

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
Southern Nuclear Operating Company)	Docket Nos. 52-025-COL and 52-026-COL
(COL Application for Vogtle Electric Generating Plant, Units 3 and 4))	January 26, 2010

MOTION REGARDING PAGE LIMITS

In accordance with the Atomic and Safety and Licensing Board’s (“Board” or “ASLB”) Orders dated December 2, 2008¹ and January 8, 2010,² Southern Nuclear Operating Company (“SNC”) hereby requests, to the extent necessary, approval to exceed the page limitation for motions set out by the Board in its Initial Prehearing Order.

In the Initial Prehearing Order, the Board set a ten-page limit for motions filed in the above-captioned proceeding (and responses thereto).³ Subsequently, in its Ruling on Joint Intervenors’ Motion to Amend Contention Safety-1, the Board set out procedures for further litigation of Safety-1, including the schedule for submission of motions for summary disposition.⁴ The Board did not specify whether the page limit applied to such motions. Accordingly, out of an abundance of caution, SNC seeks pre-approval to exceed the ten-page limit, if such limit is applicable to motions for summary disposition of Safety-1.

¹ See Memorandum and Order (Initial Prehearing Order), Docket Nos. 52-025-COL and 52-026-COL (Dec. 2, 2008).

² See Memorandum and Order (Ruling on Motion to Amend Contention), Docket Nos. 52-025-COL and 52-026-COL (Jan. 8, 2010).

³ Initial Prehearing Order at 5.

⁴ Ruling on Motion to Amend Contention at 9.

The Board established the following guidelines for requests to exceed the page limitation:

A request for presiding officer preapproval to exceed this page limitation shall be submitted in writing no less than three business days prior to the time the motion or responsive pleading is filed or due to be filed. A request to exceed this page limitation must (1) indicate whether the request is opposed or supported by the other participants to the proceeding; (2) provide a good faith estimate of the number of additional pages that will be filed; and (3) demonstrate good cause for being permitted to exceed the page limitation.⁵

SNC's motion for summary disposition is due to be filed on January 29, 2010 pursuant to the Board's Ruling on Motion to Amend Contention, making this request timely. SNC has contacted counsel for Joint Intervenors and the Nuclear Regulatory Commission Trial Staff, and neither party has an objection to SNC's request. Based on the SNC's preparations to date, SNC expects that ten additional pages will be required for its motion for summary disposition, for a total of twenty pages.⁶

In its Ruling on Motion to Amend Contention, the Board explained the issue to be addressed by the motions for summary disposition as "[w]hether the agency's regulatory requirements governing the content of COLAs" require the information listed in Safety-1.⁷ While the issue raises a limited legal question, SNC's preparations have shown that extensive citations to and discussions of regulations, guidance, and Commission and Board precedent are required in order to address this question. Further, the issue requires analysis of complex, interrelated regulations governing the licensing process and low level radioactive waste storage. Finally, in order to properly address whether SNC's FSAR is, in fact, lacking information as alleged in Safety-1, SNC requires the space to discuss the content of its FSAR and related documents. Based on these considerations, SNC has good cause for exceeding the ten page limit.

⁵ Initial Prehearing Order at 5.

⁶ This is exclusive of the Statement of Undisputed Facts, which by regulation is to be a separate document attached to the motion.

⁷ Ruling on Motion to Amend Contention at 8.

Respectfully submitted,

Signed (electronically) by M. Stanford Blanton

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Dated this 26th day of January, 2010.

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Generating Plant, Units 3 and 4))	

CERTIFICATE OF SERVICE

I hereby certify that copies of SOUTHERN NUCLEAR OPERATING COMPANY'S MOTION REGARDING PAGE LIMITS in the above-captioned proceeding have been served by electronic mail as shown below, this 26th day of January, 2010, and/or by e-submittal.

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*And upon any other persons designated on the official service list compiled by the Nuclear
Regulatory Commission in this proceeding.

(Original signed by M. Stanford Blanton)

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