

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 Intervenor's 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.¹ Accordingly, all pleadings addressing the Intervenor's 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

/S/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 1, 2013

¹ 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
)	
(South Texas Project, Units 3 and 4))	
)	

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 1st day of March, 2013