

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

|                                      |   |                        |
|--------------------------------------|---|------------------------|
| In the Matter of                     | ) | Docket Nos. 52-012-COL |
|                                      | ) | 52-013-COL             |
| NUCLEAR INNOVATION NORTH AMERICA LLC | ) |                        |
|                                      | ) |                        |
| (South Texas Project Units 3 and 4)  | ) | May 9, 2013            |
|                                      | ) |                        |

**JOINT MOTION TO ESTABLISH CONTENTION FC-1 HEARING SCHEDULE**

Pursuant to 10 C.F.R. § 2.323 and the Atomic Safety and Licensing Board's ("Board's") directions during the May 7, 2013 scheduling conference call, Nuclear Innovation North America LLC ("NINA"), the Intervenor, and the U.S. Nuclear Regulatory Commission ("NRC") Staff jointly propose a schedule for the activities related to the Contention FC-1 evidentiary hearing. The proposed schedule is based on the schedule for evidentiary hearing filings in Section II.K of the October 3, 2012 Revised Scheduling Order. The "trigger date" is the Staff's April 30, 2013 notification to the Board and the other parties of the Staff's April 29, 2013 letter issuing the results of the Staff's review of foreign ownership, control, or domination for the STP Units 3 and 4 project. The parties propose the following schedule:

| <b>Activity</b>                                                                                  | <b>Date</b>        |
|--------------------------------------------------------------------------------------------------|--------------------|
| Direct Testimony, Initial Statement of Position, Exhibits (Revised Scheduling Order § II.K.1)    | July 1, 2013       |
| Rebuttal Testimony, Rebuttal Statement of Position, Exhibits (Revised Scheduling Order § II.K.2) | July 22, 2013      |
| Motions In Limine/Motions to Strike (Revised Scheduling Order § II.K.3)                          | August 1, 2013     |
| Proposed Questions for the Board to Ask (Revised Scheduling Order § II.K.4)                      | August 21, 2013    |
| Motions for Cross Examination (Revised Scheduling Order § II.K.5)                                | August 21, 2013    |
| Evidentiary Hearing (Revised Scheduling Order § II.K.6)                                          | October 9-10, 2013 |

The parties request that the Board issue a scheduling order for Contention FC-1 hearing activities consistent with this proposed schedule.

The parties also discussed a proposed venue for the evidentiary hearing. The parties anticipate that many of the exhibits will be proprietary documents, and believe that a portion of the testimony at the hearing will need to address proprietary information. This will necessitate a closed portion of the hearing. However, it is not possible at this time to state exactly how much of the hearing will involve proprietary information, because this will depend on the written testimony and the Board's questions. The parties support holding the hearing at the ASLB hearing room at the NRC headquarters in Rockville, MD, if the Board believes it to be a more appropriate venue to accommodate a closed session.

Although all of the parties will support an evidentiary hearing at whatever venue the Board selects, the Intervenor and NINA expressed some preferences. If the evidentiary hearing is not held in Rockville, MD, the Intervenor expressed a preference to hold the hearing in Austin, TX due to its proximity to the Intervenor. If not in Rockville, MD, then NINA expressed a preference to hold the hearing in Houston, TX, because it is easily accessible to all parties and convenient to NINA's Lake Jackson, TX offices and the STP site. The Houston area also offers multiple potential venues for conducting the hearing.

Respectfully submitted,

Signed (electronically) by Stephen J. Burdick

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Executed in Accord With 10 C.F.R. § 2.304(d)

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*Counsel for NRC Staff*

Dated in Washington, D.C.  
this 9th day of May 2013

I certify that I have made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this joint motion, and to resolve those issues, and I certify that all parties have indicated that they support this joint motion and the proposed schedule for Contention FC-1.

*Signed (electronically) by Stephen J. Burdick*

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| (South Texas Project Units 3 and 4) )  | May 9, 2013            |
| _____ )                                |                        |

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2013 a copy of the “Joint Motion to Establish Contention FC-1 Hearing Schedule” was served by the Electronic Information Exchange.

*Signed (electronically) by Stephen J. Burdick*

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