

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Gary S. Arnold
Dr. Randall J. Charbeneau

In the Matter of

NUCLEAR INNOVATION NORTH AMERICA
LLC

(South Texas Project Units 3 and 4)

Docket Nos. 52-12-COL and 52-13-COL

ASLBP No. 09-885-08-COL-BD01

March 11, 2011

MEMORANDUM AND ORDER
(Establishing Schedule for Evidentiary Hearing)

The Board held a prehearing conference call with the parties on March 8, 2011 to discuss scheduling matters. In its Initial Scheduling Order (Oct. 20, 2009) (unpublished) ("ISO"), the Board established a timeline for the submission of filings related to any evidentiary hearings that might be held in this matter. The timeline was based on a "trigger date," identified therein as the later of the publication date of the FEIS or final ACRS Report. See ISO at 14. On March 1, 2011 NRC Staff issued its Final Environmental Impact Statement (FEIS) regarding STP Units 3 and 4.

During the March 8 prehearing conference call, the Board suggested it might be appropriate to proceed to evidentiary hearing based on the publication of the FEIS, rather than delaying the hearing until after publication of the final ACRS Report. See Tr. at 1234. Presently, the proceeding has no admitted safety contentions and the publication date of the

final ACRS Report is unknown.¹ All parties agreed that moving forward with an evidentiary hearing on the two admitted environmental contentions was appropriate given the indeterminate delay associated with waiting for the final ACRS Report. See Tr. at 1234-35. As such, the Board and parties agreed to a schedule for evidentiary filings as follows:

Written statements due by May 9, 2011

Written responses due by May 31, 2011

Motions in limine or motions to strike due by June 17, 2011

Proposed questions for the Board to consider due by July 12, 2011

Motions for cross-examination due by July 12, 2011

The Board and parties also agreed to conduct the evidentiary hearing on admitted contentions during the period August 17 – 19, 2011.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 11, 2011

¹ In the words of NRC Staff, the “safety review continues to proceed without a schedule.” Staff Status Update at 1 (Mar. 1, 2011). If safety-related contentions are hereafter admitted, those contentions would be evaluated at an evidentiary hearing triggered off of the publication date of the final ACRS Report.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (ESTABLISHING SCHEDULE FOR EVIDENTIARY HEARING) have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-012-COL and 52-013-COL
MEMORANDUM AND ORDER (ESTABLISHING SCHEDULE FOR EVIDENTIARY HEARING)

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[Original signed by Nancy Greathead]
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Dated at Rockville, Maryland
this 11th day of March 2011