

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

July 7, 2011

NOTICE

(Notice of Hearing; Opportunity to Submit Written Limited Appearance
Statements; and Notice of Oral Argument)

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary hearing to receive testimony and exhibits in the contested portion of this proceeding regarding the application of Nuclear Innovation North America LLC (NINA) for combined licenses that would authorize NINA to construct and operate two new nuclear reactor units on an existing site near Bay City, Texas. In addition, the Board gives notice that, in accordance with 10 C.F.R. § 2.315(a), it will entertain written limited appearance statements from members of the public in connection with this proceeding. Finally, the Board gives notice that it will hold oral argument on a new contention proposed by Intervenors¹ related to foreign control.

A. Matters to be Considered at Evidentiary Hearing

This evidentiary hearing will concern two environmental contentions: one related to estimating replacement power costs in the evaluation of severe accident mitigation design

¹ Intervenors are the Sustainable Energy and Economic Development Coalition, the South Texas Association for Responsible Energy, and Public Citizen.

alternatives, the other related to accounting for energy efficient building code rules in the assessment of a need for power.

B. Date, Time, and Location of Evidentiary Hearing

The Board will conduct this evidentiary hearing² beginning at 9:30 a.m., Central Daylight Time (CDT) on Thursday, August 18, 2011, at the Campus of the Texas Commission on Environmental Quality, Building E, Room 201S, 12100 Park 35 Circle, Austin, TX 78753. The hearing will continue day-to-day until concluded.

Any members of the public who plan to attend the evidentiary hearing are advised that security measures will be employed at the entrance to the facility, including searches of hand-carried items such as briefcases or backpacks.

C. Submitting Written Limited Appearance Statements

As provided in 10 C.F.R. § 2.315(a), any person (other than a party or the representative of a party to this proceeding) may submit a written statement setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may help the Board or the parties in their consideration of the issues in this proceeding.

A written limited appearance statement may be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-1101 (verification (301) 415-1966)

E-mail: hearingdocket@nrc.gov

² NINA, NRC Staff and Intervenors will be parties to the hearing and will present witnesses and evidentiary material.

In addition, using the same method of service, a copy of the written limited appearance statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge Michael M. Gibson
 Atomic Safety and Licensing Board Panel
 Mail Stop T-3 F23
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555-0001

Fax: (301) 415-5599 (verification (301) 415-7332)

Email: Michael.Gibson@nrc.gov and Jonathan.Eser@nrc.gov

D. Notice of Oral Argument

The Board will hold oral argument on Intervenors' newly proffered foreign control contention beginning at 9:30 a.m. CDT on Wednesday, August 17, 2011, at the Campus of the Texas Commission on Environmental Quality, Building F, Room 2210, 12100 Park 35 Circle, Austin, TX 78753. As with hearing attendance, members of the public are welcome to attend oral argument, subject to facility security protocol.

E. Availability of Documentary Information Regarding the Proceeding

NINA's application and various Staff documents relating to the application are available on the NRC website at <http://www.nrc.gov/reactors/new-reactors/col/south-texas-project.html>.

These and other documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD 20852, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room reference staff by telephone at

- 4 -

(800) 397-4209 or (301) 415-4737 (available between 8:00 a.m. and 4:00 p.m., Eastern Time (ET), Monday through Friday except federal holidays), or by e-mail to pdr@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson
ADMINISTRATIVE JUDGE

Rockville, Maryland

July 7, 2011

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 LB NOTICE (NOTICE OF HEARING; OPPORTUNITY TO SUBMIT WRITTEN LIMITED APPEARANCE STATEMENTS; AND NOTICE OF ORAL ARGUMENT) have been served upon the following persons by the Electronic Information Exchange.

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, DC 20555-0001

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop - O-15 D21
Washington, DC 20555-0001

Michael M. Gibson, Chair
Administrative Judge
E-mail: michael.gibson@nrc.gov

Marian Zabler, Esq.
Sara Kirkwood, Esq.
Maxwell Smith, Esq.
Michael Spencer, Esq.
Jody Martin, Esq.
Anthony C. Wilson, Esq.
Andrea Silvia, Esq.
Anita Ghosh, Esq.
Joseph Gilman, Paralegal
E-mail:
marian.zabler@nrc.gov
sara.kirkwood@nrc.gov
joseph.gilman@nrc.gov
maxwell.smith@nrc.gov
michael.spencer@nrc.gov
jody.martin@nrc.gov
anthony.wilson@nrc.gov
andrea.silvia@nrc.gov
anita.ghosh@nrc.gov

Gary S. Arnold
Administrative Judge
E-mail: gary.arnold@nrc.gov

Randall J. Charbeneau
Administrative Judge
E-mail: Randall.Charbeneau@nrc.gov

Katie Tucker, Law Clerk
E-mail: katie.tucker@nrc.gov
Jonathan C. Esser, Law Clerk
E-mail: jonathan.esser@nrc.gov

OGC Mail Center :
OGCMailCenter@nrc.gov

Docket Nos. 52-012-COL and 52-013-COL
LB NOTICE (NOTICE OF HEARING; OPPORTUNITY TO SUBMIT WRITTEN LIMITED
APPEARANCE STATEMENTS; AND NOTICE OF ORAL ARGUMENT)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Office of the Secretary of the
Commission
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Counsel for the Applicant
Stephen J. Burdick, Esq.
Steven P. Frantz, Esq.
Alvin Gutterman, Esq.
John E. Matthews, Esq.
Kathryn M. Sutton, Esq.
Charles B. Moldenhauer, Esq.
Mary Freeze, Assistant
E-mail:
sburdick@morganlewis.com
sfrantz@morganlewis.com;
agutterman@morganlewis.com
jmatthews@morganlewis.com
ksutton@morganlewis.com
cmoldenhauer@morganlewis.com
mfreeze@morganlewis.com

Sustainable Energy and Economic
Development (SEED) Coalition
Diane Curran
Harmon, Curran, Spielberg, &
Eisenberg, LLP
1726 M Street N.W., Suite 600
Washington, DC 20036
E-mail: dcurran@harmoncurran.com

Sustainable Energy and Economic
Development (SEED) Coalition
Robert V. Eye, Esq.
Brett A. Jarmer, Esq.
April Middleton, Assistant
Kauffman & Eye
112 SW 6th Avenue, Suite 202
Topeka, Kansas 66603
E-mail: bob@kauffmaneye.com
E-mail: brett@kauffmaneye.com
E-mail: april@kauffmaneye.com

Sustainable Energy & Economic
Development (SEED) Coalition
Eliza Brown, Clean Energy Advocate
1303 San Antonio #100
Austin, Texas 78701
E-mail: eliza.seedcoalition@gmail.com

Docket Nos. 52-012-COL and 52-013-COL
LB NOTICE (NOTICE OF HEARING; OPPORTUNITY TO SUBMIT WRITTEN LIMITED
APPEARANCE STATEMENTS; AND NOTICE OF ORAL ARGUMENT)

Southwest Workers' Union
Lanny Alan Sinkin, Esq.
1801 Westlake Drive #212
Austin, Texas 78746
E-mail: lanny.sinkin@gmail.com

[Original signed by Evangeline S. Ngbea]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 7th day of July 2011