

January 15, 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))

INTERVENORS AND NRC STAFF JOINT MOTION FOR CLARIFICATION OF THE
JANUARY 10, 2014 BOARD ORDER MEMORIALIZING POST-HEARING DEADLINES

Pursuant to 10 C.F.R. § 2.323, the Intervenor¹ and the U.S. Nuclear Regulatory Commission staff (Staff) request clarification of the Atomic Safety and Licensing Board's (Board's) January 10, 2014 "Order (Memorializing Post-hearing Deadlines)" (Board Order) (ML14010A120).² The stated purpose of the Board Order is to memorialize directions given by the Board during the January 6-8, 2014 evidentiary hearing in Houston, TX. Board Order at 1. However, a portion of the Board Order does not appear to correspond with direction given by the Board during the evidentiary hearing. Specifically, on January 8, 2014, the Board provided ten days for the Intervenor and the Staff to respond to new license conditions offered by NINA in its proposed findings of fact and conclusions of law, while NINA was given five days to reply to the Intervenor's and Staff's responses. See Hearing Tr. at 2561, 2563-64 (Jan. 8, 2014) (ML14013A333). The Board Order, however, provides the Intervenor and the Staff only five days (three working days) to respond to new license conditions proposed by NINA, which is less

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

² The applicant, Nuclear Innovation North America LLC (NINA), does not support this motion but will not be taking a position on it.

than the six days provided to NINA to reply to the Intervenor's and Staff's responses, with NINA already having had an opportunity to argue for its new license conditions in its proposed findings of fact and conclusions of law. See Board Order at 1. The Intervenor and the Staff respectfully request that the Board clarify the briefing dates in the Board Order to provide the Intervenor and the Staff with a ten day response period in accordance with the directions given by the Board during the evidentiary hearing.

Respectfully submitted,

Executed in Accord with 10 CFR § 2.304(d)

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Dated at Rockville, Maryland,
this 15th day of January 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 Intervenor agreed to file this motion jointly, while NINA does not support this motion but will not be taking a position on it.

Executed in Accord with 10 CFR § 2.304(d)

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CERTIFICATE OF SERVICE

I hereby certify that the "Intervenors and NRC Staff Joint Motion for Clarification of the January 10, 2014 Board Order Memorializing Post-Hearing Deadlines," has been filed through the E-Filing system this 15th day of January 2014.

/signed (electronically) by/

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