

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. 10-903-01-COL-BD02

September 3, 2010

MEMORANDUM AND ORDER

(Initial Prehearing Conference Schedule;
Opportunity for Written Limited Appearance Statements)

A. Schedule for Initial Prehearing Conference

In response to the Licensing Board's August 30, 2010 memorandum and order regarding scheduling for an initial prehearing conference, on September 1, 2010, applicant Southern Nuclear Operating Company (SNC), Joint Intervenors,¹ and the NRC staff provided a joint report in which they specified dates and times during which they would be available for such a conference. After reviewing this information, the Board has decided to schedule the initial prehearing conference for the following date, time, and locations:

Date: Friday, September 17, 2010

Starting Time: 9:00 a.m. Eastern Time (ET)

¹ Joint Intervenors (as they have designated themselves) include the Blue Ridge Environmental Defense League (BREDL), the Center for a Sustainable Coast (CSC), and Georgia Women's Action for New Directions for Clean Energy (GWA).

Locations: Atomic Safety and Licensing Board Panel Hearing Room
Room T-3B45
Third Floor, Two White Flint North Building
11545 Rockville Pike
Rockville, Maryland

and

245 Peachtree Center Ave.,
Suite 1200 (Reception Area)²
Atlanta, Georgia

The Board will preside over this prehearing conference from the Panel's Rockville, Maryland hearing room. The Board also anticipates that counsel for SNC, Joint Intervenors, and the staff will participate from the Panel's Rockville facility. To accommodate any members of the public in the vicinity of the proposed Vogtle Electric Generating Plant facilities who might wish to observe the proceeding, the prehearing conference also will be available for viewing only (via videoconference) from the above-designated conference room in the agency's Region II office in Atlanta. Anyone wishing to attend at the Rockville or Atlanta locations is reminded that they should arrive in sufficient time to allow for security screening and should bring a government-issued picture identification card (i.e., a driver's license).

The allocation of time for arguments by legal counsel in connection with Joint Intervenors' August 12, 2010 request (as revised) to admit new contention SAFETY-2 is as follows:³

² Members of the public wishing to observe the prehearing conference from NRC's Region II office in Atlanta should report to the twelfth floor reception area, after which they will be escorted to the viewing area (Executive Conference Room, R2-1486-32p).

³ Prior to beginning their arguments, counsel for Joint Intervenors and for SNC and the staff should be prepared to advise the Board about how they wish to divide their respective time allocations.

Joint Intervenors -- 60 minutes (includes rebuttal)

SNC and NRC staff -- 60 minutes (total for both participants)

In their arguments, the participants should be prepared to address all the issues -- both procedural (i.e., Joint Intervenors standing; compliance with requirements governing nontimely/new contentions under 10 C.F.R. § 2.309(c)(1), (f)(2), and record reopening under section 2.326) and substantive (i.e., compliance with section 2.309(f)(1) contention admission standards) -- that have been raised relative to the admissibility of contention SAFETY-2. Absent some other agreement among the participants, the Board anticipates that argument will be presented by only one counsel for each participant.

B. Limited Appearance Statements by Members of the Public

Relative to the opportunity for members of the public to present limited appearance statements in accord with 10 C.F.R. § 2.315(a), the Board does not intend to conduct oral limited appearance sessions at this juncture. Any person not a petitioner to this proceeding who wishes to make a statement regarding the issues in the proceeding can do so in writing. Limited appearance statements, which are placed in the docket for the hearing, provide members of the public with an opportunity to make the Board and/or the participants aware of their concerns about matters at issue in the proceeding.

A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail to: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-1101 (verification (301) 415-1966)

E-mail to: hearingdocket@nrc.gov

In addition, a copy of the limited appearance statement should be sent to the Licensing Board

Chairman using the same method at the address below:

Mail to: Administrative Judge G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-5599 (verification (301) 415-7550)

E-mail to: paul.bollwerk@nrc.gov

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

September 3, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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SOUTHERN NUCLEAR OPERATING COMPANY) Docket Nos. 52-025 and 52-026-COL
) ASLBP No. 10-903-01-COL-BD02
(Vogtle))
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE; OPPORTUNITY FOR WRITTEN LIMITED APPEARANCE STATEMENTS) have been served upon the following persons by Electronic Information Exchange.

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OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

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Docket Nos. 52-025 and 52-026-COL
MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE;
OPPORTUNITY FOR WRITTEN LIMITED APPEARANCE STATEMENTS)

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MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE;
OPPORTUNITY FOR WRITTEN LIMITED APPEARANCE STATEMENTS)

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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of September 2010