

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
DOMINION NUCLEAR NORTH ANNA, LLC.) Docket No. 52-008-ESP
)
(Early Site Permit for North Anna ESP Site))

NRC STAFF'S UNOPPOSED MOTION FOR A
TEN-PAGE EXPANSION OF THE PAGE LIMIT FOR ITS INITIAL BRIEF ADDRESSING
THE ISSUES SET OUT IN THE COMMISSION'S ORDER DATED AUGUST 2, 2007 (CLI-07-23)

Jerry Bonanno
Counsel for the NRC Staff

August 17, 2007

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Pursuant to the Commission's Order dated August 2, 2007,¹ the NRC Staff ("Staff") hereby respectfully requests a ten-page expansion of the 40-page limit for filing its initial brief addressing the dissenting opinion and other issues raised by the Atomic Safety and Licensing Board ("Board") in its Initial Decision dated June 29, 2007.² *Dominion Nuclear North Anna, LLC* (Early Site Permit for North Anna ESP Site), LBP-07-09, 65 NRC ____, slip op. (June 29, 2007)("Initial Decision"). In its August 2, 2007 Order the Commission set a 40-page limit on the initial briefs to be filed by the Staff and Dominion Nuclear North Anna, LLC ("Dominion"), but stated that motions to expand the page limits would be entertained if good cause for such motions could be shown. CLI-07-23 at 2, n.4.

Accordingly, the Staff requests that it be permitted to file an initial brief up to and including 50-pages in length. This request reflects a conservative, good faith estimate of the number of additional pages that will be necessary to fully address the dissenting opinion and other important issues raised by the Board, as well as request Commission direction on an additional important issue.

¹ *Dominion Nuclear North Anna, LLC* (Early Site Permit for North Anna ESP Site), CLI-07-23, 66 NRC ____, slip op. (Aug. 2, 2007).

² The Staff recognizes that 10 C.F.R. § 2.323(a) states that "[a] motion must be made no later than ten (10) days after the occurrence or circumstance from which the motion arises." However, in this case, the need for an expansion of the page limit imposed by the Commission in its August 2, 2007, Order did not become apparent until the drafting process for the Staff's initial brief was substantially underway.

Although the Staff believes an expansion of the 40-page limit is necessary, the Staff is making every effort to respond concisely to the Commission's Order.

The Staff has good cause for this expansion because, as allowed under the Commission's Order, the Staff will raise one issue for Commission consideration in addition to addressing the novel and important issues and the perceived deficiencies in the Staff's evidence and arguments raised by the majority opinion of the Initial Decision, and the issues discussed in the dissent to the Initial Decision. The Staff has determined that the page expansion is necessary in order to adequately present this additional issue for Commission consideration, while also adequately addressing the dissenting opinion, the novel and important issues raised by the Board, and the specific testimony cited by the Commission in footnote 3 of its Order.

Counsel for Dominion authorized the Staff to represent here that Dominion does not object to this motion.

Respectfully submitted,

/RA/
Jerry Bonanno
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 17th day of August, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DOMINION NUCLEAR NORTH ANNA, LLC) Docket No. 52-008-ESP
)
(Early Site Permit for North Anna ESP Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S UNOPPOSED MOTION FOR A TEN-PAGE EXPANSION OF THE PAGE LIMIT FOR ITS INITIAL BRIEF ADDRESSING THE ISSUES SET OUT IN THE COMMISSION'S ORDER DATED AUGUST 2, 2007 (CLI-07-23)," have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, and by deposit in the U.S. mail, first class postage prepaid, with copies by electronic mail, as indicated by double asterisk, this 17th day of August, 2007:

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