

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).<sup>1</sup> The New Part 2 Rules do not apply retroactively.<sup>2</sup> Rather, they apply to “obligations and disputes that arise after [September 4, 2012].”<sup>3</sup> Accordingly, our Initial Scheduling Order (ISO)<sup>4</sup> 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

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

<sup>2</sup> Id. at 46,562.

<sup>3</sup> Id. at 46,562.

<sup>4</sup> See Licensing Board ISO (Oct. 20, 2009) (unpublished).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

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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.

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

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

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

Dated at Rockville, Maryland  
this 17<sup>th</sup> day of August 2012