

**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)	September 6, 2011	
Generating Plant, Units 3 and 4))		
)		

**SOUTHERN NUCLEAR OPERATING COMPANY’S
ANSWER IN OPPOSITION TO PETITIONS TO INTERVENE AND
REQUESTS TO ADMIT NEW CONTENTIONS**

In accordance with 10 C.F.R. §§ 2.323(c) and 2.309(h), Southern Nuclear Operating Company (“SNC”) submits this Answer In Opposition To Petitions to Intervene and Requests to Admit New Contentions (“Answer”). On August 11, 2011, nearly 15 months after the contested portion of the Vogtle Units 3 and 4 proceeding was terminated, the Blue Ridge Environmental Defense League (“BREDL”) filed a “Motion to Reopen The Record And Admit Contention Regarding The Safety And Environmental Implications Of The Nuclear Regulatory Commission Task Force Report On The Fukushima Dai-ichi Accident” along with a “Contention Regarding NEPA Requirement To Address Safety And Environmental Implications Of The Fukushima Task Force Report,” which contained three proposed contentions. Also on August 11, 2011, Center for a Sustainable Coast, Georgia Women’s Action for New Directions f/k/a Atlanta Women’s Action for New Directions, and Southern Alliance for Clean Energy (“CSC

Movants”)¹ filed a “Motion To Reopen The Record And Admit Contention To Address The Safety And Environmental Implications Of The Nuclear Regulatory Commission Task Force Report On The Fukushima Dai-ichi Accident” along with a “Contention Regarding NEPA Requirement To Address Safety And Environmental Implications Of The Fukushima Task Force Report,” which contained one proposed contention.

SNC addressed the inadmissibility of each newly proposed contention in its answer filed August 22, 2011 in the above-captioned dockets.² Although SNC does not believe that any additional response is required under § 2.309(h), for the purpose of preserving the record and the avoidance of doubt, SNC hereby adopts and incorporates by reference its August 22, 2011 answer. Because no admissible contention has been proffered, BREDL and CSC Movants have not met the requirements to intervene in the above-captioned proceeding, pursuant to 10 C.F.R. § 2.309(a).

SNC respectfully requests that the CSC Motion and BREDL petitions to intervene, and all related newly proposed contentions, be rejected.

Respectfully submitted,

Signed (electronically) by M. Stanford Blanton

M. Stanford Blanton
C. Grady Moore, III
BALCH & BINGHAM LLP
1710 Sixth Avenue North
Birmingham, AL 35203-2014
Phone: 205-251-8100

¹ The original “Joint Intervenors” in the Vogtle Units 3 and 4 contested proceeding were Atlanta Women’s Action for New Directions, BREDL, the Center for Sustainable Coast, the Savannah Riverkeeper, and the Southern Alliance for Clean Energy. Movants no longer include Savannah Riverkeeper, and BREDL is filing independently of the other Movants. Additionally, the Atlanta Women’s Action for New Directions is now the Georgia Women’s Action for New Directions. As used herein, “Movants” refers to BREDL and the CSC Movants collectively.

² Southern Nuclear Operating Company’s Answer In Opposition To Motions To Reopen The Record And Request To Admit New Contentions, Docket Nos. 52-025 and 52-026 (Aug. 22, 2011).

E-mail: sblanton@balch.com

Kathryn M. Sutton
MORGAN, LEWIS & BOCKIUS, LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-3000
E-mail: ksutton@morganlewis.com

COUNSEL FOR
SOUTHERN NUCLEAR OPERATING COMPANY

Dated this 6th day of September, 2011.

**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))	September 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that copies of SOUTHERN NUCLEAR OPERATING COMPANY'S ANSWER IN OPPOSITION TO PETITIONS TO INTERVENE AND REQUESTS TO ADMIT NEW CONTENTIONS in the above-captioned proceeding have been served by electronic mail as shown below, this 6th day of September, 2011, and/or by e-submittal.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing ASLB Panel
Mail Stop T-3 F23
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chair
E-mail: gpb@nrc.gov

Administrative Judge
Nicholas G. Trikouros
E-mail: ngt@nrc.gov

Administrative Judge
James F. Jackson
E-mail: jxj2@nrc.gov
jackson538@comcast.net

John L. Pemberton
Southern Nuclear Operating Company, Inc.
40 Inverness Center Parkway
P.O. Box 1295, Bin B-022
Birmingham, AL 35201-1295
E-mail: jlpeember@southernco.com

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D-21
Washington, DC 20555-0001
Marian Zoblér, Esq.
Ann P. Hodgdon, Esq.
Sara Kirkwood, Esq.
Patrick A. Moulding, Esq.
Sarah Price, Esq.
Carol H. Lazar, Esq.
Jessica Bielecki, Esq.

Anita Ghosh
Joseph Gilman, Paralegal
E-mail: marian.zobler@nrc.gov;
aph@nrc.gov; sara.kirkwood@nrc.gov;
jsg1@nrc.gov; sarah.price@nrc.gov;
patrick.moulding@nrc.gov;
Carol.Lazar@nrc.gov;
jessica.bielecki@nrc.gov;
Anita.Ghosh@nrc.gov

M. Stanford Blanton, Esq.
C. Grady Moore, III, Esq.
Leslie G. Allen, Esq.
Peter D. LeJeune, Esq.
Kenneth C. Hairston, Esq.
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, Alabama 35203-2014
E-mail: sblanton@balch.com;
gmoore@balch.com;
lgallen@balch.com;
plejeune@balch.com;
kchairston@balch.com

Kathryn M. Sutton, Esq.
Steven P. Frantz, Esq.
Paul M. Bessette, Esq.
Morgan, Lewis & Bockius, LLP
Co-Counsel for Southern Nuclear Operating
Company, Inc.
1111 Pennsylvania Ave., NW
Washington, DC 20004
E-mail: ksutton@morganlewis.com
sfrantz@morganlewis.com
pbessette@morganlewis.com

Georgia Women's Action for New
Directions (WAND), Blue Ridge
Environmental Defense League (BREDL),
and Center for Sustainable Coast (CSC)

Robert B. Haemer, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1122
E-mail: robert.haemer@pillsburylaw.com

Nuclear Energy Institute

1776 I Street, N.W., Suite 400
Washington, D.C. 20006
Jerry Bonanno, Assistant General Counsel
E-mail: jxb@nei.org

John Runkle, Esq.
P.O. Box 3793
Chapel Hill, NC 27515
E-mail: jrunkle@pricecreek.com

Jonathan C. Eser
Law Clerk
E-mail: jonathan.eser@nrc.gov

Mindy Goldstein
Turner Environmental Law Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322
E-mail: magolds@emory.edu

Louis Zeller
BlueRidge Environmental Defense League
P.O. Box 98
Glendale Springs, NC 28629
E-mail: bredl@skybest.com

*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)

M. Stanford Blanton
Counsel for Southern Nuclear Operating Company

Dated this 6th day of September, 2011.