

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Gregory B. Jaczko, Chairman
Kristine L. Svinicki
George Apostolakis
William D. Magwood, IV
William C. Ostendorff

In the Matter of)
)
)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275-LR &
) 50-323-LR
(Diablo Canyon Nuclear Power Plant, Units 1 and 2))
)

CLI-12-13

MEMORANDUM AND ORDER

The Licensing Board has referred to us a portion of its decision that rejected a proposed new contention filed by the San Luis Obispo Mothers for Peace (SLOMFP) relating to the Fukushima Dai-ichi accident in Japan.¹ SLOMFP has petitioned for interlocutory review of the remaining portion of the Board's decision.² For the reasons set forth below, we decline review of the Board's ruling. We also deny SLOMFP's petition for review without prejudice.

I. BACKGROUND

In response to a notice of opportunity for hearing published in the *Federal Register*,³ SLOMFP timely filed a request for hearing and petition for leave to intervene, submitting five

¹ LBP-11-32, 74 NRC __ (Nov. 18, 2011) (slip op.).

² *San Luis Obispo Mothers for Peace's Petition for Partial Interlocutory Review of LBP-11-32* (Dec. 5, 2011) (Petition).

³ Notice of Acceptance for Docketing of the Application, Notice of Opportunity for Hearing for Facility Operating License Nos. DPR-80 and DPR-82 for an Additional 20-Year Period; Pacific (continued . . .)

proposed contentions, as well as a related waiver petition.⁴ The Board granted SLOMFP's hearing request, admitting four of SLOMFP's contentions.⁵ The Board also found that SLOMFP had demonstrated a prima facie case for waiver as to one of the contentions, and certified the waiver petition to us for a decision on the merits.⁶ On appeal, we affirmed in part, and reversed in part, the Board's decision.⁷ Specifically, we affirmed the Board's ruling on Contention EC-1, an environmental contention asserting that Pacific Gas and Electric Company's (PG&E) severe accident mitigation alternatives (SAMA) analysis fails to consider seismic information from the nearby Shoreline Fault.⁸ We reversed the Board's rulings on the other admitted contentions and denied the waiver petition.⁹ Contention EC-1 currently remains pending before the Board.

On March 11, 2011, a 9.0 magnitude earthquake, followed by a devastating tsunami, occurred off the eastern coast of Japan, severely damaging the Fukushima Dai-ichi Nuclear Power Station. In response to these tragic events, the agency, among other lessons-learned efforts, established a Near-Term Task Force "to conduct a methodical and systematic review of

(. . . continued)

Gas & Electric Company, Diablo Canyon Nuclear Power Plant, Units 1 and 2; and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation, 75 Fed. Reg. 3493, 3493 (Jan. 21, 2010).

⁴ *Request for Hearing and Petition to Intervene by San Luis Obispo Mothers for Peace* (Mar. 22, 2010); *San Luis Obispo Mothers for Peace's Petition for Waiver of 10 C.F.R. Part 51 Subpart A Appendix B and 10 C.F.R. § 51.53(c)(2)* (Mar. 22, 2010); *Declaration by Diane Curran in Support of Petition for Waiver of 10 C.F.R. Part 51 Subpart A Appendix B and 10 C.F.R. § 51.53(c)(2)* (Mar. 22, 2010).

⁵ LBP-10-15, 72 NRC 257, 345-46 (2010).

⁶ *Id.*

⁷ CLI-11-11, 74 NRC __, __ (Oct. 12, 2011) (slip op. at 44).

⁸ *See id.* at __ (slip op. at 23).

⁹ *See id.* at __ (slip op. at 44).

our processes and regulations to determine whether the agency should make . . . improvements to our regulatory system and make recommendations to the Commission for its policy direction.”¹⁰ As relevant here, the Task Force issued its findings and recommendations on July 12, 2011, in its Near-Term Report.¹¹ One month later, SLOMFP submitted a proposed new contention, which the Board labeled “Contention EC-5.”¹² Contention EC-5 challenges PG&E’s Environmental Report, asserting that it is deficient for failing to consider the Task Force’s findings and recommendations.¹³ According to SLOMFP, the Near-Term Report raises “new and significant information” that must be considered for the purposes of satisfying the

¹⁰ Staff Requirements—COMGBJ-11-0002—NRC Actions Following the Events in Japan (Mar. 21, 2011), at 1 (ADAMS accession no. ML110800456). See also “Charter for the Nuclear Regulatory Commission Task Force to Conduct a Near-Term Evaluation of the Need for Agency Actions Following the Events in Japan” (Mar. 30, 2011) (ML11089A045).

¹¹ “Recommendations for Enhancing Reactor Safety in the 21st Century, The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident” (July 12, 2011) (transmitted to the Commission via “Near-Term Report and Recommendations for Agency Actions Following the Events in Japan,” Commission Paper SECY-11-0093 (July 12, 2011) (ML11186A950) (package)) (Near-Term Report).

¹² *Motion to Admit New Contention Regarding the Safety and Environmental Implications of the Nuclear Regulatory Commission Task Force Report on the Fukushima Dai-ichi Accident* (Aug. 11, 2011); *Contention Regarding NEPA Requirement to Address Safety and Environmental Implications of the Fukushima Task Force Report* (Aug. 11, 2011) (New Contention); *Declaration of Dr. Arjun Makhijani Regarding Safety and Environmental Significance of NRC Task Force Report Regarding Lessons Learned from Fukushima Daiichi Nuclear Power Station Accident* (Aug. 8, 2011); LBP-11-32, 74 NRC at ___ (slip op. at 1). SLOMFP filed a separate petition for rulemaking that is currently pending before the Staff. See *Taxpayers and Ratepayers United, et al., Environmental Impacts of Severe Reactor and Spent Fuel Pool Accidents*, 76 Fed. Reg. 70,067, 70,069 (Nov. 10, 2011) (Docket no. PRM-51-15) (stating that “[t]he NRC will consider the issues raised by [this rulemaking petition] through the process the Commission has established for addressing the recommendations from the [Near-Term] Report and is not providing a separate opportunity for public comment on the [rulemaking petition] at this time”).

¹³ New Contention at 4.

requirements of the National Environmental Policy Act (NEPA).¹⁴ Compliance with NEPA is ultimately the responsibility of the NRC.¹⁵ However, license renewal applicants must submit an environmental report to aid the Staff in its preparation of a supplemental environmental impact statement (draft SEIS).¹⁶ Because the Staff has not yet issued the draft SEIS for Diablo Canyon, SLOMFP thus asserted that PG&E must update its Environmental Report to account for this information.¹⁷

The Board rejected the new contention on two independent grounds. First, the Board determined that NRC regulations do not impose on a license renewal applicant a continuing duty to supplement its Environmental Report to address new and significant information.¹⁸ Based on this reasoning, the Board found that PG&E had no duty to supplement its Environmental Report, and thus found “no legal theory to support” SLOMFP’s contention.¹⁹ Second, and alternatively, the Board found that even if PG&E had a duty to supplement its Environmental Report, the contention was inadmissible because “SLOMFP offer[ed] nothing to link the outcome of the Fukushima events to either [Diablo Canyon or the license renewal application],” and thus failed “to show any dispute with the application.”²⁰

¹⁴ *Id.* at 4-5.

¹⁵ See 42 U.S.C. § 4332(2); 10 C.F.R. § 51.10.

¹⁶ See 10 C.F.R. § 51.53(c).

¹⁷ See New Contention at 9-10. See *generally* 10 C.F.R. § 51.53(c).

¹⁸ See LBP-11-32, 74 NRC at ___ (slip op. at 13-15).

¹⁹ *Id.* at ___ (slip op. at 16).

²⁰ *Id.* at ___ (slip op. at 19) (citing 10 C.F.R. § 2.309(f)(1)(vi)).

The Board referred to us the portion of its ruling regarding its determination that PG&E has no legal duty to supplement the Environmental Report.²¹ Also before us is SLOMFP's petition for interlocutory review of the Board's alternative ground for dismissing the contention. PG&E and the Staff oppose the petition for interlocutory review.²²

II. DISCUSSION

A. The Referred Ruling

We encourage our licensing boards to refer rulings that raise "significant and novel legal or policy issues," the resolution of which "would materially advance the orderly disposition of the proceeding."²³ According to the Board, there are three "significant consequences" of its ruling.²⁴ First, the Board expresses concern that if it incorrectly determined that PG&E has no legal duty to supplement the Environmental Report, PG&E's reliance on this potentially incorrect ruling will cause PG&E not to be in compliance with our regulations.²⁵ Second, the Board observes that its ruling "means that the onus is on the . . . Staff to capture and discuss, in its [draft SEIS], any

²¹ See *id.* at ___ (slip op. at 19-21). Although Judge Abramson concurred in the decision overall, he would not have referred this portion of the Board's ruling. See *id.* at ___ (slip op. at 23) (Abramson, J., concurring). In his view, the ruling "raises no novel legal or policy issue," and the referral potentially "casts a cloud over what is a straightforward and obvious result." *Id.*

²² *Pacific Gas and Electric Company's Reply to Petition for Partial Interlocutory Review* (Dec. 15, 2011); *NRC Staff's Answer to Petition for Review of LBP-11-32* (Dec. 15, 2011).

²³ 10 C.F.R. § 2.341(f)(1). See also *Union Electric Co. d/b/a Ameren Missouri* (Callaway Plant, Unit 2), CLI-11-5, 74 NRC ___, __ (Sept. 9, 2011) (slip op. at 35) (advising that "should a licensing board decision raise novel legal or policy questions, we encourage the boards to certify to us, in accordance with 10 C.F.R. §§ 2.319(l) and 2.323(f), those questions that would benefit from our consideration"); *Tennessee Valley Authority* (Bellefonte Nuclear Power Plant, Units 3 and 4), CLI-09-3, 69 NRC 68, 72 (2009).

²⁴ LBP-11-32, 74 NRC at ___ (slip op. at 20).

²⁵ *Id.*

new and significant information that arises after the [Environmental Report].”²⁶ Third, the Board expresses concern that its ruling might mislead SLOMFP as to the appropriate timing for submitting a contention based on “new and significant information.”²⁷

Although the Board’s approach to SLOMFP’s new contention is novel, and we appreciate the Board’s bringing the matter to our attention, we do not find that resolution of the issue whether PG&E independently is required to supplement its Environmental Report to account for new and significant information will “materially advance the orderly disposition” of this adjudication. As an initial matter, the Board’s decision does not hinge on the Board’s novel interpretation of an applicant’s obligations; the Board also provided an alternate basis for disposition of Contention EC-5²⁸—failure “to ‘provide sufficient information to show that a genuine dispute exists . . . on a material issue of law or fact’ as required by 10 C.F.R. § 2.309(f)(1)(vi).”²⁹

More importantly, because of how our contention admissibility requirements are structured, it is not necessary for us to define precisely the license renewal applicant’s obligations after initial submission of its application. In adjudicatory proceedings, regardless of whether the applicant comes forward with supplemental information, our rules of practice place

²⁶ *Id.*

²⁷ *Id.* at __ (slip op. at 20-21) (reasoning that the “earliest possible moment at which SLOMFP [would] be obliged to file an environmental contention based on any ‘new and significant information’” is thirty days after the Staff issues the draft SEIS, or after PG&E voluntarily supplements its Environmental Report).

²⁸ As we explain in Section II.B, we decline to grant SLOMFP’s petition for interlocutory review of this alternative ground for the Board’s dismissal of Contention EC-5; accordingly, we express no opinion on this aspect of the Board’s decision.

²⁹ LBP-11-32, 74 NRC at __ (slip op. at 19).

the initial burden of raising issues based on such new information on petitioners and intervenors.³⁰ In other words, the “trigger point” for the timely submission of new or amended contentions is when new information becomes available, and our process places on the intervenor the obligation to raise new contentions based on such information. For these reasons, we find that consideration of the Board’s question will not materially advance this proceeding, and we decline to review the Board’s ruling.³¹

³⁰ As we stated in our 1998 policy statement on adjudications, “[a] contention’s proponent . . . is responsible for formulating the contention and providing the necessary information to satisfy the basis requirement for the admission of contentions.” *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18, 22 (1998). See generally 10 C.F.R. § 2.309(c), (f)(2). By participating in our proceedings, intervenors accept the obligation of uncovering relevant, publicly available information. *Duke Power Co. (Catawba Nuclear Station, Units 1 and 2)*, CLI-83-19, 17 NRC 1041, 1048 (1983).

³¹ Our decision to decline review of the referred question does not constitute an endorsement of the Board’s views on the question of an applicant’s duty to supplement. See *Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Units 1 and 2)*, CLI-98-25, 48 NRC 325, 343 n.3 (1998) (explaining that unreviewed board rulings have no precedential value). We note, however, that applicants “may submit a supplement to an environmental report at any time.” 10 C.F.R. § 51.45(a). Regardless of whether there is an affirmative duty to supplement an environmental report, applicants still face a continuing possibility of contentions in adjudicatory proceedings based upon omissions or deficiencies in their environmental report (as long as the contention meets all applicable contention admissibility criteria) because “our rules require the filing of contentions as early as possible.” *Private Fuel Storage (Independent Spent Fuel Storage Installation)*, CLI-04-4, 59 NRC 31, 45 (2004). We also note that an environmental report “should contain sufficient data to aid the Commission in its development of an independent analysis.” 10 C.F.R. § 51.45(c). We expect “intervenors [to] file contentions on the basis of the applicant’s environmental report and not delay their contentions until after the Staff issues its environmental analysis.” *Private Fuel Storage*, CLI-04-4, 59 NRC at 45. See also *Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2)*, CLI-03-17, 58 NRC 419, 429 (2003); *Catawba*, CLI-83-19, 17 NRC at 1048-50 (“While all environmental contentions may, in a general sense, ultimately be challenges to the NRC’s compliance with NEPA, factual aspects of particular issues can be raised before the [draft EIS] is prepared. . . . [T]he Commission expects that the filing of an environmental concern based on the [environmental report] will not be deferred because the [S]taff may provide a different analysis in its [draft EIS]. Should that circumstance transpire, there will be ample opportunity to either amend or dispose of the contention.”). The Board’s schedule for the submission of new Fukushima-related contentions in this proceeding ignores these long-standing principles.

The Chairman's partial dissent does not persuade us otherwise. As explained above, in the context of this litigation, there is no need to accept the referral and address the referred issue of whether PG&E has a legal duty to supplement the Environmental Report.³² However, we note that the Chairman joins the majority in reaffirming that our rules require the filing of contentions on new information as early as possible after the information becomes available. We therefore expect the Board to act accordingly.

B. SLOMFP's Petition for Interlocutory Review

We likewise are not inclined to grant interlocutory review of the Board's alternative ground for dismissing SLOMFP's new contention. We grant interlocutory review only upon a showing of "extraordinary circumstances."³³ That is, a petition for interlocutory review must show that the issue to be reviewed:

- (i) Threatens the party adversely affected by it with immediate and serious irreparable impact which, as a practical matter, could not be alleviated through a petition for review of the presiding officer's final decision; or
- (ii) Affects the basic structure of the proceeding in a pervasive or unusual manner.³⁴

SLOMFP relies on the second prong of our interlocutory review standard, arguing that the Board's ruling will have a "pervasive and unusual effect" on this—and other—proceedings.³⁵

³² Apart from this adjudication, we will ask the staff to review generically an applicant's duty to supplement or correct its environmental report.

³³ *Entergy Nuclear Operations, Inc.* (Indian Point, Units 2 and 3), CLI-09-6, 69 NRC 128, 133 (2009) (and cases cited therein).

³⁴ 10 C.F.R. § 2.341(f)(2).

³⁵ Petition at 10.

Pointing to the Board's discussion of CLI-11-5, SLOMFP asserts that the Board found its contention "premature," and claims that such a finding "creat[es] great uncertainty regarding the appropriate timing" for filing new environmental contentions based on the Fukushima events.³⁶ SLOMFP also cites licensing board decisions in other proceedings that rejected similar contentions based on prematurity, again pointing to uncertainty concerns.³⁷ In addition to reversal of the Board's decision, SLOMFP requests our guidance on the appropriate timing of Fukushima-related contentions.³⁸

As an initial matter, SLOMFP misinterprets the Board's contention admissibility finding. The Board did not base its ruling on prematurity; rather, it found that SLOMFP had failed to show a genuine dispute with PG&E's license renewal application, as required by 10 C.F.R. § 2.309(f)(1)(vi), because SLOMFP had not demonstrated a specific link between the Fukushima events and Diablo Canyon (and, particularly, the license renewal application).³⁹ Further, SLOMFP has not shown that interlocutory

³⁶ *Id.* at 6, 10.

³⁷ *Id.* at 10-11.

³⁸ *Id.* at 11.

³⁹ See LBP-11-32, 74 NRC at ___ (slip op. at 18) ("[W]e fail to see, and SLOMFP has not shown, how the[] [Task Force] recommendations in-and-of themselves . . . constitute 'new and significant information' that 'present[s] a seriously different picture of the environmental impact of the project from what was previously envisioned.'" (quoting *Callaway*, CLI-11-5, 74 NRC at ___ (slip op. at 31) (last alteration in original)). As an aside, the Board observed that at this time "[t]he impacts of the Task Force recommendations remain uncertain and unpredictable." *Id.* at ___ (slip op. at 19). It also noted that any "Fukushima contentions may still be premature." *Id.* at ___ (slip op. at 17 n.35) (emphasis omitted). But the Board ultimately rejected the contention based on SLOMFP's failure to meet the requirements of section 2.309(f)(1)(vi). See *id.* at ___ (slip op. at 19) ("Thus, we conclude that[] EC-5 is inadmissible[] because SLOMFP has failed to 'provide sufficient information to show that a genuine dispute exists . . . on a material issue of law or fact' as required by 10 C.F.R. § 2.309(f)(1)(vi)." (omission in original)).

review is warranted here. We have long held that routine contention admissibility decisions do not affect the basic structure of a proceeding in a “pervasive or unusual manner.”⁴⁰ We see nothing here that would persuade us to take review now, considering that SLOMFP will have an opportunity to challenge the Board’s contention admissibility decision at the end of the case.⁴¹

As to SLOMFP’s request for guidance on the submission of further contentions associated with the Fukushima events, we addressed this question initially in CLI-11-5. There, we observed that licensing boards applied existing procedural rules to new contentions and motions to reopen filed in response to the Three Mile Island accident and the September 11, 2001, terrorist attacks.⁴² In keeping with past practice, we declined to establish “new procedures []or a separate timetable for raising . . . issues related to the Fukushima events.”⁴³ We find no reason to revisit that ruling today. The agency has made, and continues to make, significant progress in its lessons-learned review. However, lessons-learned activities are proceeding, and will continue to

⁴⁰ *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-08-2, 67 NRC 31, 35 (2008); *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-00-2, 51 NRC 77, 79-80 (2000); *Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI-94-2, 39 NRC 91, 94 (1994).

⁴¹ See 10 C.F.R. § 2.341(b); *Pilgrim*, CLI-08-2, 67 NRC at 35-36. To be sure, if SLOMFP ultimately files a petition for review, it may challenge either of the two grounds for the Board’s rejection of the contention, or both.

⁴² See *Callaway*, CLI-11-5, 74 NRC at ___ (slip op. at 35 & n.120).

⁴³ *Id.* at ___ (slip op. at 35). We stated at that time that we would “monitor our ongoing adjudicatory proceedings” and would “reassess this determination if it becomes apparent that additional guidance would be appropriate.” *Id.* at ___ (slip op. at 36).

proceed, in parallel, and on varying schedules.⁴⁴ It is therefore not practicable today to set a single “deadline” or other timetable for new or amended Fukushima-related contentions. But neither is it necessary. As tangible lessons from the events in Japan emerge, Fukushima-related contentions may be raised that are appropriate for litigation in an individual case such as this one (except to the extent that those lessons are addressed in a generic fashion). Our rules of practice provide the procedural flexibilities needed to address such contentions as new information becomes available. As we determined in CLI-11-5, and recently reiterated,⁴⁵ our rules “contain ample provisions through which litigants may seek admission of new or amended contentions.”⁴⁶ As discussed above, SLOMFP—like any intervenor—retains the responsibility to raise new or amended contentions as new information becomes available if they wish to litigate those issues.⁴⁷ In accordance with these principles, the Board has the responsibility to determine whether such contentions are timely raised and adequately supported.⁴⁸

⁴⁴ See *generally* Staff Requirements—SECY-11-0124—Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report (Oct. 18, 2011) (ML112911571) (Staff Requirements—SECY-11-0124); Staff Requirements—SECY-11-0137—Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned (Dec. 15, 2011) (ML113490055); Staff Requirements—SECY-12-0025—Proposed Orders and Requests for Information in Response to Lessons Learned from Japan’s March 11, 2011, Great Tohoku Earthquake and Tsunami (Mar. 9, 2012) (ML120690347). We have directed, among other things, that the agency “should strive to complete and implement the lessons learned from the Fukushima accident within five years—by 2016.” Staff Requirements—SECY-11-0124, at 1.

⁴⁵ *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-12-3, 75 NRC __, __ (Feb. 22, 2012) (slip op. at 11).

⁴⁶ *Callaway*, CLI-11-5, 74 NRC at __ (slip op. at 35). See, e.g., 10 C.F.R. §§ 2.309(f)(2), 2.326.

⁴⁷ See *Catawba*, CLI-83-19, 17 NRC at 1048.

⁴⁸ On April 27, 2012, SLOMFP filed two new Fukushima-related contentions, which are currently pending before the Board. See *San Luis Obispo Mothers for Peace Motion to Admit* (continued . . .)

III. CONCLUSION

For the reasons set forth above, we *decline* review of the Board's referred ruling. We *deny* SLOMFP's petition for interlocutory review without prejudice.

IT IS SO ORDERED.

For the Commission

NRC SEAL

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of June, 2012.

(. . . continued)

Contentions Regarding Failure of Environmental Report to Address Post-Fukushima Investigations and Modifications (Apr. 27, 2012).

Chairman Gregory B. Jaczko, Concurring in Part and Dissenting in Part

I fully agree with the majority that our rules require the filing of contentions on new information as early as possible after the information becomes available. As the majority observes, this means that the appropriate “trigger point” for submitting new contentions is when the new information becomes available and the intervenor has the obligation to raise new contentions on new information. Having reached that conclusion, I disagree with my colleagues that we should not take interlocutory review of the Board’s ruling.

The majority opinion leads to one obvious conclusion—that the Board committed clear error in ruling that the earliest time at which an intervenor could be obligated to file an environmental contention based on new information (relating to Fukushima) would be after (1) the NRC issues an environmental review document or (2) the applicant voluntarily supplements the environmental report to address the new information. After identifying this error in the Board’s ruling, I see no reason to allow it to remain uncorrected. I believe the Commission should take review, correct the error and overturn the Board’s decision.

I believe Commission review is particularly important here because this error is premised upon what I consider another error—the Board’s premise that applicants have no responsibility to correct or update an environmental report after the application is submitted. Because we are not responsible for the action, we must rely on our applicants to provide information necessary for our review. The integrity of our licensing process depends on our ability to rely on that information. It is for this reason that our regulations require that applicants provide information that is accurate and complete. From the standpoint of sound regulatory policy and simple logic, that obligation should apply as long as the application remains pending. Therefore, applicants

should be responsible for correcting and updating the information in the application, including the environmental report, as long as the staff review continues.

Nevertheless, I recognize that the adjudicatory record on these obligations is limited because the Board reached these novel interpretations in the context of a specific license renewal and without obtaining full briefing from the parties. Therefore, I support the proposal by my colleagues to direct the staff, outside of this proceeding, to examine the laws, regulations, policies, guidance and practices associated with updating and correcting environmental reports by license applicants. This will allow us to consider this important issue generically and provide any appropriate Commission clarification or direction.