

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Stefan R. Wolfe, Chair
Dr. David A. Smith
Nicholas G. Trikouros

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

ASLBP No. 25-991-01-CP-BD01

November 19, 2025

MEMORANDUM AND ORDER
(Rescheduling Initial Prehearing Conference)

The Licensing Board will conduct a virtual initial prehearing conference in the above-captioned proceeding on Monday, December 8, 2025, beginning at 10:00 a.m. Eastern Time (ET) to hear oral argument on the issues presented in the August 11, 2025, hearing request of San Antonio Bay Estuarine Waterkeeper (Petitioner). The conference will continue until it is concluded. The Board will recess at approximately 1:00 p.m. ET for one hour.¹

¹ In seeking to reschedule a date for this initial prehearing conference, which was originally set for October 6, 2025, but had to be postponed because of the recently ended 43-day federal government shutdown, the Board has tried twice to obtain from the participants dates on which they would be available for the conference. The Board's first attempt to find a commonly acceptable date during the weeks of November 17 and December 1, 2025 was unsuccessful due to the stated unavailability of the participants for various reasons, including medical treatment and meeting schedule conflicts. A second Board attempt covering the weeks of December 8 and 15 elicited scheduling conflicts associated with meetings and training. The Board recognizes that the December 8 date is not a perfect fit for all participants. Nonetheless, to avoid having to further delay scheduling the conference until late December 2025 or January 2026, this seems to be the best date available during the mid-December time frame. Moreover, to avoid any delay caused by unforeseen circumstances (e.g., inclement weather), participants

In this initial prehearing conference, the Board will seek information on the four issues of Petitioner's standing and the admissibility of Contentions 1, 3, and 4. In addition, if the Board has any questions regarding Petitioner's hearing petition supplement proffering a contention based on Sensitive Unclassified Non-Safeguards Information (SUNSI),² the Board will only ask questions appropriate for a public forum.³

The oral argument's primary purpose is to allow the Board to ask questions and obtain answers concerning standing and contention admissibility under 10 C.F.R. § 2.309(f)(1). As was the case with the originally scheduled October 6, 2025 initial prehearing conference,⁴ the Board will hear from counsel for Petitioner, applicant (LME), and the NRC Staff. Prior to questions from the Board, each participant will have the opportunity to make a five-minute opening statement about the issues in the case. The Board then intends to address each of the four issues in turn. That is, each participant will have the opportunity to answer Board inquiries regarding standing, followed by an opportunity to address questions regarding Petitioner's first contention, and so

are also requested to maintain their availability for the conference on Thursday, December 11, 2025.

² [Petitioner]'s Second Corrected Supplement to its Petition to Intervene and Request for Hearing Based on [SUNSI] (Redacted) (Sept. 9, 2025).

³ In a September 29, 2025 issuance, the Board indicated that the pending motion of applicant Long Mott Energy, LLC (LME) to strike portions of Petitioner's reply to the LME and NRC Staff answers to Petitioner's hearing request might be the subject of Board inquiry as well. See Licensing Board Memorandum and Order (Providing Administrative Information and Questions for Prehearing Conference) (Sept. 29, 2025) at 1 (unpublished) [hereinafter Prehearing Questions Order]. Although in the context of its 10 C.F.R. § 2.323(b) certification LME in its motion to strike indicated that Petitioner opposes the motion, see [LME's] Motion to Strike Portions of [Petitioner's] September 12, 2025 Reply (Sept. 22, 2025) at 2 n.5, Petitioner has not submitted a written response to the motion so as to provide the Board with an explanation of the basis for its opposition. Consequently, the Board now considers the motion to strike uncontested and does not anticipate entertaining any argument about, or posing any questions regarding, the LME motion to strike at the initial prehearing conference. See Consol. Edison Co. of New York, Inc. (Proposed License Amend. No. 2), 3 AEC 61, 61 (Comm'n 1965) (indicating petitioner who failed to respond to motion to dismiss consented to motion).

⁴ See Licensing Board Memorandum and Order (Scheduling Initial Prehearing Conference) (Sept. 16, 2025) at 1–2 (unpublished).

on. After the Board has completed questioning the participants about the four issues, each participant will be allotted 5 minutes for a closing statement. Counsel for Petitioner may request to reserve a portion of its closing statement time for rebuttal.

The Board is familiar with the participants' filings and counsel should expect questions to focus on disputed matters. Counsel should be prepared to address arguments made in the other participants' Answers and Reply. The Board previously set forth some specific questions and subject areas to be discussed at the initial prehearing conference,⁵ and may send additional questions on or before December 1, 2025. Participants should be aware that the scope of the oral argument extends to all issues raised in the petition, not just those raised in questions identified by the Board. And because the argument is not an evidentiary hearing, the participants should not attempt to introduce evidence during the argument. Likewise, arguments that are not material or that were not properly raised in the participants' pleadings before the Board should not be made.

Participants previously identified the counsel who will be arguing each issue. If there is any change to that identification, it should be made on or before noon ET on Monday, December 1, 2025, by emailing the Board's law clerk, Georgia Rock (georgia.rock@nrc.gov), with the changes.⁶ Participants should also email Ms. Rock by this deadline if there are any changes to the subject matter experts who require video only access links and whether that participant will require more than one video access link for participating attorneys. Ms. Rock will email the participants to schedule a test session during the week of December 1, 2025, with the

⁵ See Prehearing Questions Order app.

⁶ In this regard, the Board previously indicated that while only one attorney for a participant may make the opening and closing statements for each participant, another attorney for that participant can be assigned sole responsibility for answering questions regarding one or more of the issues. See id. at 2. Notwithstanding the prior designations, if there are now any requests for exceptions to this rule, they also should be directed by email to the Board's law clerk by this December 1, 2025 deadline, copying all other participants.

Licensing Board Panel's Information Technology staff to identify and mitigate any technical issues in advance and to provide information about accessing the conference. The Board will provide additional details, including a public listen-only telephone number, in a future order issued no later than one week before the conference.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Stefan R. Wolfe, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 19, 2025

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
LONG MOTT ENERGY, LLC.	)	Docket No. 50-614-CP
	)	
	)	
(Long Mott Generating Station)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Rescheduling Initial Prehearing Conference)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Stefan R. Wolfe, Chair, Administrative Judge
Nicholas G. Trikouros, Administrative Judge
Dr. David A. Smith, Administrative Judge
Whitlee Dean, Law Clerk
Georgia Rock, Law Clerk
Email: stefan.wolfe@nrc.gov
nicholas.trikouros@nrc.gov
david.smith@nrc.gov
whitlee.dean@nrc.gov
georgia.rock@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-14A44
Washington, DC 20555-0001
Susan Vrahoretis, Esq.
David Roth, Esq.
Julie Ezell, Esq.
Sam Stephens, Esq.
Nick Mertz, Esq.
Stacy Schumann, Team Leader
Anne Fream, Paralegal
Georgia Hampton, Paralegal
Email: susan.vrahoretis@nrc.gov
david.roth@nrc.gov
julie.ezell@nrc.gov
samuel.stephens@nrc.gov
nicolas.mertz@nrc.gov
stacy.schumann@nrc.gov
anne.fream@nrc.gov
georgiann.hampton@nrc.gov

Counsel for San Antonio Bay Estuarine
Waterkeeper
Perales, Allmon, & Ice, P.C.
1206 San Antonio St.
Austin, Texas 78701
Marisa Perales, Esq.
Gweneth Lonergan, Lead Legal Asst.
Email: marisa@txenvirolaw.com
gwyneth@txenvirolaw.com

Long Mott Energy, LLC., Docket No. 50-614-CP

MEMORANDUM AND ORDER (Rescheduling Initial Prehearing Conference)

Counsel for Long Mott Energy, LLC.
Morgan, Lewis, & Bockius, LLP.
1111 Pennsylvania Ave., NW
Washington, DC 20004
Ryan K. Lighty, Esq.
Alex Polonsky, Esq.
Email: ryan.lighty@morganlewis.com
alex.polonsky@morganlewis.com

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of November 2025.