

Answer as brief as possible. NINA's current good faith estimate is that the Answer will be approximately 35 pages in length.

NINA has good cause for being permitted to exceed the page limitation. Contention FC-1 relates to foreign ownership, control, or domination ("FOCD") of STP Units 3 and 4. An evaluation of FOCD issues is fact-intensive and, as stated in the FOCD Standard Review Plan, requires a judgment "in light of all the information."¹ To fully address the FOCD issues raised in the Intervenor's Motion, part of NINA's Answer will identify material facts in dispute in the Intervenor's Motion. Additionally, the Answer will discuss important material facts relevant to resolution of Contention FC-1 that are not addressed in Intervenor's Motion. To support its positions, NINA plans to provide information on the applicants for STP Units 3 and 4, sources of funding for issuance of the licenses, sources of project funding for construction and during operation, and NINA's Negation Action Plan. NINA also plans to explain its future strategy for revising its application to address the NRC staff's FOCD concerns, and to request in the alternative that the Licensing Board should decide the motion pursuant to 10 C.F.R. § 2.710(c). Furthermore, NINA plans to address Intervenor's arguments that the appropriate remedy in this case is suspension of the NRC staff's review and dismissal of the application. The additional requested pages are necessary to present the above information in a clear manner and to fully discuss the corresponding legal requirements. NINA believes that the additional pages will allow the Board to better understand NINA's position, which will facilitate resolution of Contention FC-1. This clarity is especially important here, because the Intervenor is requesting the "extreme remedy"² of summary disposition and dismissal of NINA's application.

¹ Final Standard Review Plan on Foreign Ownership, Control, or Domination, 64 Fed. Reg. 52,355, 52,358 (Sept. 28, 1999).

² *Nuclear Innovation North America LLC* (South Texas Project Units 3 & 4), LBP-11-07, 73 NRC ___, slip op. at 7 (Feb. 28, 2011) (citing *Moore v. Jackson*, 123 F.3d 1082, 1086 (8th Cir. 1997); *SRI Int'l v. Matsushita Elec.*

For these reasons, NINA respectfully requests that the Board grant this motion for leave to exceed the page limitation.

Respectfully submitted,

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Corp. of America, 775 F.2d 1107, 1116 (9th Cir. 1985) (explaining that summary judgment is a “lethal weapon”); *Transource Int’l., Inc. v. Trinity Industries, Inc.*, 725 F.2d 274, 279 (5th Cir. 1984) (describing summary judgment as “drastic relief”); *U.S. v. Bosurgi*, 530 F.2d 1105, 1110 (2d Cir. 1976) (“summary judgment is a drastic remedy”).

CERTIFICATION

I certify that I have made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this motion, and to resolve those issues, and I certify that the Intervenors and NRC staff do not oppose this motion.

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