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Title: South Texas Project Units 3 and 4

Docket Number: 52-12-COL and 52-13-COL

ASLBP Number: 09-885-08-COL-BD01

Location: telephone conference

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 ATOMIC SAFETY AND LICENSING BOARD PANEL

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6 PREHEARING TELECONFERENCE

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8 In the Matter of: :

9 NUCLEAR INNOVATION NORTH : Docket No. 52-12-COL

10 AMERICA LLC : and 52-13-COL

11 (South Texas Project Units : ASLBP No.

12 3 and 4) : 09-885-08-COL-BD01

13 -----x

14 Tuesday, July 10, 2012

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17 BEFORE:

18 MICHAEL M. GIBSON, Chair

19 GARY S. ARNOLD, Administrative Judge

20 RANDALL J. CHARBENEAU, Administrative Judge

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P R O C E E D I N G S

10:02 A.M.

ADMIN. JUDGE GIBSON: This is Judge Gibson here with Judge Arnold and Judge Charbeneau. Would the parties please introduce themselves?

MR. FRANTZ: Your Honor, this is Steven Frantz for the Applicant. Also on the line is Stephen Burdick and John Matthews from my office.

MR. SPENCER: This is Michael Spencer, counsel for the NRC staff.

MR. EYE: Good morning. This is Bob Eye and Brett Jarmer with me as well and we represent the Intervenors.

ADMIN. JUDGE GIBSON: Okay, great. I think we can make this pretty short, but we got a recent status report regarding the deliberations that the Applicant and the staff have been having regarding the foreign ownership piece and we want to find out if there's any reason to further postpone a hearing on the foreign ownership contention and I guess we'll start with you, Applicant.

MR. FRANTZ: I guess I would defer to Mr. Spencer of the NRC staff. The ball really is in their court at this point. We have responded to all of the requests for additional information from the

1 staff and it's now the staff's time to make a
2 determination as to where they stand on this issue.

3 ADMIN. JUDGE GIBSON: Mr. Spencer?

4 MR. SPENCER: Your Honor, the staff has
5 not completed its review. The review is in process.
6 We are reviewing the information that's been
7 submitted and the staff has not come to a position
8 yet on the issues.

9 ADMIN. JUDGE GIBSON: When do you
10 anticipate you're going to be coming to a decision?

11 MR. SPENCER: We do not have a schedule
12 for that, Your Honor.

13 ADMIN. JUDGE GIBSON: Okay, well,
14 recognizing that you don't have a schedule, Mr.
15 Spencer, do you have -- I mean are we talking days
16 or weeks or months or years? Can you just give us
17 some range that you're looking at here?

18 MR. SPENCER: Your Honor, it would not
19 be days or in the very near term. But in terms of
20 even a schedule, it would be very speculative. We
21 do not have any sort of target date, official or
22 otherwise. The NRC is still evaluating the
23 information and it's not yet come to a position on
24 the issues.

25 ADMIN. JUDGE GIBSON: Okay. Mr. Eye?

1 MR. EYE: Your Honor, we have not been
2 involved with the discussions between staff and
3 Applicant. And our position is that like Mr.
4 Frantz, we think that the staff is really in the
5 best position to evaluate precisely where they're at
6 and we'll follow their lead at this point, Your
7 Honor.

8 ADMIN. JUDGE GIBSON: Okay, hold on a
9 second please.

10 (Pause.)

11 I think what we would like to do and
12 we'll get an order after this effect, Mr. Spencer.
13 I think what we'd like for you to do is to include a
14 paragraph in your monthly status reports to us that
15 addresses what the projected decision date for the
16 staff's review of the foreign ownership contention
17 -- not contention, but the foreign ownership piece
18 of the application.

19 MR. SPENCER: Your Honor, the difficulty
20 -- we can do that except the difficulty is we may
21 not -- we right now just don't have a projected
22 decision date. I mean once we would have one we
23 would obviously include that, but we don't have one
24 right now.

25 ADMIN. JUDGE GIBSON: We have had,

1 believe it or not, we've had status reports that
2 have indicated that the date of decision is at this
3 point can't be determined. So if that's the best
4 you can do, Mr. Spencer, that's the best you can do.

5 MR. SPENCER: Okay.

6 ADMIN. JUDGE GIBSON: Mr. Frantz, is
7 that acceptable to you?

8 MR. FRANTZ: Yes, it is.

9 ADMIN. JUDGE GIBSON: Mr. Eye?

10 MR. EYE: Yes, Your Honor.

11 ADMIN. JUDGE GIBSON: Well, I saw that
12 we got a new filing from you, Mr. Eye, so I assume
13 we'll be talking some more about that in the near
14 term. So we always look forward to visiting with
15 you gentlemen. In the meantime, I believe we will
16 stand adjourned.

17 (Whereupon, at 10:08 a.m., the
18 teleconference was concluded.)
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