

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

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

September 16, 2025

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference)

The Licensing Board will conduct a virtual initial prehearing conference in the above-captioned proceeding on October 6, 2025, beginning at 10:00 am 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. If needed, the Board will recess at approximately noon ET for one hour.

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 4.¹ The Board has not yet determined whether to hold oral argument on Petitioner's supplement based on Sensitive

¹ The Board notes that in its recent reply pleading Petitioner has withdrawn its previously proffered Contention 2, [Long Mott Energy's (LME's)] functional containment fails to include beyond-design basis events (BDBEs) in the functional containment evaluation. See [Petitioner]'s Reply in Support of Petition to Intervene and Request for Hearing (Sept. 12, 2025) at 20.

Unclassified Non-Safeguards Information (SUNSI),² but requests that the participants in this proceeding continue to maintain their availability on October 14, 2025, for a potential non-public prehearing conference.

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). 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 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. 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.³

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. To further the purpose of this conference, the Board may issue a memorandum listing specific questions or concerns. Any such memorandum will be provided at least seven days prior to the conference date. And because the argument is not an evidentiary hearing, the participants should not attempt to introduce evidence during the

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

³ Requests for exceptions to this rule should be directed by email to the Board's law clerk, copying all other participants.

argument. Likewise, arguments that are not material or that have not already been cited in the participants' pleadings before the Board should not be used.

On or before noon ET on Monday, September 29, 2025, each participant shall provide the Board's law clerk, Georgia Rock (georgia.rock@nrc.gov), with an email specifying the names of the individuals who will be making opening and closing statements and responding to Board questions on each issue/contention and whether that participant will require more than one video access link for participating attorneys.⁴ Ms. Rock will email the participants to schedule a test session with the 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
September 16, 2025

⁴ The Board recognizes that because the conference is being conducted virtually, a participant's counsel may not be in the presence of those individuals who might be able to provide information that would help frame the most accurate response to a Board inquiry, particularly regarding technical matters. If a participant believes it needs video only access to the argument for more than one representative for consultation purposes, by the Monday deadline specified above it should provide a separate e-mail to the Board's law clerk, with a copy to all other participants, that identifies the additional individual(s) who should be given video only access and explains why such access is necessary. It should be noted that video only access will not provide participant's counsel with the ability to communicate directly with the designated individual(s). Accordingly, counsel should make other communications arrangements that will allow for prompt consultation in formulating a response to a Board question.

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CERTIFICATE OF SERVICE

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

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

MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 16th day of September 2025.