

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.

(Vogtle Electric Generating Plant, Units 3 and 4)

Docket Nos. 52-025-COL and 52-026-COL

ASLBP No. 09-873-01-COL-BD01

February 19, 2009

MEMORANDUM AND ORDER

(Amended Opportunity to Provide Statements of Position)

By letter dated February 19, 2009, applicant Southern Nuclear Operating Company (SNC) has brought to the attention of the Licensing Board and the other participants in this proceeding a February 18, 2009 decision of the Licensing Board in the Summer combined license (COL) case, see South Carolina Electric & Gas Company and South Carolina Public Service Authority (Also Referred to as Santee Cooper) (Virgil C. Summer Nuclear Station, Units 2 and 3), LBP-09-2, 69 NRC __ (Feb. 18, 2009) (ADAMS Accession No. ML090490756), that SNC asserts is relevant to arguments it made in its December 12, 2009 opposition to Joint Petitioners¹ November 17, 2009 hearing request. See Letter from M. Stanford Blanton, SNC Counsel, to Licensing Board (Feb. 19, 2009).

In a February 18, 2009 memorandum and order, the Board afforded the participants an opportunity to provide their views regarding the impact of a recent decision by the Commission

¹ Joint Petitioners include the Atlanta Women's Action for New Directions, Blue Ridge Environmental Defense League, Center for a Sustainable Coast, Savannah Riverkeeper, and Southern Alliance for Clean Energy.

in the Bellefonte COL proceeding on the admissibility of Joint Petitioners contention SAFETY-1. See Licensing Board Memorandum and Order (Request for Statements of Position and Notice of Need for More Time) (Feb. 18, 2009) at 2 (unpublished). As part of that submission, the participants also can provide any views they may have about the applicability of the Summer COL decision to the admissibility of Joint Petitioners contentions MISC-1 and MISC-2. In that same vein, they also may wish to provide their views on the impact, if any, of the Commission's recent decision in the Fermi COL proceeding, see Detroit Edison Co. (Fermi Unit 3), CLI-09-4, 69 NRC __ (Feb. 17, 2009) (ADAMS Accession No. ML090480542), on the admissibility of those two contentions.

Accordingly, each participant shall have up to and including Tuesday, February 24, 2009, within which to provide the Board with a statement of its position regarding the impact of the Commission's Bellefonte and Fermi issuances and the Summer Board decision on the admissibility of Joint Petitioners three contentions. Each participant's statement shall not exceed fifteen pages in length.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

February 19, 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 Petitioners; and (3) the NRC staff.

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In the Matter of)
)
SOUTHERN NUCLEAR OPERATING) Docket No. 52-025-COL
COMPANY) and 52-026-COL
)
(Vogtle))
)
(Combined Operating License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (AMENDED OPPORTUNITY TO PROVIDE STATEMENTS OF POSITION) 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 19th day of February 2009