## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

## COMMISSIONERS:

Allison M. Macfarlane, Chairman Kristine L. Svinicki

William C. Ostendorff

In the Matter of	) )
DTE ELECTRIC CO. (Fermi Nuclear Power Plant, Unit 3)	) ) Docket No. 52-033-COL )
DTE ELECTRIC CO. (Fermi Nuclear Power Plant, Unit 2)	) ) Docket No. 50-341-LR )
DUKE ENERGY CAROLINAS, L.L.C. (William States Lee III Nuclear Station, Units 1 and 2)	) Docket Nos. 52-018-COL, ) 52-019-COL
ENTERGY NUCLEAR OPERATIONS, INC. (Indian Point Nuclear Generating Units 2 and 3)	) Docket Nos. 50-247-LR, ) 50-286-LR
FIRSTENERGY NUCLEAR OPERATING CO. (Davis-Besse Nuclear Power Station, Unit 1)	) Docket No. 50-346-LR )
FLORIDA POWER & LIGHT CO. (Turkey Point, Units 6 and 7)	) Docket Nos. 52-040-COL, ) 52-041-COL
LUMINANT GENERATION CO. L.L.C. (Comanche Peak Nuclear Power Plant, Units 3 and 4)	) Docket Nos. 52-034-COL, ) 52-035-COL
NEXTERA ENERGY SEABROOK, L.L.C. (Seabrook Station, Unit 1)	) Docket No. 50-443-LR )
NUCLEAR INNOVATION NORTH AMERICA, L.L.C. (South Texas Project, Units 3 and 4)	) Docket Nos. 52-012-COL, ) 52-013-COL
PACIFIC GAS AND ELECTRIC CO. (Diablo Canyon Power Plant, Units 1 and 2)	) ) Docket Nos. 50-275-LR ) 50-323-LR
PROGRESS ENERGY FLORIDA, INC. (Levy County Nuclear Power Plant, Units 1 and 2)	) Docket Nos. 52-029-COL, ) 52-030-COL
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STP NUCLEAR OPERATING CO. Docket Nos. 50-498-LR, (South Texas Project, Units 1 and 2) 50-499-LR TENNESSEE VALLEY AUTHORITY Docket Nos. 52-014-COL, (Bellefonte Nuclear Power Plant, Units 3 and 4) 52-015-COL TENNESSEE VALLEY AUTHORITY Docket Nos. 50-327-LR (Sequoyah Nuclear Plant, Units 1 and 2) 50-328-LR TENNESSEE VALLEY AUTHORITY Docket No. 50-391-OL (Watts Bar Nuclear Plant, Unit 2) UNION ELECTRIC CO. Docket No. 50-483-LR (Callaway Plant, Unit 1) VIRGINIA ELECTRIC AND POWER CO. Docket No. 52-017-COL d/b/a DOMINION VIRGINIA POWER and OLD DOMINION ELECTRIC COOPERATIVE (North Anna Power Station, Unit 3)

## CLI-14-09

## **MEMORANDUM AND ORDER**

Recently, we approved the publication of a final rule and generic environmental impact statement to address the environmental impacts associated with the continued storage of spent nuclear fuel after the end of a reactor's licensed life for operation. In response to the publication of the Continued Storage Rule and generic environmental impact statement, several petitioners have filed substantively identical petitions to suspend final licensing decisions and related motions requesting the admission of new contentions in the captioned matters.<sup>2</sup>

(continued . . .)

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<sup>&</sup>lt;sup>1</sup> Final Rule, Continued Storage of Spent Nuclear Fuel, 79 Fed. Reg. 56,238 (Sept. 19, 2014) and "Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel," NUREG-2157, Vols 1 & 2 (Sept. 2014) (ADAMS accession nos. ML14196A105 and ML14196A107).

<sup>&</sup>lt;sup>2</sup> See, e.g., Petition to Suspend Final Decisions in All Pending Reactor Licensing Proceedings Pending Issuance of Waste Confidence Safety Findings (Sept. 29, 2014); Petitioner's Motion for

As the filings reflect, the procedural posture of these matters is not uniform. As a result, some filings (together with various procedural requests) were appropriately lodged with the Atomic Safety and Licensing Boards and some with us. In our view, the petition to suspend licensing decisions and the proposed contention are inextricably linked. For this reason and as a matter of sound case management, we exercise our inherent supervisory authority over agency adjudications to review the petition and motions ourselves and today set a briefing schedule.

Responses to the petition and motions may be filed no later than Friday, October 31, 2014. Responding parties may, at their discretion, consolidate their responses to the petition and motions. Any replies to the responses may be filed no later than Friday, November 7, 2014. IT IS SO ORDERED.

NRC SEAL

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland, this <u>7<sup>th</sup></u> day of October, 2014.

Leave to File a New Contention Concerning the Absence of Required Waste Confidence Safety Findings in the Licensing Proceeding at North Anna Nuclear Power Plant (Sept. 29, 2014) (filed in the North Anna combined license docket). In some proceedings, petitioners also filed motions to reopen the record. See, e.g., Motion to Reopen the Record for North Anna Nuclear Power Plant (Sept. 29, 2014). These petitions and motions were filed on September 29, 2014. Shortly thereafter, Riverkeeper, Inc. filed a substantively identical suspension petition together with a motion transmitting a new contention. Petition to Suspend Final Decision in Indian Point Relicensing Proceeding Pending Issuance of Waste Confidence Safety Findings (Oct. 3, 2014); Riverkeeper Consolidated Motion for Leave to File a New Contention and New Contention RK-10 Concerning the Absence of Required Waste Confidence Safety Findings (Oct. 3, 2014).