

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 29, 2010

MEMORANDUM AND ORDER

(Schedule Regarding Initial Prehearing Conference/Oral Argument)

In this 10 C.F.R. Part 52 combined license proceeding, the Licensing Board previously had scheduled a September 17, 2010 initial prehearing conference/oral argument regarding the pending August 12, 2010 request by the groups that have designated themselves as Joint Intervenors* to admit a new contention, Safety-2, regarding containment liner corrosion. See Licensing Board Memorandum and Order (Initial Prehearing Conference Schedule; Opportunity for Written Limited Appearance Statements) (Sept. 3, 2010) at 1-2 (unpublished). One week before the conference/argument was scheduled to occur, the Board received word that Joint Intervenors' counsel had withdrawn from the proceeding, requiring that the conference/argument be cancelled to provide Joint Intervenors with an opportunity to retain new counsel. See Licensing Board Memorandum and Order (Canceling Scheduled Oral Argument;

* Joint Intervenors include the Blue Ridge Environmental Defense League (BREDL), the Center for a Sustainable Coast (CSC), and Georgia Women's Action for New Directions (Georgia WAND).

Setting Schedule for Further Submission by Joint Intervenors) (Sept. 13, 2010) at 1-3 (unpublished).

With the September 22, 2010 entry of an appearance by Joint Intervenors' new counsel, see Notice of Appearance for John D. Runkle, Esq. (Sept. 22, 2010), in a September 23, 2010 memorandum and order, the Licensing Board proposed dates and times during the week of October 4, 2010, for an initial prehearing conference/oral argument, see Licensing Board Memorandum and Order (Scheduling Regarding Joint Intervenors Reply-Related Filings) (Sept. 23, 2010) at 1-2 (unpublished). In that issuance, the Board also requested that by September 28 the participants, including Joint Intervenors, applicant Southern Nuclear Operating Company (SNC), and the NRC staff, provide the Board with a joint report specifying their preferences among the designated dates and times. See id. at 2.

Acting on behalf of the other participants, on September 27 SNC counsel submitted a joint report in which he indicated that although SNC and staff counsel were available on the designated dates, counsel for Joint Intervenors was not. See Response to Atomic Safety and Licensing Board Order Regarding Oral Argument Dates (Sept. 27, 2010) at 1-2. Upon further inquiry by Licensing Board Panel law clerk Wen Bu, counsel for Joint Intervenors stated that pre-existing travel plans would take him outside the country from September 30 through October 17, 2010. As a consequence, Ms. Bu inquired about the availability of the various participants for a conference/argument during the week of October 18, 2010.

Based on the responses to those queries, the Board establishes the following schedule for the initial prehearing conference/oral argument:

Tuesday, October 19, 2010, at 9:00 a.m. Eastern Time

The conference/argument will be conducted in the Licensing Board Panel Hearing Room in Rockville, Maryland, and the Board anticipates that it should last no more than a half-day. In the

near future, the Board will issue an additional order specifying the allocation of argument times and providing further administrative details regarding the conference/argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

September 29, 2010

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULE REGARDING INITIAL PREHEARING CONFERENCE/ORAL ARGUMENT) have been served upon the following persons by Electronic Information Exchange.

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

G. Paul Bollwerk, III, Chair
Administrative Judge
E-mail: paul.bollwerk@nrc.gov

Nicholas G. Trikouros
Administrative Judge
E-mail: nqt@nrc.gov

James F. Jackson
Administrative Judge
E-mail: jxj2@nrc.gov
jackson538@comcast.net
james.jackson@nrc.gov

Wen Bu, Law Clerk, ASLBP
E-mail: wen.bu@nrc.gov

Jonathan C. Eser, Law Clerk, ASLBP
E-mail: jonathan.eser@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001
Marian Zabler, Esq.
Ann P. Hodgdon, Esq.
Sara Kirkwood, Esq.
Patrick A. Moulding, Esq.
Sarah Price, Esq.
Carol H. Lazar, Esq.
Jessica Bielecki, Esq.
Stephanie Liaw, Esq.
Joseph Gilman, Paralegal
E-mail: marian.zabler@nrc.gov; aph@nrc.gov;
Sara.Kirkwood@nrc.gov;
patrick.moulding@nrc.gov; sap1@nrc.gov
jsg1@nrc.gov; Carol.Lazar@nrc.gov;
jessica.bielecki@nrc.gov; stephanie.liaw@nrc.gov

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

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Docket Nos. 52-025 and 52-026-COL
LB MEMORANDUM AND ORDER (SCHEDULE REGARDING INITIAL PREHEARING
CONFERENCE/ORAL ARGUMENT)

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

Kathryn M. Sutton, Esq.
Steven P. Frantz, Esq.
Paul M. Bessette, Esq.
Mary Freeze, Legal Secretary
Angela M. Perry, Legal Secretary
Morgan, Lewis & Bockius, LLP
Co-Counsel for Southern Nuclear Operating Co., Inc.
1111 Pennsylvania Ave., NW
Washington, DC 20004
E-mail: ksutton@morganlewis.com
sfrantz@morganlewis.com
pbessette@morganlewis.com
mfreeze@morganlewis.com
angela.perry@morganlewis.com

Georgia Women's Action for New Directions (WAND),
Blue Ridge Environmental Defense League (BREDL),
Center for Sustainable Coast (CSC), Savannah
Riverkeeper and Southern Alliance for Clean Energy
(SACE)

Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
Lawrence Sanders, Esq.
E-mail: lsande3@emory.edu
Mindy Goldstein
E-mail: maqolds@emory.edu

Kenneth C. Hairston, Esq.
M. Stanford Blanton, Esq.
Peter D. LeJeune, Esq.
Chad Pilcher, Esq.
Millicent Ronnlund
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, Alabama 35203-2014
E-mail: kchairston@balch.com;
sblanton@balch.com; plejeune@balch.com;
cpilcher@balch.com; mronnlund@balch.com

C. Grady Moore, III, Esq.
Balch & Bingham, LLP
1901 6TH Avenue, Suite 2600
Birmingham, AL 35203
Leslie Garrett Allen, Esq.
E-mail: gmoore@balch.com
E-mail: lgallen@balch.com

Robert B. Haemer, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1122
E-mail: robert.haemer@pillsburylaw.com

James B. Dougherty, Esq.
Center for Sustainable Coast (CSC), Savannah
Riverkeeper, Southern Alliance for Clean Energy,
Georgia Women's Action for New Directions, and
Blue Ridge Environmental Defense League
709 3rd Street, SW
Washington, DC 20024
E-mail: jimdougherty@aol.com

DOCKET NOS. 52-025 AND 52-026-COL
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CONFERENCE/ORAL ARGUMENT)

Louis Zeller, Esq.
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629
E-mail: bredl@skybest.com

John Runkle, Esq.
NC WARN
P. O. Box 3793
Chapel Hill, NC 27515
E-mail: jrunkle@pricecreek.com

[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 29th day of September 2010