

February 12, 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF AND INTERVENORS JOINT MOTION TO ENLARGE THE PAGE LIMIT
FOR THEIR MEMOS IN RESPONSE TO NEW LICENSE CONDITIONS PROPOSED BY NINA

Pursuant to 10 C.F.R. § 2.323 and the Atomic Safety and Licensing Board's (Board's) October 3, 2012 Revised Scheduling Order (ML12277A241), the U.S. Nuclear Regulatory Commission staff (Staff) and the Intervenors¹ request an enlargement of the page limit for their memos in response to nine new license conditions proposed by the Applicant in its February 7, 2014 "Nuclear Innovation North America LLC's [NINA's] Proposed Findings of Fact and Conclusions of Law for Contention FC-1" (NINA Proposed Findings) (ML14038A388). In its January 10, 2014 "Order (Memorializing Post-hearing Deadlines)" (ML14010A120), the Board allowed the Staff and the Intervenors to file a memo, no longer than five pages, in response to any license condition set forth in the NINA Proposed Findings. *See id.* at 1.² However, given the number and complexity of the new license conditions proposed by NINA, the Staff and the

¹ Intervenors include the Sustainable Energy and Economic Development Coalition, the South Texas Association for Responsible Energy, and Public Citizen.

² Originally, this memo from the Staff and the Intervenors was to be due on February 12, 2014, *see id.*, but in response to a joint motion for clarification from the Intervenors and the Staff, the Board set a deadline of February 18, 2014, for the Intervenors' and Staff's responses. Order (Granting Joint Motion for Clarification), at 1 (Jan. 22, 2014) (ML14022A090).

Intervenors request an enlargement of the page limit for their responsive memos from five pages to ten pages. NINA opposes this joint motion.

An enlargement of the page limit is necessary because of the number of license conditions NINA has proposed, their complexity, and the need to address to what extent these license conditions are supported by, or are inconsistent with, the record of this proceeding. When the Board set the five page limit, the Staff, the Intervenors, and the Board were not aware that NINA would proposed nine license conditions, one with multiple parts. NINA Proposed Findings at 123-129. In addition, the Staff believes that several of the conditions proposed by NINA are contrary to the record in a number of different ways, which will require the Staff to describe the factual context for these license conditions to explain why they are so at odds with the record. Thus, adequately addressing NINA's proposed license conditions will require more than five pages. The Staff and the Intervenors make a good faith estimate that ten pages will be required to adequately address NINA's proposed license conditions, which is a little more than one page per license condition. Thus, there is good cause for this joint motion.

Respectfully submitted,

/signed (electronically) by/

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Executed in Accord with 10 CFR § 2.304(d)

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Dated at Rockville, Maryland,
this 12th day of February 2014

CERTIFICATION

I certify that I have made a sincere effort to contact the other parties to this proceeding to explain to them the factual and legal issues raised in this motion, and to resolve those issues. I certify that after this consultation, the Intervenors agreed to file this motion jointly, while NINA opposes the motion.

/signed (electronically) by/

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CERTIFICATE OF SERVICE

I hereby certify that the “NRC Staff and Intervenors Joint Motion to Enlarge the Page Limit for Their Memos in Response to New License Conditions Proposed by NINA,” has been filed through the E-Filing system this 12th day of February 2014.

/signed (electronically) by/
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