

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS

Dale E. Klein, Chairman  
Edward McGaffigan, Jr.  
Gregory B. Jaczko  
Peter B. Lyons

**DOCKETED 08/30/07**  
**SERVED 08/30/07**

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In the Matter of )

SOUTHERN NUCLEAR OPERATING CO. )

(Early Site Permit for Vogtle ESP Site) )

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) Docket No. 52-011-ESP  
)  
)  
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**CLI-07-24**

**MEMORANDUM AND ORDER**

The Commission delegated this early site permit (ESP) application proceeding to the Licensing Board to conduct the mandatory hearing and make the findings required under 10 C.F.R. § 2.104(b).<sup>1</sup> Subsequently, the Commission accepted a proposal from the Combined License Review Task Force that the Commission itself conduct the mandatory hearings for combined operating license applications.<sup>2</sup> In view of this Commission decision, the Board certified the following question to the Commission, pursuant to 10 C.F.R. § 2.319(l):

Does the Commission wish this Licensing Board to conduct the Vogtle ESP mandatory hearing?<sup>3</sup>

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<sup>1</sup> See *Southern Nuclear Operating Company; Notice of Hearing and Opportunity to Petition for Leave to Intervene on an Early Site Permit for the Vogtle ESP Site*, 71 Fed. Reg. 60,195, 60,195-96 (Oct. 12, 2006).

<sup>2</sup> See Memorandum from Annette L. Vietti-Cook, Secretary, to Luis A. Reyes, Executive Director for Operations, et al., Staff Requirements - COMDEK-07-0001/COMJSM-07-0001 - Report of the Combined License Review Task Force (June 22, 2007) at 1.

<sup>3</sup> *Memorandum (Certifying Question Regarding Conduct of Mandatory Hearing)* (July 12, 2007) at 3, unpublished Licensing Board decision.

In response to this certified question, the Commission affirms its original delegation to the Board and asks the Board to conduct the mandatory hearing in this proceeding, as originally planned.

IT IS SO ORDERED.

For the Commission

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 30<sup>th</sup> day of August, 2007

UNITED STATES OF AMERICA  
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 COMMISSION MEMORANDUM AND ORDER (CLI-07-24) have been served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Docket No. 52-011-ESP  
 COMMISSION MEMORANDUM AND ORDER  
 (CLI-07-24)

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[Original signed by Adria T. Byrdsong]  
 Office of the Secretary of the Commission

Dated at Rockville, Maryland  
 this 30<sup>th</sup> day of August 2007