

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 Jackson

In the Matter of

SOUTHERN NUCLEAR OPERATING CO.

(Early Site Permit for Vogtle ESP Site)

Docket No. 52-011-ESP

ASLBP No. 07-850-01-ESP-BD01

**PETITIONERS' MOTION FOR EXTENSION OF TIME TO REPLY TO
RESPONSES TO CONTENTIONS**

Pursuant to the Atomic Safety and Licensing Board's ("ASLB") Initial Prehearing Order of December 18, 2006 ("Initial Prehearing Order"), Petitioners, Center for a Sustainable Coast, Savannah Riverkeeper, Southern Alliance for Clean Energy, Atlanta Women's Action for New Directions, and Blue Ridge Environmental Defense League, each of which has petitioned to intervene in the above-captioned Early Site Permit ("ESP") proceeding, hereby move for an extension of time to file replies to the Applicant and Staff answers to the Petition to Intervene. Petitioners request leave to file their replies on January 26, 2007, instead of the current due date of January 17, 2007.

Petitioners received Southern Nuclear Operating Company's, Inc. ("SNC's") response on DATE, and the other responses on DATE. *See* SNC's Answer to Petitioners'

Contentions (DATE); NRC Staff's Answer to Contentions of Center for a Sustainable Coast, Savannah Riverkeeper, SACE, WAND, and BREDL (DATE).

(1) As required by the Initial Prehearing Order, Petitioners have sought consent of counsel for the Applicants and the NRC Staff regarding this motion. Both counsel for the Staff and Applicant do not oppose an extension until Monday, January 22, 2007, but oppose granting Petitioners' motion to extend the deadline until January 26.

(2) Petitioners submit the following "appropriate cause" in support of their motion for an extension of time. Prehearing Order at 6; *see also Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18, 21 (1998). First, the time period for replying to applicants and the NRC includes the Martin Luther King Jr. holiday weekend during which time Petitioner's office will be closed and support staff will be unavailable. Thus, as a practical matter, the time for preparing Petitioner's replies amounts to only four working days. Second, the briefs on the Petition to Intervene are so lengthy as make a Reply to Contentions within seven days extremely difficult. Third, the Commission's interest in efficiency will be better served by granting an extension so as to receive higher quality responses as opposed to a rushed response. Finally, the issues raised by Petitioners and responded to by Applicants and the NRC Staff are both novel and complex, including factual issues on which Petitioners must consult their technical experts in preparing a reply. Thus, preparation of a meaningful reply will consume a significant amount of time. Petitioners do not believe the Commission contemplated such extreme circumstances in establishing the seven-day time period for replies in 10 C.F.R. § 2.309(h)(2). Accordingly, Petitioners request that the ASLB grant an additional nine

days to Petitioners to prepare their replies to the Applicants and the NRC Staff, or until January 26, 2007.

Additionally, Petitioners respectfully submit that the requested extension will not delay the Initial Prehearing Conference or otherwise adversely affect the parties. If the extension is granted, the NRC Staff, Applicants and ASLB will have Petitioners' replies in hand for seventeen days (11 working days) before the Initial Prehearing Conference begins on February 13, 2007. Moreover, the scope of the hearing is defined by the Petition to Intervene, filed December 11, 2006, and Petitioners' replies are limited in scope to issues raised in the Applicants and NRC Staff answers. As a result, the Applicants and Staff are already fully apprised of the matters at issue in the Initial Prehearing Conference. Although the proposed extension of time will refine the issues before the ASLB, it cannot possibly expand the scope of the hearing.

Respectfully submitted this 12th day of January, 2007,

[Signed by L. Sanders]

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **PETITIONER'S MOTION FOR EXTENSION OF TIME TO REPLY TO RESPONSES TO CONTENTIONS** have been served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Dated this 12th day of January, 2007

[Signed by L. Sanders]

Lawrence D. Sanders