

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

October 21, 2011

MEMORANDUM AND ORDER

(Scope of Oral Argument on Intervenors' New Fukushima Contention)

At the conclusion of the upcoming evidentiary hearing on Contention DEIS-1-G, the Board will hold oral argument on Intervenors' new Fukushima-related contention.<sup>1</sup> Similar contentions have been filed in a large number of other reactor proceedings, and in the past week two boards (LBP-11-27 and LBP-11-28) have issued admissibility rulings.<sup>2</sup> The parties are advised to be prepared to address the fundamental differences, if any, that distinguish

---

<sup>1</sup> 76 Fed. Reg. 61,401, 61,402 (Oct. 4, 2011).

<sup>2</sup> PPL Bell Bend, L.L.C. (Bell Bend Nuclear Power Plant), LBP-11-27, 74 NRC \_\_ (Oct. 18, 2011) (errata Oct. 20, 2011) (ruling collectively for the Bell Bend, Comanche Peak, Vogtle, William States Lee, and Columbia Generating Station proceedings); Nextera Energy Seabrook, LLC (Seabrook Station, Unit 1), LBP-11-28, 74 NRC \_\_ (Oct. 19, 2011).

- 2 -

proposed Units 3 and 4 at the South Texas site from the facts and law discussed in LBP-11-27 and LBP-11-28.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/***

---

Michael M. Gibson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
October 21, 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 **MEMORANDUM AND ORDER (Scope of Oral Argument on Intervenors' New Fukushima Contention)** 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](mailto:michael.gibson@nrc.gov)

Gary S. Arnold  
Administrative Judge  
E-mail: [gary.arnold@nrc.gov](mailto:gary.arnold@nrc.gov)

Randall J. Charbeneau  
Administrative Judge  
E-mail: [Randall.Charbeneau@nrc.gov](mailto:Randall.Charbeneau@nrc.gov)

Jonathan C. Esser, Law Clerk  
E-mail: [jonathan.esser@nrc.gov](mailto:jonathan.esser@nrc.gov)

Marian Zobler, 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.zobler@nrc.gov](mailto:marian.zobler@nrc.gov)  
[sara.kirkwood@nrc.gov](mailto:sara.kirkwood@nrc.gov)  
[joseph.gilman@nrc.gov](mailto:joseph.gilman@nrc.gov)  
[maxwell.smith@nrc.gov](mailto:maxwell.smith@nrc.gov)  
[michael.spencer@nrc.gov](mailto:michael.spencer@nrc.gov)  
[jody.martin@nrc.gov](mailto:jody.martin@nrc.gov)  
[anthony.wilson@nrc.gov](mailto:anthony.wilson@nrc.gov)  
[andrea.silvia@nrc.gov](mailto:andrea.silvia@nrc.gov)  
[anita.ghosh@nrc.gov](mailto:anita.ghosh@nrc.gov)

OGC Mail Center :  
[OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

Docket Nos. 52-012-COL and 52-013-COL

**MEMORANDUM AND ORDER (Scope of Oral Argument  
on Intervenors' New Fukushima Contention)**

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16C1  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@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](mailto:sburdick@morganlewis.com)  
[sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com);  
[agutterman@morganlewis.com](mailto:agutterman@morganlewis.com)  
[jmatthews@morganlewis.com](mailto:jmatthews@morganlewis.com)  
[ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)  
[cmoldenhauer@morganlewis.com](mailto:cmoldenhauer@morganlewis.com)  
[mfreeze@morganlewis.com](mailto:mfreeze@morganlewis.com)

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

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](mailto:hearingdocket@nrc.gov)

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](mailto:dcurran@harmoncurran.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](mailto:eliza.seedcoalition@gmail.com)

Docket Nos. 52-012-COL and 52-013-COL

**MEMORANDUM AND ORDER (Scope of Oral Argument  
on Intervenors' New Fukushima Contention)**

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

[Original signed by Nancy Greathead]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of October 2011