

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
NUCLEAR INNOVATION NORTH)	
AMERICA LLC)	Docket Nos. 52-012 & 52-013
)	
(South Texas Project, Units 3 & 4))	

JOINT MOTION FOR CLARIFICATION
OF THE BOARD'S ORDER OF AUGUST 22, 2013

INTRODUCTION

In response to the Atomic Safety and Licensing Board's (Board) Order of August 22, 2013 (Directing Parties to File Redacted Exhibits), the Nuclear Regulatory Commission Staff (Staff), Nuclear Innovation North America LLC (NINA or Applicant), and the Intervenors hereby file this motion for clarification. The Order states that the Applicant properly filed its "exhibits" in both redacted and unredacted format, but that the Staff and Intervenors filed only unredacted "exhibits." Order at 1. The Order directs the parties to consult and file redacted versions of the Staff's and Intervenors' "exhibits." *Id.* As discussed below, the parties seek clarification as to which documents the Board wishes the parties to redact.

DISCUSSION

The Order states that the Applicant properly filed its "exhibits" in redacted and unredacted format. Order at 1. On July 1, 2013, the parties filed their initial prefiled direct testimony, statements of position, and supporting exhibits. On July 22, 2013, the parties filed their prefiled rebuttal testimony, statements of position, and supporting exhibits. In accordance with 10 C.F.R. § 2.1207(b)(2) and the Board's October 3, 2012 Revised Scheduling Order, the parties filed their prefiled direct and rebuttal testimony directly into evidence in exhibit form. Revised Scheduling Order at 14-15. The Applicant did submit its prefiled direct and rebuttal testimony and statements of position in redacted and unredacted format, but it did not file its

non-testimony exhibits in both redacted and unredacted format. While the majority of the Applicant's exhibits were designated as publicly available, the Applicant filed its exhibits 43, 57, 58, 59, 60, 61, 62, 63, 64, 66, and 68 as nonpublic. The Staff similarly filed most of its non-testimony exhibits as publicly available, but filed a number of proprietary non-testimony exhibits as nonpublic. The Intervenor filed all of their exhibits as nonpublic. Neither the Staff nor the Intervenor filed their prefiled direct and rebuttal testimony and statements of positions in redacted format.

Because the Board's August 22, 2013 Order requires the parties to file redacted versions of the Staff's and Intervenor's "exhibits," it is unclear to the parties whether the Order is referring to only the testimony or to all of the proprietary exhibits. To be consistent with NINA's redactions, the parties plan to prepare and file redacted versions of the Staff's and Intervenor's testimony and statements of position, but not of the non-testimony exhibits. The parties seek clarification from the Board of whether this response will fulfill the August 22, 2013 Order.

Since the Applicant is the originator of all proprietary information used in both the Staff's and Intervenor's filings, the Applicant has agreed to examine and provide input regarding the redactions necessary for the Staff's and Intervenor's prefiled direct and rebuttal testimony and statements of position. The Applicant has agreed to conclude its redactions prior to September 23, 2013, in order to meet the Board's deadline for the filing of those documents.

Stephen Burdick, counsel for NINA, and Brett Jarmer, counsel for the Intervenor, have authorized the Staff to submit this motion on behalf of the parties.

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. I certify that after this consultation, the Applicant and Intervenors agreed to file this motion jointly.

/Signed (electronically) by/

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Dated at Rockville, Maryland
This the 29th day of August, 2013

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CERTIFICATE OF SERVICE

I hereby certify that the JOINT MOTION FOR CLARIFICATION OF THE BOARD'S ORDER OF AUGUST 22, 2013, has been filed through the E-Filing system this 29th day of August 2013.

/signed (electronically) by/

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