In the Matter of
NUCLEAR INNOVATION NORTH AMERICA LLC
(South Texas Project Units 3 and 4)

ORDER
(Regarding Issuance of Partial Initial Decision)

Today the Board issued a Partial Initial Decision (LBP-14-03) concerning the application of Nuclear Innovation North America, LLC for combined licenses under 10 C.F.R. Part 52 for the construction and operation of two new nuclear reactor units—proposed South Texas Project Units 3 and 4, employing the Advanced Boiling Water Reactor certified design—on the existing South Texas site, located near Bay City, Texas.\(^1\) In this Partial Initial Decision, the Board rules in favor of the Applicant on Contention FC-1.

During the course of the hearing on this matter, the Board received testimony and exhibits that may contain confidential business information. As a result, portions of this Partial Initial Decision may contain information that must be withheld. To ensure that such information is not inadvertently disclosed, the Partial Initial Decision has been released to the parties for their consideration as to whether the Partial Initial Decision contains confidential business information that should not be disclosed to the public.

\(^1\) South Texas Project Nuclear Operating Company; Notice of Receipt and Availability of Application for a Combined License, 72 Fed. Reg. 60,394 (Oct. 24, 2007).
To that end, the parties should jointly submit proposed redactions to the Board’s Partial Initial Decision no later than April 21, 2014. These proposed redactions should be for the sole purpose of preventing the release of confidential business information that should not be disclosed to the public. Each proposed redaction must specify, by page and line number, any confidential business information that should not be disclosed to the public, and the reasons for the requested redaction.

Thereafter, the Board will release a publicly available version of the Partial Initial Decision as soon as practicable thereafter.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 10, 2014
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 (Regarding Issuance of Partial Initial Decision) have been served upon the following persons by the Electronic Information Exchange.

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, DC 20555-0001

Michael M. Gibson, Chair
Administrative Judge
E-mail: michael.gibson@nrc.gov

Gary S. Arnold
Administrative Judge
E-mail: gary.arnold@nrc.gov

Randall J. Charbeneau
Administrative Judge
E-mail: Randall.Charbeneau@nrc.gov

Kathleen E. Oprea, Law Clerk
E-mail: kathleen.oprea@nrc.gov

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Mail Stop - O-15 D21
Washington, DC 20555-0001

Sara Kirkwood, Esq.
Michael Spencer, Esq.
Anthony C. Wilson, Esq.
Richard Harper, Esq.

Nicholas Koontz, Paralegal
E-mail:
sara.kirkwood@nrc.gov
michael.spencer@nrc.gov
anthony.wilson@nrc.gov
richard.harper@nrc.gov
nicholas.koontz@nrc.gov

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Office of the Secretary of the
Commission
U.S. Nuclear Regulatory Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

OGC Mail Center:
OGCMailCenter@nrc.gov
South Texas Project, Units 3 and 4  
Docket Nos. 52-012-COL and 52-013-COL  
ORDER (Regarding Issuance of Partial Initial Decision)

Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Ave., NW  
Washington, DC  20004  
Counsel for the Applicant  
Stephen J. Burdick, Esq.  
Steven P. Frantz, Esq.  
Alvin Gutterman, Esq.  
John E. Matthews, Esq.  
Charles B. Moldenhauer, Esq.  
Mary Freeze, Assistant  
Audrea Salters, Legal Secretary  
E-mail:  
sburdick@morganlewis.com  
sfrantz@morganlewis.com;  
agutterman@morganlewis.com  
jmatthews@morganlewis.com  
cmoldenhauer@morganlewis.com  
mfreeze@morganlewis.com;  
asalters@morganlewis.com

Sustainable Energy and Economic Development (SEED) Coalition  
Diane Curran  
Harmon, Curran, Spielberg, & Eisenberg, LLP  
1726 M Street N.W., Suite 600  
Washington, DC  20036  
E-mail: dcurran@harmoncurran.com

Sustainable Energy and Economic Development (SEED) Coalition  
Robert V. Eye, Esq.  
Brett A. Jarmer, Esq.  
April Middleton, Assistant  
Kauffman & Eye  
112 SW 6th Avenue, Suite 202  
Topeka, Kansas  66603  
E-mail: bob@kauffmaneye.com  
E-mail: brett@kauffmaneye.com  
E-mail: april@kauffmaneye.com

Southwest Workers’ Union  
Lanny Alan Sinkin, Esq.  
1801 Westlake Drive #212  
Austin, Texas  78746  
E-mail: lanny.sinkin@gmail.com

[Original signed by Brian Newell]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 10th day of April, 2014

2