

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

August 17, 2012

NOTICE AND ORDER

(Notifying Parties of Amendments to 10 C.F.R. Part 2)

On August 3, 2012, the Nuclear Regulatory Commission amended its regulations related to Part 2 adjudicatory proceedings (New Part 2 Rules).¹ The New Part 2 Rules do not apply retroactively.² Rather, they apply to “obligations and disputes that arise after [September 4, 2012].”³ Accordingly, our Initial Scheduling Order (ISO)⁴ will remain in effect thereafter, where it does not conflict with the New Part 2 Rules.

Within 20 days of the service of this notice, the parties shall submit written statements, jointly or individually, specifying whether the New Part 2 Rules warrant any changes to the

¹ Amendments to Adjudicatory Process Rules and Related Requirements; Final Rule, 77 Fed. Reg. 46,561 (Aug. 3, 2012).

² Id. at 46,562.

³ Id. at 46,562.

⁴ See Licensing Board ISO (Oct. 20, 2009) (unpublished).

ISO or any other orders or instructions that this Board has issued governing the conduct of this proceeding. The submission(s) should include proposed language to implement such changes.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 17, 2012

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
)
)
(South Texas Project, Units 3 and 4))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE AND ORDER (NOTIFYING PARTIES OF AMENDMENTS TO 10 C.F.R. PART 2)** 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

Sara Kirkwood, Esq.
Maxwell Smith, Esq.
Michael Spencer, Esq.
Jody Martin, Esq.
Anthony C. Wilson, Esq.
Andrea Silvia, Esq.
Patrick Moulding, Esq.
E-mail:
sara.kirkwood@nrc.gov
maxwell.smith@nrc.gov
michael.spencer@nrc.gov
jody.martin@nrc.gov
anthony.wilson@nrc.gov
andrea.silvia@nrc.gov
patrick.moulding@nrc.gov

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

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

Jonathan C. Eser, Law Clerk
E-mail: jonathan.eser@nrc.gov

OGC Mail Center :
OGCMailCenter@nrc.gov

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

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

NOTICE AND ORDER (NOTIFYING PARTIES OF AMENDMENTS TO 10 C.F.R. PART 2)

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.
Charles B. Moldenhauer, Esq.
Mary Freeze, Assistant
Audrea Salters, Legal Secretary
E-mail:

sburdick@morganlewis.com
sfrantz@morganlewis.com;
agutterman@morganlewis.com
jmatthews@morganlewis.com
cmoldenhauer@morganlewis.com
mfreeze@morganlewis.com;
asalters@morganlewis.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

Southwest Workers' Union
Lanny Alan Sinkin, Esq.
1801 Westlake Drive #212
Austin, Texas 78746
E-mail: lanny.sinkin@gmail.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 & Economic
Development (SEED) Coalition
Eliza Brown, Clean Energy Advocate
1303 San Antonio #100
Austin, Texas 78701
E-mail: eliza.seedcoalition@gmail.com

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

Dated at Rockville, Maryland
this 17th day of August 2012