

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE COMMISSION

In the Matter of)	
)	Docket Nos. 52-025-COL and 52-26-COL
)	
Southern Nuclear Operating Company)	
)	March 14, 2009
(Vogtle Electric Generating Plant,)	
Units 3 & 4))	
)	

**SOUTHERN NUCLEAR OPERATING COMPANY’S
NOTICE OF APPEAL OF LBP-09-03**

Pursuant to 10 C.F.R. § 2.311(c), Southern Nuclear Operating Company (“SNC”) hereby files this Notice of Appeal of the Atomic Safety Licensing Board’s (“Board”) decision of *Southern Nuclear Operating Co.* (Vogtle Electric Generating Plant, Units 3 and 4), LBP-09-03, 69 NRC___ (slip op.) (March 5, 2009) (“LBP-09-03”), which granted the Petition to Intervene of Atlanta Women’s Action for New Directions, the Blue Ridge Environmental Defense League, the Center for Sustainable Cost, the Savannah Riverkeeper, and the Southern Alliance for Clean Energy and admitted for litigation in the above-captioned proceeding one contention, denominated as SAFETY-1.

LBP-09-03 erred in admitting SAFETY-1. For the reasons fully set forth in SNC’s accompanying Brief in Support of Appeal, SAFETY-1 should have been rejected as inadmissible, and the Petitioners’ Petition to Intervene should have been wholly denied as contrary to 10 C.F.R. § 2.309(f)(1). Under 10 C.F.R. § 2.311(c), an Order of the Board is appealable by a party other than the petitioner as to whether the petition should have been wholly

denied, within ten (10) days of service. The Board issued LBP-09-03 on March 5, 2009; thus, SNC's appeal is timely.

Respectfully submitted,

Signed (electronically) by M. Stanford
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Dated this 14th day of March, 2009

CERTIFICATE OF SERVICE

I hereby certify that copies of SOUTHERN NUCLEAR OPERATING COMPANY'S NOTICE OF APPEAL in the above captioned proceeding have been served by electronic mail as shown below, this 14th day of March, 2009, and/or by e-submittal.

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*And upon any other persons designated on the
official service list compiled by the Nuclear
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(Original signed by M. Stanford Blanton)

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