

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

**In the Matter of
South Texas Project Nuclear Operating Co.
Application for the South Texas Project
Units 3 and 4
Combined Operating License**

Docket Nos. 52-012, 52-013

April 20, 2010

**INTERVENORS' RESPONSE TO NRC STAFF'S MOTION FOR AN EXTENSION
OF TIME TO MOVE FOR A PROTECTIVE ORDER**

Intervenors hereby respond to the April 15, 2010 NRC Staff's Motion for an Extension of Time to Move for a Protective Order.

Staff states in its motion that it has designated six pages of DCD, Chapter 19 as SUNSI.¹ Further, the Staff's motion asserts that the Intervenors are required to submit a request for access to the material in the DCD, Chapter 19, that has been designated SUNSI.²

10 C.F.R. 2.390(b)(4)(iv) specifies that before information is withheld from the public there should be a determination whether the subject information is available from public sources.

Subsequent to the conference call of April 20, 2010, undersigned counsel made an inquiry to NRC Staff counsel and learned that the subject information designated by Staff as SUNSI is contained in the DCD at pp.19r-41 through 19r-46.

Intervenors have obtained this information by doing a Google search, which directed us to a NRC website link where we downloaded Chapter 19 in its entirety.

¹ Staff motion, p.2.

² Staff motion, pp. 3-5.

Therefore, because the subject information has been acquired *via* a public source, its designation as SUNSI is pointless and renders the Staff's motion effectively moot. Accordingly, Intervenor's oppose the NRC Staff's Motion for an Extension of Time to Move for a Protective Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2010 a copy of "Intervenors' Response to NRC Staff's Motion for an Extension of Time to Move for a Protective Order" was served by the Electronic Information Exchange on the following recipients:

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