

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

March 5, 2009

MEMORANDUM AND ORDER  
(Ruling on Motion to Supplement Exhibit)

By motion dated March 3, 2009, applicant Southern Nuclear Operating Company (SNC) has requested that, pursuant to 10 C.F.R. § 2.323 and Federal Rule of Evidence 106, the Licensing Board permit it to provide an exhibit supplement in connection with environmental contention (EC) 1.3, either as an addition to Joint Intervenors<sup>1</sup> exhibit JTI000050 or as an exhibit for use during the Board's questioning of party witnesses regarding this contention. See Motion to Supplement Exhibit (Mar. 3, 2009) at 1. In its motion, SNC represents that neither the NRC staff nor Joint Intervenors oppose the request to permit the information to be included as a exhibit for the purpose of Board questions, but that Joint Intervenors oppose the supplementation of their exhibit JTI000050.

After reviewing the information at issue, the Board has decided it constitutes material that may be pertinent in the Board's questioning of party witnesses in connection with EC 1.3.

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<sup>1</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.

Accordingly, the SNC March 3, 2009 motion to supplement is granted in that on or before noon Eastern Time on Friday, March 6, 2009, SNC shall submit two new prefiled exhibits. One should contain pages 8-4 and 8-5 of section 8.2.3 of the final environmental impact statement associated with the North Anna early site permit proceeding (NUREG-1811), with the exclusions noted in the version attached to the SNC motion to supplement. The other exhibit should include the pages from the North Anna 3 combined license application final safety analysis report, per the attachment to the SNC motion. SNC should also provide a revised exhibit list in a wordprocessing format to Board law clerks Wen Bu and Emily Krause (emily.krause@nrc.gov).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

/RA/

G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

March 5, 2009

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<sup>2</sup> 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 (RULING ON MOTION TO SUPPLEMENT EXHIBIT) have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
Washington, DC 20555-0001

Administrative Judge  
G. Paul Bollwerk, III, Chair  
E-mail: [gpb@nrc.gov](mailto:gpb@nrc.gov)

Administrative Judge  
Nicholas G. Trikouros  
E-mail: [ngt@nrc.gov](mailto:ngt@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop O-15D-21  
Washington, DC 20555-0001  
Kathryn L. Winsberg, Esq.  
Ann P. Hodgdon, Esq.  
Patrick A. Moulding, Esq.  
Jody C. Martin, Esq.  
Sarah A. Price, Esq.  
Joseph Gilman, Paralegal  
E-mail: [klw@nrc.gov](mailto:klw@nrc.gov)  
[aph@nrc.gov](mailto:aph@nrc.gov); [patrick.moulding@nrc.gov](mailto:patrick.moulding@nrc.gov),  
[jody.martin@nrc.gov](mailto:jody.martin@nrc.gov); [sap1@nrc.gov](mailto:sap1@nrc.gov);  
[jsq1@nrc.gov](mailto:jsq1@nrc.gov)

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Administrative Judge  
James Jackson  
E-mail: [jackson538@comcast.net](mailto:jackson538@comcast.net)

Emily Krause, Law Clerk  
Wen Bu, Law Clerk  
E-mail: [eik1@nrc.gov](mailto:eik1@nrc.gov)  
[Wxb3@nrc.gov](mailto:Wxb3@nrc.gov)

Kenneth C. Hairston, Esq.  
M. Stanford Blanton, Esq.  
Peter D. LeJeune, Esq.  
Leslie Garrett Allen, Esq.  
Balch & Bingham LLP  
1710 Sixth Avenue North  
Birmingham, Alabama 35203-2014  
E-mail: [kchairston@balch.com](mailto:kchairston@balch.com);  
[sblanton@balch.com](mailto:sblanton@balch.com); [plejeune@balch.com](mailto:plejeune@balch.com);  
[lgallen@balch.com](mailto:lgallen@balch.com)

Moanica M. Caston, Esq.  
Southern Nuclear Operating Company, Inc.  
40 Inverness Center Parkway  
P.O. Box 1295, Bin B-022  
Birmingham, AL 35201-1295  
E-mail: [mcaston@southernco.com](mailto:mcaston@southernco.com)

C. Grady Moore, III, Esq.  
Balch & Bingham, LLP  
1901 6<sup>TH</sup> Avenue, Suite 2600  
Birmingham, AL 35203  
E-mail: [gmoore@balch.com](mailto:gmoore@balch.com)

Kathryn M. Sutton, Esq.  
Steven P. Frantz, Esq.  
Paul M. Bessette, Esq.  
Mary Freeze, Admin. Assist.  
Morgan, Lewis & Bockius, LLP  
Co-Counsel for Southern Nuclear Operating  
Company, Inc.  
1111 Pennsylvania Ave., NW  
Washington, DC 20004  
E-mail: [ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)  
[sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com)  
[pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)  
[mfreeze@morganlewis.com](mailto:mfreeze@morganlewis.com)

Diane Curran, Esq.  
Harmon, Curran, Spielberg &  
Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036  
E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

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Lawrence D. Sanders, Esq.  
Turner Environmental Law Clinic  
Emory University School of Law  
1301 Clifton Road  
Atlanta, GA 30322  
E-mail: [lsande3@emory.edu](mailto:lsande3@emory.edu)

Pillsbury Winthrop Shaw Pittman, LLP  
2300 N. Street, N.W.  
Washington, DC 20037-1128  
Robert B. Haemer, Esq.  
Maria Webb, Paralegal  
E-mail: [David.Lewis@pillsbury.com](mailto:David.Lewis@pillsbury.com);  
[robert.haemer@pillsburylaw.com](mailto:robert.haemer@pillsburylaw.com)

Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Counsel for Westinghouse Electric Company,  
LLC  
Barton Z. Cowan  
E-mail: [teribart61@aol.com](mailto:teribart61@aol.com)

Charles R. Pierce  
Southern Company Services, Inc.  
600 North 18<sup>th</sup> Street, BIN B056  
Birmingham, AL 35291-0300  
E-mail: [crpierce@southernco.com](mailto:crpierce@southernco.com)

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

Dated at Rockville, Maryland  
this 5<sup>th</sup> day of March 2009