

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

March 1, 2013

ORDER

(Holding Waste Confidence Contention in Abeyance)

Before the Board is Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at South Texas Units 3 & 4. On August 7, 2012, the Commission issued CLI-12-16, which directed that all contentions arising from the Court of Appeals for the D.C. Circuit's New York v. NRC decision be held in abeyance.<sup>1</sup> Accordingly, all pleadings addressing the Intervenors' contention concerning temporary storage and ultimate disposal of spent reactor fuel at South Texas Units 3 & 4 are to be held in abeyance pending further order.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Michael M. Gibson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 1, 2013

<sup>1</sup> See Calvert Cliffs Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), et al., CLI-12-16, 76 NRC \_\_, \_\_ (slip op. at 6) (Aug. 7, 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  
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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 (HOLDING WASTE CONFIDENCE CONTENTION IN ABEYANCE)** 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 (HOLDING WASTE CONFIDENCE CONTENTION IN ABEYANCE)**

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[Original signed by Herald M. Speiser \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 1<sup>st</sup> day of March, 2013