

## BEFORE THE COMMISSION

March 24, 2011

## DB1/66883262.1

in this proceeding by the referenced ABWR design certification rule.<sup>3</sup> NINA filed an answer supporting the Motion.<sup>4</sup> The Board rejected the Motion on February 28, 2011.<sup>5</sup>

In its Petition for Review, the NRC Staff argued that LBP-11-07 should be reversed because the decision makes necessary legal conclusions without governing precedent, is contrary to established law, and raises important questions of law and policy.<sup>6</sup> NINA agrees that LBP-11-07 should be reversed and Contention CL-2 should be dismissed.

Respectfully submitted,

*Signed (electronically) by Stephen J. Burdick*

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Dated this 24th day of March 2011

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<sup>3</sup> NRC Staff Motion for Summary Disposition (July 22, 2010).

<sup>4</sup> STP Nuclear Operating Company's Answer Supporting the NRC Staff Motion for Summary Disposition of Contention CL-2 (July 29, 2010).

<sup>5</sup> *Nuclear Innovation North America LLC* (South Texas Project Units 3 and 4), LBP-11-07, 73 NRC \_\_\_, slip op. at 21-26 (Feb. 28, 2011).

<sup>6</sup> NRC Staff Petition for Review of the Licensing Board's Decision in LBP-11-07 Denying the NRC Staff Motion for Summary Disposition, at 1 (Mar. 15, 2011).

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE COMMISSION**

In the Matter of	)	
	)	Docket Nos. 52-012-COL
	)	52-013-COL
NUCLEAR INNOVATION NORTH AMERICA LLC	)	
	)	
(South Texas Project Units 3 and 4)	)	March 24, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2011 a copy of “Nuclear Innovation North America LLC’s Answer to NRC Staff Appeal of LBP-11-07” was served by the Electronic Information Exchange on the following recipients:

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