

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board
G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. James Jackson

In the Matter of)	
)	December 4, 2007
SOUTHERN NUCLEAR OPERATING CO)	
)	Docket No. 52-011-ESP
(Early Site Permit for Vogtle ESP Site))	ASLBP No. 07-850-01-
)	ESP-BD01

**JOINT INTERVENORS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE ANSWERS TO NRC STAFF'S MOTIONS TO STRIKE AND SNC MOTIONS TO
STRIKE AND TO SUPPLEMENT RECORD**

Pursuant to 10 C.F.R. §§2.323(a) and 2.1204 , Joint Intervenors, 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, hereby request that the Atomic Safety and Licensing Board ("Board") accept late-filed answers to NRC Staff motions filed on Wednesday, November 21, 2007 and to Southern Nuclear Operating Company ("SNC") motions filed on Friday, November 23, 2007, out of time. Despite a good faith effort to meet the filing deadline, the Joint Intervenors did not respond to SNC and Staff motions by the December 3, 2007 due date. Pursuant to 10 C.F.R. §2.323(b), Joint Intervenors consulted with the NRC staff and SNC and all parties stipulate to the filing of answers to the various outstanding motions on December 6, 2007.

DISCUSSION

On November 21, 2007, NRC Staff filed two motions to strike portions of Joint Intervenors' Answer to SNC's Motion for Summary Disposition of EC 1.2 and Answer to SNC's Motion for Summary Disposition of EC 1.3¹ ("Answers"). Similarly, on November 23, 2007, SNC submitted motions to strike portions of Intervenors' Answers. SNC also submitted a Motion to Supplement the Record Regarding EC 1.3.² Pursuant 10 C.F.R §§ 2.306 and 2.323(c), Joint Intervenors' answers were due on Monday, December 3, 2007. The Joint Intervenors respectfully request leave to file responses on Thursday December 6, 2007. For the following reasons, Joint Intervenors' request a three-day extension to respond to the five pending motions.

Joint Intervenors mistakenly neglected to include the Thanksgiving holiday and weekend days when calculating the deadline for filing responses to the SNC and NRC Staff motions. As a result, Joint Intervenors were under the impression that responses were due on December 6, 2007. *See* 10 C.F.R §2.323 (c). Joint Intervenors were unaware of their error until December 4, 2007, after the filing deadline had passed.

The December 3, 2007 deadline allowed only five working days for Joint Intervenors to respond to five separate motions. The issues raised by SNC and the NRC Staff motions are complex and include factual issues on which the Joint Intervenors have had to consult their technical experts in preparing a response. Joint Intervenors council's office was closed November 22 through November 26, 2007 for the Thanksgiving Holiday. Technical consultants

¹ *See* NRC Staff Motion to Strike Portion of Joint Intervenors' Answer Opposing Summary Disposition of E.C. 1.2 (November 21, 2007); *see also*, NRC Staff Motion to Strike Portions of Joint Intervenors' Answer Opposing Summary Disposition of EC 1.2 (November 21, 2007).

² *See* SNC's Motion to Strike or in the Alternative, For Leave to Reply to Joint Intervenors' Answer Opposing SNC's Motion For Summary Disposition of Environmental Contention 1.2; and SNC's Motion to Strike or in the Alternative, For Leave to Reply to Joint Intervenors' Answer Opposing SNC's Motion For Summary Disposition of Environmental Contention 1.3; and SNC's Motion to Supplement the Record Regarding SNC Motion for Summary Disposition of Environmental Contention 1.3 (November 23, 2007).

and legal counsel were unavailable and could not be reached during that time. Joint Intervenors made a good faith effort to comply with NRC rules. But given the confusion surrounding the calculation of its filing deadline and the abbreviated window to draft its responses, the Joint Intervenors' were unable to file its answers on a timely basis.

CONCLUSION

For the reasons discussed above, Joint Intervenors respectfully request that the Board grant their unopposed motion to file out of time. Accordingly, Joint Intervenors request leave of the Board to file answers to the motions to strike and to supplement the record on December 6, 2007.

Respectfully submitted this 4th day of December, 2007,

[Signed by L. Sanders]

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **JOINT INTERVENORS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWERS TO NRC STAFF'S MOTIONS TO STRIKE AND SNC MOTIONS TO STRIKE AND TO SUPPLEMENT RECORD** have been served upon the following persons by Electronic Information Exchange and/or electronic mail.

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Dated this 4th day of December, 2007

[Original signed by L. Sanders]

Lawrence D. Sanders