

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Gary S. Arnold
Dr. Randall J. Charbeneau

In the Matter of

SOUTH TEXAS PROJECT NUCLEAR
OPERATING COMPANY

(South Texas Project Units 3 and 4)

Docket Nos. 52-12-COL and 52-13-COL

ASLBP No. 09-885-08-COL-BD01

October 1, 2010

ORDER

(Regarding Scope of Oral Argument)

Pursuant to our July 30 Order, the Board will convene oral argument on October 21, 2010, on issues related to Intervenor¹'s new DEIS contentions and NRC Staff's motion for summary disposition of Contention CL-2.²

On September 14, 2010, the STP Nuclear Operating Company (STP or Applicant) also filed a motion for summary disposition of Contention CL-2. Responses of the Intervenor and NRC Staff to the Applicant's motion are due by October 8, 2010.³ The Board will also hear argument on the issues raised by the Applicant's motion for summary disposition at the October 21 argument.

¹ Intervenor are the Sustainable Energy and Economic Development Coalition, the South Texas Association for Responsible Energy, and Public Citizen.

² See Licensing Board Order (Regarding Oral Argument) (July 30, 2010) at 1 (unpublished).

³ See Licensing Board Order (Granting Intervenor's Motion for Additional Time) (Oct. 1, 2010) (unpublished).

On September 29, 2010, the Commission remanded to the Board the question of access to the draft interim staff guidance document DC/COL-ISG-016 (ISG-016) in this proceeding.⁴ In light of the Commission's order, Parties shall be prepared to discuss at argument whether Intervenors wish to pursue the draft ISG-016 given that the final version of ISG-016 has issued.⁵ Parties shall also be prepared to discuss whether further briefing is required as a result of the remand, and whether modifications should be made to the Initial Scheduling Order⁶ to ensure that "draft" documents shared with a third party will be produced in accordance with mandatory discovery disclosures.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 1, 2010

⁴ S. Tx. Project Nuclear Operating Co. (South Texas Project, Units 3 and 4), CLI-10-24, 72 NRC __, __ (slip op. at 20) (Sept. 29, 2010).

⁵ Id. at __ (slip op. at 20 n.81).

⁶ See Licensing Board Order (Initial Scheduling Order) (Oct. 20, 2009) (unpublished).

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 ORDER (REGARDING SCOPE OF ORAL ARGUMENT) 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
ORDER (REGARDING SCOPE OF ORAL ARGUMENT)

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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of October 2010