

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
SOUTH TEXAS PROJECT NUCLEAR OPERATING COMPANY
Docket Nos. 52-012-COL and 52-013-COL

ASLBP No. 09-883-06-COL-BD01

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 Fed. Reg. 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the appeal from the NRC Staff's determination to deny requests for access to sensitive unclassified non-safeguards information (SUNSI) in the following proceeding:

South Texas Project Nuclear Operating Company
(South Texas Project Units 3 and 4)

This appeal arises from an "Order Imposing Procedures for Access to [SUNSI] and Safeguards Information for Contention Preparation" dated February 13, 2009, which was included as part of a Federal Register notice providing an opportunity to petition for leave to intervene in a hearing on the application for a combined license for the South Texas Project Units 3 and 4 in Matagorda County, Texas. See 74 Fed. Reg. 7943 (Feb. 20, 2009). By e-mail submission dated March 2, 2009, several individuals requested access to SUNSI material. By letter dated March 12, 2009, the NRC Staff denied the requests. On March 17, 2009, the requesters appealed the Staff's determination.

The Board is comprised of the following Administrative Judges:

E. Roy Hawkens, Chair
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Anthony J. Baratta
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Charles N. Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 Fed. Reg. 49,139).

/RA/

E. Roy Hawkens
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

Issued at Rockville, Maryland,
this 27th day of March 2009.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
SOUTH TEXAS PROJECT NUCLEAR) Docket Nos. 52-012-COL and 52-013-COL
OPERATING COMPANY)
)
(South Texas Project Units 3 and 4))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ESTABLISHMENT OF THE ATOMIC SAFETY AND LICENSING BOARD have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-012-COL and 52-013-COL
ESTABLISHMENT OF THE ATOMIC SAFETY AND LICENSING BOARD

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[Original signed by Linda D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 27th day March 2009