	Reference to “JTI000024” shall be replaced with “NRC000012”
Young Prefiled Direct Testimony, Answer 30	Reference to “JTI000028” shall be replaced with “NRC000025”

Furthermore, Joint Intervenors have determined that in several places throughout their Initial Position Statement and Prefiled Direct Testimony, the exhibit referenced in the document was not the exhibit listed on Joint Intervenors’ exhibit list. Accordingly, Joint Intervenors identify the following corrections to their Initial Position Statement and Prefiled Direct Testimony:

Initial Position Statement, footnote 50	Reference to “JTI000017” shall be replaced with “JTI000023”
Powers Prefiled Direct Testimony, Answer 8	Reference to “JTI000035” in the second line of the answer shall be replaced with “JTI000044”
Powers Prefiled Direct Testimony, Answer 8	Reference to “JTI000044” in the last

	line of the answer shall be replaced with “JTI000033”
Powers Prefiled Direct Testimony, Answer 26	Reference to “JTI000035” shall be replaced with “JTI000035 and JTI000037”
Powers Prefiled Direct Testimony, Question 32	Reference to “JTI000032” shall be replaced with “JTI000034”

Finally, pursuant to the e-mail request of Christine M. Pierpont, Joint Intervenors have resubmitted JTI000025. This new JTI000025 will replace the JTI000025 filed on January 9, 2009, which contained a blank page as image 23. Joint Intervenors filed corrected JTI0000025 via the NRC electronic filing system on January 20, 2009.

Respectfully submitted this 21<sup>st</sup> day of January, 2009,

**/signed (electronically) by/**

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**Southern Nuclear Operating Co., Docket No. 52-011-ESP**  
**March 2009 Evidentiary Hearing on Contested Environmental Issues**  
**Hearing Exhibits**

Party Exh. #	Witness/ Panel	Description
NRC000001	ALL	NUREG-1872, Final Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site, Volumes 1 & 2 (August 2008) combined with corrected Appendix F and the September 3, 2008 Errata. Volume 1 (ML082240145); Volume 2 (ML082240165); Appendix F (ML082260203); Errata (ML082550040)
NRC000003  (Replaces JTI0000001)	Young (EC 1.2 and 1.3)	Academy of Natural Sciences of Philadelphia (ANSP), 2003. 2001 Savannah River Biological Surveys for Westinghouse Savannah River Company. Report No. 03-08F, Patrick Center for Environmental Research, Philadelphia, Pennsylvania. (ML071310328)  (Per the Board's instruction to avoid the submission of duplicate exhibits, Joint Intervenors will rely upon NRC000003 rather than JTI000001 from Joint Intervenors' Exhibits filed January 9, 2009.)
NRC000004  (Replaces JTI0000002)	Young (EC 1.2 and 1.3)	Academy of Natural Sciences of Philadelphia (ANSP), 2005. 2003 Savannah River Biological Survey for Westinghouse Savannah River Company. Report No. F04-06, Patrick Center for Environmental Research, Philadelphia, Pennsylvania. (ML071310324)  (Per the Board's instruction to avoid the submission of duplicate exhibits, Joint Intervenors will rely upon NRC000004 rather than JTI000002 from Joint Intervenors' Exhibits filed January 9, 2009.)
JTI000003	Young (EC 1.2)	Affidavit of Young in Support of Joint Intervenors' Answer to SNC's Motion for Summary Disposition of Environmental Contention 1.2 (Nov. 13, 2007). (Affidavit Attached To:

		ML073170721)
JTI000004	Young (EC 1.2 and 1.3)	Paller, M. H., Tucker, R. C., and W. M. Starkel. 1995. Statistical methods for detecting ichthyoplankton density patterns that influence entrainment mortality. WSRC-MS--95-0122. AC09-89SR18035. Westinghouse Savannah River Co., Aiken, SC (United States).
JTI000005	Young (EC 6.0)	Declaration of Young in Support of Joint Intervenors' Motion to Admit New Contention (Sept. 22, 2008). (Declaration Attached To: ML082671201)
JTI000006	Young (EC 1.2 and 1.3)	Wiltz, J. W. 1983. Vogtle Electric Generating Plant, Savannah River larval fish study, Burke County, Georgia, from January through August 1974. Operating license stage environmental report, Technical document. (ML071710056)
JTI000007	Young (EC 1.2 and 1.3)	Nichols, M. C. 1983. Vogtle Electric Generating Plant, survey of the drifting macroinvertebrates of the Savannah River, Burke County, Georgia, from September 1980, through August 1981. Operating license stage environmental report, Technical document. (ML071710058)
JTI000008	Young (EC 1.2 and 1.3)	Bilkovic, D. M., J. E. Olney, and C. H. Hershner. 2002. Spawning of American shad ( <i>Alosa sapidissima</i> ) and striped bass ( <i>Morone saxatilis</i> ) in the Mattaponi and Pamunkey Rivers, Virginia. Fisheries Bulletin 100:632-640.
JTI000009	Young (EC 1.2 and 1.3)	Overton, A. S., and R. A. Rulifson. 2007. Evaluation of plankton surface pushnets and oblique tows for comparing the catch of diadromous larval fish. Fisheries Research 86:99-104.
JTI000010	Young (EC 1.2 and 1.3)	Perez-Ruzafa, A., C. Marcos, I. M. Perez-Ruzafa, E. Barcala, M. I. Hegazi, and J. Quispe. Detecting changes resulting from human pressure in a naturally-quick-changing and heterogenous environment: Spatial and temporal scales of variability in coastal lagoons. Estuarine Coastal and Shelf Science 75:175-188.

JTI000011	Young (EC 1.2 and 1.3)	Stier, D. J., and J. H. Crance. 1985. Habitat suitability index models and instream flow suitability curves: American shad. U.S. Fish Wildl. Serv. Biol. Rep. 82 (10.88).
JTI000012	Young (EC 1.2 and 1.3)	Pardue, G. B. 1983. Habitat suitability index models: alewife and blueback herring. U.S. Dept. Int. Fish Wildl. Serv. FWS/OBS-82/10.58.
JTI000013	Young (EC 1.2 and 1.3)	Crance, J. H. 1986. Habitat suitability index models and instream flow suitability curves: shortnose sturgeon. U.S. Fish Wildl. Serv. Biol. Rep. 82 (10.129).
JTI000014	Young (EC 1.2 and 1.3)	Bain, M. B., and J. L. Bain. 1982. Habitat suitability index models: coastal stocks of striped bass. U.S. Fish and Wildlife Service, Office of Biological Services, Washington, D.C. FWS/OBS-82/10.1.
JTI000015	Young (EC 1.2 and 1.3)	Fay, C. W., R. J. Neves, and G. B. Pardue. 1983. Species profiles: Life histories and environmental requirements of coastal fishes and invertebrates (Mid-Atlantic) – striped bass. U.S. Fish and Wildlife, Division of Biological Services, FWSOBS-82/11.8. U.S. Army Corps of Engineers, TR EL-82-4.
JTI000016	Young (EC 1.2 and 1.3)	Vaughn, C. C, and C. M. Taylor. 1999. Impoundments and the decline of freshwater mussels: A case study of an extinction gradient. Conservation Biology 13 (4): 912-920.
JTI000017	Young (EC 1.2, 1.3 and 6.0)	Ricciardi, A., and J. B. Rasmussen. 1999. Extinction rates of North American freshwater fauna. Conservation Biology 13 (5): 1220-1222.
JTI000018	Young	Cosgrove, P. J., and L. C. Hastie. 2001. Conservation of threatened freshwater pearl mussel

	(EC 1.2 and 1.3)	populations: river management, mussel translocation and conflict resolution. <i>Biological Conservation</i> 99 (2): 183-190.
JTI000019	Young (EC 1.2 and 1.3)	Layzer, J. B., and E. M. Scott. 2006. Restoration and colonization of freshwater mussels and fish in a southeastern United States tailwater. <i>River Research and Applications</i> 22 (4): 475-491.
JTI000020	Young (EC 1.2 and 1.3)	Williams, J. D., M. L. Warren, K. S. Cummings, J. L. Harris, and R. J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. <i>Fisheries</i> 18:6-22.
JTI000021	Sulkin (EC 1.2 and 1.3)	Sulkin Tables in Support of Sulkin Prefiled Direct Testimony (Jan. 9, 2009).
JTI000022	Sulkin (EC 1.2 and 1.3)	Excerpts from: NUREG 1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 34, Regarding Vogtle Electric Generating Plant, Units 1 and 2, Final Report (Dec. 2008). (Entire Document: ML083380325)
JTI000023	Young (EC 1.2 and 1.3)	Declaration of Young in Support of Joint Intervenors' Petition for Intervention (Dec. 11, 2006). (Declaration Attached To: ML063470165)
NRC000012 (Replaces JTI000024)	Young (EC 1.2 and 1.3)	Paller, M. H., Saul, B. M., and D. V. Osteen. 1986. Distribution and abundance of ichthyoplankton in the mid-reaches of the Savannah River and selected tributaries. DPST-86-798:ECS-SR-27. Environmental and Chemical Sciences, Inc., Aiken, SC. (ML071710043)  (Per the Board's instruction to avoid the submission of duplicate exhibits, Joint Intervenors will rely upon NRC000012 rather than JTI000024 from Joint Intervenors' Exhibits filed January 9, 2009.)

JTI000025	Sulkin (EC 1.2 and 1.3)	Letter from SNC to U.S. Nuclear Regulatory Commission, Document Control Desk, enclosing SNC comments to the VEGP Draft Environmental Impact Statement (Dec. 26, 2007). (ML073620401)
JTI000026	Young (EC 6.0)	U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service. Final Recovery Plan for the Shortnose Sturgeon (Dec. 1998). (ML070170263)
JTI000027	Young (EC 6.0)	Duncan, W. W., Freeman, M. C., Jennings, C. A., and J. T. McLean. Considerations for flow alternatives that sustain Savannah River fish populations. <a href="http://ga.water.usgs.gov/pubs/other/gwrc2003/pdf/Duncan-GWRC2003.pdf">http://ga.water.usgs.gov/pubs/other/gwrc2003/pdf/Duncan-GWRC2003.pdf</a> .
NRC000025  (Replaces JTI000028)	Young (EC 6.0)	National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Atlantic Sturgeon Status Review Team. Status Review of Atlantic Sturgeon (Feb. 23, 2007). (ML082960581)  (Per the Board's instruction to avoid the submission of duplicate exhibits, Joint Intervenors will rely upon NRC000025 rather than JTI000028 from Joint Intervenors' Exhibits filed January 9, 2009.)
JTI000029	Young (EC 6.0)	Bellas, J., Ekelund, R., Halldórsson, H. P., Berggren, M., and A. Granmo. 2007. Monitoring of organic compounds and trace metals during a dredging episode in the Göta Älv Estuary (SW Sweden) using caged mussels. <i>Water Air Soil Pollution</i> 181:265–279.
JTI000030	Young (EC 6.0)	Wolter, C. and Arlinghaus, R. 2003. Navigation Impacts on Freshwater Fish Assemblages: The Ecological Relevance of Swimming Performance. <i>Reviews in Fish Biology and Fisheries</i> 13:63-89.
JTI000031	Sulkin (EC 1.2)	Affidavit of Sulkin in Support of Joint Intervenors' Answer to SNC's Motion for Summary Disposition of Environmental Contention 1.2 (Nov. 9, 2007). (Affidavit Attached To:

		ML073170721)
JTI000032	Powers, Sulkin and Young (EC 1.3)	Excerpts from: NUREG 0099, Regulatory Guide 4.2, Rev. 2, Preparation of Environmental Reports for Nuclear Power Plants (July 1976). (Entire Document: ML003739519)
JTI000033	Powers (EC 1.3)	Powers, Bill. Peak and Annual Average Energy Efficiency Penalty of Optimized Air-Cooled Condenser on 515 MW Fossil Fuel-Fired Utility. Presented at: EPRI/CEC Cooling Strategies Conference, Sacramento, CA. June 1-2, 2005.
JTI000034	Powers (EC 1.3)	Cuchens, Jim and Lazenby, Chris. Feasibility of Air-Cooled Condenser Cooling System for the Standardized AP1000 Nuclear Plant. Southern Company Generation Engineering & Construction Services, Revision 3 (June 25, 2007). (ML072900667)
JTI000035	Powers (EC 1.3)	Declaration of Powers in Support of Joint Intervenors Motion for Summary Disposition of EC 1.3 (Nov. 12, 2007). (Declaration Attached To: ML073170722)
JTI000036	Hayes (EC 6.0)	Excerpts from: NUREG 1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants (Oct. 1999).
JTI000037	Powers (EC 1.3)	Photograph of Dry-Cooled 1,650 MW Midlothian Energy and 4,000 MW Matimba.
JTI000038	Powers (EC 1.3)	Balogh, A and Szabo, Z. The Advanced HELLER System, Technical Features & Characteristics. Presented at EPRI Conference on Advanced Cooling Strategies/Technologies, Sacramento, CA. June 2005.
JTI000039	Hayes (EC 6.0)	Email from McConnel, Wayne to Nance, Steve, dated June 2, 2008. (SNC773; VESP_D0001273).

JTI000040	Hayes (EC 6.0)	Smith, L., Jagoe, C., and Carl, F. Chlor-Alkali Plant Contributes to Mercury Contamination in the River. Proceedings of the 2007 Georgia Water Resources Conference, University of Georgia. March 27-29, 2008.
JTI000041	Hayes (EC 6.0)	Declaration of Hayes in Support of Joint Intervenors' Motion to Admit New Contention (Sept. 21, 2008). (Declaration Attached To: ML082671201)
JTI000042	Young (EC 1.2, 1.3 and 6.0)	Curriculum Vitae of Shawn Young.
JTI000043	Sulkin (EC 1.2 and 1.3)	Curriculum Vitae of Barry Sulkin.
JTI000044	Powers (EC 1.3)	Curriculum Vitae of William Powers.
JTI000045	Hayes (EC 6.0)	Curriculum Vitae of Donald Hayes.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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SOUTHERN NUCLEAR OPERATING ) Docket No. 52-011-ESP  
COMPANY )  
)  
(Early Site Permit for the Vogtle ESP Site) ) January 21, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **JOINT INTERVENORS' REVISED EXHIBIT LIST, INITIAL POSITION STATEMENT AND PREFILED DIRECT TESTIMONY AND CORRECTED EXHIBIT JTI000025** were served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Dated: January 21, 2009

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