

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

January 22, 2009

MEMORANDUM AND ORDER

(Request for Clarification Regarding In Limine Motions)

After reviewing the January 14, 2009 in limine motions of applicant Southern Nuclear Operating Company and the NRC staff and the January 22, 2008 response to those motions by Joint Intervenors,¹ the Board requests clarification from the parties' regarding the following items:

1. Have Joint Intervenors agreed to the deletion of references to wet/dry systems in exhibit JTI000031, paragraph 26?
2. Regarding exhibit JTI000035, paragraph 22, is the agreement to have this entire paragraph struck or only portions of this paragraph and, if the latter, what is the status of the reference to Attachment E and the attachment itself.

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.

3. What is the status of the parties' agreement relative to exhibit JTI000030, which is referenced in the SNC in limine motion at page 4.
4. Relative to exhibits JTI000041 and JTI000045, what is the exact nature of the parties' agreement?

A submission providing the joint views of the parties on these items should be provided to the Board on or before Friday, January 23, 2009.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

January 22, 2009

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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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REQUEST FOR CLARIFICATION REGARDING IN LIMINE MOTIONS) have been served upon the following persons by Electronic Information Exchange.

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LB MEMORANDUM AND ORDER (REQUEST FOR CLARIFICATION REGARDING IN LIMINE
MOTIONS)

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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of January 2009