

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

February 7, 2013

ORDER

(Establishing Revised Schedule for Hearing on Contention FC-1)

On December 21, 2012, Applicant Nuclear Innovation North America, LLC filed a Motion to Proceed with a Hearing on Contention FC-1.¹ Intervenors and the NRC Staff opposed the motion, partially on the grounds that the NRC Staff had not yet completed its review of the foreign ownership, control and domination (FOCD) issues that are the subject of Contention FC-1.² We placed the motion in abeyance in light of the pending issuance by the NRC Staff of a schedule for completion of its FOCD review.³ We directed the Applicant to supplement its motion within ten days of the release of the NRC Staff's schedule.

¹ NINA's Motion to Proceed with a Hearing on Contention FC-1 (Dec. 21, 2012).

² See NRC Staff's Answer to NINA's Motion to Proceed with a Hearing on Contention FC-1 (Jan. 4, 2013); Intervenors' Response to NINA's Motion to Proceed with a Hearing on Contention FC-1 (Jan. 4, 2013).

³ Licensing Board Order (Holding Motion to Proceed to Hearing in Abeyance) (Jan. 9, 2013) at 2.

On January 28, 2013, the NRC Staff submitted its schedule, and declared its intention to complete its FOCD review by April 2013 at the latest.⁴ On February 7, 2013, the Applicant filed a Supplement to its Motion to Proceed with a Hearing on Contention FC-1,⁵ superseding the original motion and proposing that the Board establish April 30, 2013 as the “trigger date” for proceeding to evidentiary hearing on Contention FC-1, in accordance with our Revised Scheduling Order.⁶ The Applicant states that no other party opposes its request to establish the trigger date.⁷

There being no objection, and in accordance with 10 C.F.R. 2.332(d), the Board finds that commencing the evidentiary hearing on Contention FC-1 following the release of the NRC Staff’s FOCD review would expedite the proceeding. Accordingly, the Board establishes the trigger date as the earlier of (1) April 30, 2013, or (2) the date on which the NRC Staff makes publicly available its FOCD review.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 7, 2013

⁴ See Letter from Richard S. Harper, NRC Staff Counsel, to Licensing Board (Jan. 28, 2013) at 1.

⁵ NINA’s Unopposed Supplement to Motion to Proceed with a Hearing on Contention FC-1 (Feb. 7, 2012) [Supplement].

⁶ See Licensing Board Revised Scheduling Order (Oct. 3, 2012) at 14 (unpublished).

⁷ Supplement at 4.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

I hereby certify that copies of the foregoing **ORDER (ESTABLISHING REVISED SCHEDULE FOR HEARING ON CONTENTION FC-1)** 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

ORDER (ESTABLISHING REVISED SCHEDULE FOR HEARING ON CONTENTION FC-1)

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 7th day of February 2013