

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Ronald M. Spritzer, Chairman
Dr. Anthony J. Baratta
Dr. Randall J. Charbeneau

In the Matter of

DETROIT EDISON COMPANY

(Fermi Nuclear Power Plant, Unit 3)

Docket No. 52-033-COL

ASLBP No. 09-880-05-COL-BD01

August 29, 2012

ORDER

(Holding New Contention in Abeyance)

Before this Licensing Board is a motion for leave to file a new contention arising from the Court of Appeals for the D.C. Circuit's decision in New York v. NRC,¹ which invalidated and remanded the NRC's determinations on waste confidence and temporary storage of spent fuel. On August 7, 2012, the Commission directed that this contention and all similar contentions be held in abeyance, pending further order of the Commission.² Accordingly, the current contention and all related pleadings are hereby placed in abeyance.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 29, 2012

¹ 681 F.3d 471 (D.C. Cir. 2012).

² 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).

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(Combined License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Holding New Contention in Abeyance)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Nancy Greathead]
 Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 29th day of August 2012