

RAS 91

DOCKETED
USNRC



BALCH & BINGHAM LLP

Alabama • Georgia • Mississippi • Washington, DC

Chad Pilcher
(205) 226-8731

October 30, 2009 (12:05pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attorneys and Counselors
1710 Sixth Avenue North
P.O. Box 306 (35201-0306)
Birmingham, AL 35203-2015
(205) 251-8100
(205) 226-8798 Fax
www.balch.com

direct fax (205) 488-5736
cpilcher@balch.com

October 30, 2009

VIA FEDEX

Lawrence D. Sanders, Esq.
Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322

Ann P. Hodgdon, Esq.
U.S. Nuclear Regulatory Commission
Office of the General Counsel
1155 Rockville Pike, Stop O-15 D21
Rockville, MD 20852-0001

Re: Second Supplemental Disclosures Pursuant to 10 CFR § 2.336 for Contention SAFETY-1; Southern Nuclear Operating Co. (COL for Vogtle Units 3 and 4), Docket Nos. 52-025-COL and 52-026-COL

Dear Mr. Sanders and Ms. Hodgdon:

Pursuant to 10 CFR § 2.336 and the agreement between the parties as set forth in the Atomic Safety and Licensing Board's ("ASLB") Order of August 17, 2009 regarding mandatory disclosures ("August 17 Order"), Southern Nuclear Operating Company, Inc. ("Southern Nuclear") is providing the attached Second Supplemental Disclosures regarding Contention SAFETY-1, admitted by the ASLB's Order of March 5, 2009. Also attached is a supporting affidavit of Mr. Charles R. Pierce, Vogtle Deployment Licensing Manager for Southern Nuclear.

The Second Supplemental Disclosures include a description of the documents and data compilations in the possession, custody, or control of Southern Nuclear (including its applicable affiliates and contractors) that are relevant to the admitted contention. Southern Nuclear is still in the process of reviewing each document identified in its disclosures to confirm whether or not they contain proprietary or privileged information. Thus, the disclosures may be over-inclusive in some respects in that they may include documents that are not discoverable based on 10 CFR § 2.336 or the ASLB's August 17 Order.

Please do not hesitate to contact me if you have any questions or need any further information.

Sincerely,

Chad A. Pilcher

Attachments

Template Secy-026

DS-03

| SNC241 | | | E-mail from Stuart Griffin to Buzz Miller, et al. and attached report regarding Vogtle 3 & 4 3rd Quarter Earnings | 10/22/2009 | Southern Nuclear | E-mail/Report | |
|--------|--|--|---|------------|------------------|---------------|--|
| SNC242 | | | E-mail from Mike Godfrey to Nicole Faulk regarding LLRW comments | 10/29/2009 | Southern Nuclear | E-mail | |
| SNC243 | | | E-mail from Mike Godfrey to Nicole Faulk regarding LLRW information from PSC question | 10/30/2009 | Southern Nuclear | E-mail | |

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

| | | |
|--|---|----------------------------|
| In the Matter of |) | Docket Nos. 52-025-COL and |
| Southern Nuclear Operating Company |) | 52-026-COL |
| (COL for Vogtle Electric Generating Plant, |) | October 30, 2009 |
| Units 3 and 4) |) | |

CERTIFICATION OF SECOND SUPPLEMENTAL DISCLOSURES
AFFIDAVIT OF CHARLES R. PIERCE

County of Shelby)
)
State of Alabama)

I, **CHARLES R. PIERCE**, being duly sworn according to law, depose and state the following:

I am the Vogtle Deployment Licensing Manager for Southern Nuclear Operating Company, Inc. ("Southern Nuclear"). My business address is 42 Inverness Center Parkway, Birmingham, Alabama 35242. I am authorized to provide this certification on behalf of Southern Nuclear.

To the best of my knowledge, information and belief, Southern Nuclear's second supplemental disclosures in the above captioned proceeding contain all materials required to be disclosed by 10 C.F.R. § 2.336(a), as modified by the Atomic Safety and Licensing Board's Order of August 17, 2009 (Ruling Regarding Joint Motion on Mandatory Disclosures and Request for Additional Scheduling), that were identified as relevant

through a search of the information and documentation reasonably available to and under the possession, custody, or control (including its applicable affiliates and contractors) of Southern Nuclear. Further, to the best of my knowledge, information and belief, and based on the review of information and documentation currently reasonably available to and under the possession, custody, or control of Southern Nuclear, these second supplemental disclosures are accurate and complete as of this date.

Further, the affiant sayeth not.

Charles R. Pierce
CHARLES R. PIERCE

SWORN TO and SUBSCRIBED before me this the 30th day of October, 2009.

Dona H. Callin
Notary Public

My commission expires 4/23/2011

Hearing Docket

From: Conduff, Linda [lconduff@balch.com]
Sent: Friday, October 30, 2009 12:05 PM
To: OCAAMAIL Resource; Bollwerk, Paul; Trikouros, Nicholas; 'jackson538@comcast.net'; Jackson, James; 'mcaston@southernco.com'; Docket, Hearing; Moulding, Patrick; Price, Sarah; 'ksutton@morganlewis.com'; 'sfrantz@morganlewis.com'; 'pbessette@morganlewis.com'; 'deckert@morganlewis.com'; 'robert.haemer@pillsburylaw.com'; 'lsande3@emory.edu'; 'magolds@emory.edu'; 'jxb@nei.org'
Cc: Blanton, Stan; Moore, C. Grady; LeJeune, Peter; 'DANAWILL@SOUTHERNCO.COM'; Pilcher, Chad
Subject: Southern Nuclear's Second Supplemental Disclosures
Attachments: Southern Nuclear Second Supplemental Disclosures - Docket Nos. 52-025 and 52-026.pdf

Please find attached Southern Nuclear's Second Supplemental Disclosures relating to the admitted contention in Docket Nos. 52-025-COL and 52-026-COL. We are sending a hard copy to the Joint Intervenors and NRC Staff via FedEx.

Linda Conduff
Legal Assistant to Peter LeJeune
Chad Pilcher and Millie Ronnlund
Balch & Bingham LLP
1901 Sixth Avenue North
Birmingham, Alabama 35203-4644
(205) 488-5410 - Phone
(205) 226-8798 - Fax

IRS CIRCULAR 230 DISCLOSURE: Unless explicitly stated to the contrary, this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

CONFIDENTIALITY NOTE: This email and any attachments may be confidential and protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the e-mail or any attachment is prohibited. If you have received this email in error, please notify us immediately by replying to the sender and deleting this copy and the reply from your system. Thank you for your cooperation.

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Fri, 30 Oct 2009
12:05:25 -0400

X-Ironport-ID: mail1

X-SBRS: 5.3

X-MID: 7741297

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

AkMBAAOs6kpBpQHKmWdsb2JhbACCJyyZAwEBAQEBCAsKBxO2bQmOfQKCUoFpB
ItY

X-IronPort-AV: E=Sophos;i="4.44,654,1249272000";
d="pdf?scan'208,217";a="7741297"

Received: from mail.balch.com ([65.165.1.202]) by mail1.nrc.gov with ESMTTP;
30 Oct 2009 12:05:00 -0400

Received: from bhamhub01.corp.balch.com (10.1.1.145) by
BHAMCAS01.corp.balch.com (10.1.1.142) with Microsoft SMTP Server (TLS) id
8.1.311.2; Fri, 30 Oct 2009 11:04:58 -0500

Received: from bhamexmb01.corp.balch.com ([10.1.1.143]) by
bhamhub01.corp.balch.com ([10.1.1.145]) with mapi; Fri, 30 Oct 2009 11:04:58
-0500

From: "Conduff, Linda" <lconduff@balch.com>

To: "ocaamail@nrc.gov" <ocaamail@nrc.gov>, "gpb@nrc.gov" <gpb@nrc.gov>,
"ngt@nrc.gov" <ngt@nrc.gov>, "jackson538@comcast.net"
<jackson538@comcast.net>, "jxj2@nrc.gov" <jxj2@nrc.gov>,
"mcaston@southernco.com" <mcaston@southernco.com>,
"hearingdocket@nrc.gov" <hearingdocket@nrc.gov>,
"patrick.moulding@nrc.gov" <patrick.moulding@nrc.gov>, "sap1@nrc.gov"
<sap1@nrc.gov>, "ksutton@morganlewis.com" <ksutton@morganlewis.com>,
"sfrantz@morganlewis.com" <sfrantz@morganlewis.com>,
"pbessette@morganlewis.com" <pbessette@morganlewis.com>,
"deckert@morganlewis.com" <deckert@morganlewis.com>,
"robert.haemer@pillsburylaw.com" <robert.haemer@pillsburylaw.com>,
"lsande3@emory.edu" <lsande3@emory.edu>, "magolds@emory.edu"
<magolds@emory.edu>, "jxb@nei.org" <jxb@nei.org>

CC: "Blanton, Stan" <SBLANTON@balch.com>, "Moore, C. Grady"
<GMOORE@balch.com>, "LeJeune, Peter" <plejeune@balch.com>,
"DANAWILL@SOUTHERNCO.COM" <DANAWILL@SOUTHERNCO.COM>,
"Pilcher, Chad"

<cpilcher@balch.com>

Date: Fri, 30 Oct 2009 11:04:57 -0500

Subject: Southern Nuclear's Second Supplemental Disclosures

Thread-Topic: Southern Nuclear's Second Supplemental Disclosures

Thread-Index: AcpZermqahS4h4uvQqqWNYDVek0fog==

Message-ID:

<0C692FB181F6A84A80768681C140CFDD7EED9F@BHAMEXMB01.corp.balch.com>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

acceptlanguage: en-US

Content-Type: multipart/mixed;

boundary="_004_0C692FB181F6A84A80768681C140CFDD7EED9FBHAMEXM
B01corpbal_"
MIME-Version: 1.0