

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 Company, Inc. ) Docket Nos. 52-025 and 52-026  
Vogtle Electric Generating Plant, ) ASLBP No. 09-873-01-COL-BD01  
Units 3 and 4 )  
\_\_\_\_\_ )

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

Pursuant to the Atomic Safety and Licensing Board's (the "Board") Initial Prehearing Order of December 2, 2008 (the "Initial Prehearing Order"), 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 (collectively, "Petitioners"), each of which has petitioned to intervene in the above-captioned Combined License ("COL") proceeding, hereby move for an extension of time to file replies to the Southern Nuclear Operating Company ("SNC") Answer Opposing Petition to Intervene (the "SNC Answer") and the Nuclear Regulatory Commission ("NRC") Staff Answer to Petition For Intervention (the "NRC Staff Answer").

Petitioners request leave to file their replies on December 23, 2008, instead of the current due date of December 19, 2008.

Petitioners received both the SNC Answer and the NRC Staff Answer on December 12, 2008.

(1) As required by the Initial Prehearing Order, Petitioners have sought consent of counsel for SNC and the NRC Staff regarding this motion. Initial Prehearing Order at 6. Counsel for SNC opposes the requested extension. Counsel for the NRC Staff has not responded to the voicemail and email messages left by Petitioners on December 15 and 16, 2008. Accordingly, Petitioners are unaware as to whether the NRC Staff supports or opposes the requested extension.

(2) Petitioners submit the following “appropriate cause” in support of their motion for an extension of time. Initial Prehearing Order at 6; *see also* Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-98-12, 48 NRC 18, 21 (1998). First, the SNC Answer and the NRC Answer are each lengthy, together totaling 83 pages (without attachments), making a complete review of such documents within seven days extremely difficult. Second, NRC’s interest in efficiency will be better served by granting an extension, so as to receive a higher quality response as opposed to a rushed one. Third, the issues raised by Petitioners and answered by SNC and the NRC Staff are both novel and complex, and Petitioners must conduct extensive legal research into recent case law to draft an appropriate response. Thus, preparation of a meaningful reply will consume a significant amount of time. Petitioners do not believe the NRC 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 Board grant an additional four days to Petitioners to prepare their replies to the SNC Answer and the NRC Staff Answer.

Additionally, Petitioners respectfully submit that the requested extension will not adversely affect SNC, the NRC Staff or the Board. The Board has not yet provided the initial general schedule for this COL proceeding, nor has it scheduled any initial prehearing conferences. Accordingly, this extension will not affect a scheduled conference, hearing date or any other scheduled filing deadline. Moreover, this extension will not reduce the amount of time the Board will have to review Petitioners' reply.

Respectfully submitted this 16<sup>th</sup> day of December, 2008.

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

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 ) ASLBP No. 09-873-01-COL-BD01  
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CERTIFICATE OF SERVICE

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

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