

**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
June 3, 2011**

**INTERVENORS' MOTION TO FILE EXPERT TESTIMONY OUT-OF-TIME,
*INSTANTER***

Intervenors move this ASLB for an Order allowing them to file the expert testimony of Clarence Johnson and Phil Mosenthal out-of-time, *instanter*. In support of this motion the following is stated:

1. Counsel for the Applicant and Staff have been consulted about this motion and they do not object.

2. The subject testimony of Mr. Johnson and Mr. Mosenthal was referenced in the Intervenors' rebuttal brief filed on May 31, 2011.

3. However, the testimony was inadvertently not filed with the brief and rebuttal exhibits. The testimony was forwarded to opposing counsel on June 1, 2011.

Respectfully submitted,

/s/ Robert V. Eye

Robert V. Eye, Kan. Sup. Ct. No.10689

Kauffman & Eye

123 SE 6th Ave., Suite 200

Topeka, Kansas 66603

785-234-4040

bob@kauffmaneye.com

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

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2011 a copy of “**INTERVENORS’ MOTION TO FILE EXPERT TESTIMONY OUT-OF-TIME, *INSTANTER***” was served by the Electronic Information Exchange on the following recipients:

Administrative Judge
Michael M. Gibson, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: mmg3@nrc.gov

Administrative Judge
Dr. Randall J. Charbeneau
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Randall.Charbeneau@nrc.gov

Administrative Judge
Dr. Gary S. Arnold
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: gxa1@nrc.gov

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop O-15D21
Washington, DC 20555-0001
Michael Spencer, Sara Kirkwood,
Jessica Bielecki, Anthony Wilson
E-mail: Michael.Spencer@nrc.gov
Sara.Kirkwood@nrc.gov
Jessica.Bielecki@nrc.gov
Anthony.Wilson@nrc.gov

Office of the Secretary
U.S. Nuclear Regulatory Commission
Rulemakings and Adjudications Staff
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Counsel for STP Nuclear Operating Company
Steven P. Frantz
Stephen J. Burdick
Alvin Gutterman
John E. Matthews
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: 202-739-3000
Fax: 202-739-3001
E-mail: sfrantz@morganlewis.com
sburdick@morganlewis.com
agutterman@morganlewis.com
jmatthews@morganlewis.com

Charles B. Moldenhauer
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: 202-739-3000
Fax: 202-739-3001
cmoldenhauer@morganlewis.com

Signed (electronically) by Robert V. Eye
Robert V. Eye
Kauffman & Eye
123 SE 6th Ave., Suite 200
Topeka, Kansas 66603
785-234-4040
bob@kauffmaneye.com