UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Allison M. Macfarlane, Chairman
Kristine L. Svinicki
William D. Magwood, IV
William C. Ostendorff

In the Matter of	)	
CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC, and UNISTAR NUCLEAR OPERATING SERVICES, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3)	)	Docket No. 52-016-COL
DTE ELECTRIC CO. (Fermi Nuclear Power Plant, Unit 3)	)	Docket No. 52-033-COL
DUKE ENERGY CAROLINAS, LLC (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
ENTERGY OPERATIONS, INC. (Grand Gulf Nuclear Station, Unit 1)	)	Docket No. 50-416-LR
ENTERGY OPERATIONS, INC. (Grand Gulf Nuclear Station, Unit 3)	)	Docket No. 52-024-COL
EXELON GENERATION CO., LLC (Limerick Generating Station, Units 1 and 2)	)	Docket Nos. 50-352-LR, 50-353-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. LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4)	)	Docket Nos. 52-034-COL, 52-035-COL
NEXTERA ENERGY SEABROOK, LLC (Seabrook Station, Unit 1)	)	Docket No. 50-443-LR

NORTHERN STATES POWER CO. (Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation)	Docket No. 72-10-ISFSI
NUCLEAR INNOVATION NORTH AMERICA LLC (South Texas Project Units 3 and 4)	Docket Nos. 52-012-COL, 52-013-COL
PACIFIC GAS & ELECTRIC CO. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)	Docket Nos. 50-275-LR, 50-323-LR
PPL BELL BEND, LLC (Bell Bend Nuclear Power Plant)	Docket No. 52-039-COL
PROGRESS ENERGY CAROLINAS, INC. (Shearon Harris Nuclear Power Plant, Units 2 and 3)	Docket Nos. 52-022-COL, 52-023-COL
PROGRESS ENERGY FLORIDA, INC. (Levy County Nuclear Power Plant, Units 1 and 2)	Docket Nos. 52-029-COL, 52-030-COL
SOUTH TEXAS PROJECT NUCLEAR OPERATING CO. (South Texas Project, Units 1 and 2)	Docket Nos. 50-498-LR, 50-499-LR
TENNESSEE VALLEY AUTHORITY (Bellefonte Nuclear Power Plant Units 3 and 4)	Docket Nos. 52-014-COL, 52-015-COL
TENNESSEE VALLEY AUTHORITY (Sequoyah Nuclear Plant, Units 1 and 2)	Docket Nos. 50-327-LR, 50-328-LR
TENNESSEE VALLEY AUTHORITY (Watts Bar Nuclear Plant, Unit 2)	Docket No. 50-391-OL
UNION ELECTRIC CO. (Callaway Nuclear Power Plant, Unit 1)	Docket No. 50-483-LR
VIRGINIA ELECTRIC AND POWER CO. d/b/a DOMINION VIRGINIA POWER and OLD DOMINION ELECTRIC COOPERATIVE (North Anna Power Station, Unit 3)	Docket No. 52-017-COL

CLI-14-08

MEMORANDUM AND ORDER

Today we lift the suspension on final licensing decisions that we imposed in CLI-12-16, in view of the issuance of a revised rule codifying the NRC's generic determinations regarding the environmental impacts of continued storage of spent nuclear fuel beyond a reactor's licensed operating life. Further, we provide direction on the disposition of pending contentions associated with continued storage.

I. BACKGROUND

In 2012, the U.S. Court of Appeals for the District of Columbia Circuit found that the NRC failed to comply with the National Environmental Policy Act (NEPA) in issuing its 2010 update to the Waste Confidence Decision and accompanying Temporary Storage Rule.[1] As had previous iterations of the Decision and Rule, the 2010 versions supported generic findings in 10 C.F.R. § 51.23 regarding the impacts of spent fuel storage after the cessation of licensed operation of a nuclear power plant. Section 51.23(a) reflected several findings, including, first, that spent fuel "can be stored safely and without significant environmental impacts for at least 60 years beyond the licensed life for operation" and, second, that "there is reasonable assurance that sufficient mined geologic repository capacity will be available . . . when necessary."[2] Section 51.23(b) relied on these findings, among others, to exclude "discussion of any environmental impact of spent fuel storage . . . [during] the period following the term of the reactor operating license" in

[1] *New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012); *see generally* Final Rule: Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation, 75 Fed. Reg. 81,032 (Dec. 23, 2010); Waste Confidence Decision Update, 75 Fed. Reg. 81,037 (Dec. 23, 2010).

[2] 10 C.F.R. § 51.23(a) (2011).

any environmental impact statement, environmental assessment, environmental report, or other analysis prepared in connection with enumerated power reactor and dry cask licenses.[3]

The court identified three particular deficiencies in the 2010 analysis. First, related to the Commission's conclusion that permanent disposal will be available "when necessary," the court held that the NRC needed to examine the environmental impacts of failing to establish a repository. Second, related to the continued storage of spent fuel, the court held that the Commission had not adequately examined the risk of spent fuel pool leaks. And third, also related to continued storage, the court held that the NRC had not adequately examined the consequences of potential spent fuel pool fires.

In response to the court's ruling, we determined in CLI-12-16 that the NRC would not issue licenses dependent upon the Decision and Rule, pending completion of action on the remanded proceeding.[4] In the same decision, we opted to hold in abeyance a number of new contentions and associated filings concerning continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal.[5]

We have now approved a final Continued Storage Rule[6] and associated generic environmental impact statement (GEIS).[7] In the GEIS, the NRC has assessed generically the

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[3] *Id.* § 51.23(b) (2011).

[4] CLI-12-16, 76 NRC 63, 67 (2012).

[5] *Id.* at 68-69.

[6] The title of the rule has been changed to reflect issuance of a generic environmental impact statement in lieu of a separate Waste Confidence Decision. *See* "Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel," NUREG-2157 (Aug. 2014), at xxiii; D-11 to D-12 (discussing public comments on the name change) (ADAMS accession no. ML14188B749) (GEIS).

[7] Staff Requirements—SECY-14-0072—Final Rule, Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20) (Aug. 26, 2014) (ML14237A092); *see* "Final Rule: Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20)," Commission Paper SECY-14-0072 (July 21, 2014) (attaching

(continued . . .)

environmental impacts of continued storage of spent nuclear fuel and has addressed the issues raised in the D.C. Circuit's decision. The revised rule, in turn, codifies the environmental impacts reflected in the GEIS and reflects that these impact determinations will inform the decision-makers in individual licensing proceedings of the impacts of continued storage.[8] The NRC also addressed in the GEIS the three specific deficiencies identified by the court.[9] Because we have approved this rule today, the time is ripe to address the suspension that we imposed in CLI-12-16.

II. DISCUSSION

A. Suspension of Final Licensing Decisions

Following the court's 2012 remand, substantively identical petitions were filed in conjunction with nineteen pending reactor license applications.[10] The petitioners asked that we suspend final licensing decisions in reactor licensing cases pending the completion of our action on the remanded Waste Confidence proceeding.[11] We did so, observing that waste confidence undergirds certain licensing decisions, particularly new reactor licensing and power reactor

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the GEIS and the draft Final Rule, Continued Storage of Spent Nuclear Fuel (Continued Storage Rule)). The Commission paper and its attachments may be found at ML14177A482 (package).

[8] Continued Storage Rule at 4, 39-40; *see id.* at 74-75 (setting forth the revised section 51.23). The rule, which adopts the generic impact determinations made in the GEIS, satisfies the NRC's NEPA obligations with respect to continued storage for initial, renewed, and amended licenses for reactors, independent spent fuel storage installations (ISFSIs), construction permits, and early site permits. Further, consistent with the rule, these determinations generally may not be challenged in individual licensing proceedings. *Id.* at 19-20.

[9] Continued Storage Rule at 14. *See generally* GEIS at xxx, 1-4 (explaining that the GEIS includes an analysis of an indefinite time frame, which assumes that a repository does not become available); GEIS, App. E, "Analysis of Spent Fuel Pool Leaks"; GEIS, App. F, "Spent Fuel Pool Fires."

[10] As noted in CLI-12-16, the suspension petition was not filed in the *Indian Point* or *Limerick* matters, or in the then-pending *Victoria County* matter. CLI-12-16, 76 NRC at 68 n.10.

[11] CLI-12-16, 76 NRC at 66.

license renewal.[12] Historically, the Waste Confidence Decision represented the NRC's generic determination (and supporting generic environmental analysis) that spent nuclear fuel can be stored safely and without significant impacts for a period of time past a reactor's licensed life, but before permanent disposal. Because it made this determination generically, the NRC did not need to undertake site-specific identification of the environmental impacts associated with continued storage of spent nuclear fuel.[13] Vacatur of the Decision and Rule therefore left a gap in the NEPA analyses associated with these licensing reviews.[14]

In September 2012, we directed the Staff to develop a generic environmental impact statement to identify the environmental impacts of continued storage, address the issues raised by the court, and support an updated rule.[15] We approved publication of a proposed rule and associated draft generic environmental impact statement the next year.[16] Following a robust public comment period that included an extensive campaign of public meetings across the United States (discussed further below), the Staff has crafted a generic environmental impact

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[12] *Id.* at 66 & n.5 (citing 10 C.F.R. § 51.23(b) (2012)).

[13] Proposed Rule, Waste Confidence—Continued Storage of Spent Nuclear Fuel, 78 Fed. Reg. 56,776, 56,776 (Sept. 13, 2013) (Proposed Continued Storage Rule).

[14] *See Small Refiner Lead Phase-Down Task Force v. EPA*, 705 F.2d 506, 545 (D.C. Cir. 1983) (observing that, where the reviewing court vacates a rule without reinstating the old rule, "failure to reinstate the old rule creates a temporary regulatory vacuum"). In this case, even had the court expressly reinstated the prior version of the Waste Confidence Decision, a gap still would have been present—the court identified specific deficiencies in the Staff's analysis; the NRC was obliged to address these deficiencies. *See New York*, 681 F.3d at 478, 481-82 (holding that the NRC must include an evaluation of failure to secure permanent disposal, as well as an improved analysis of spent fuel pool leaks and spent fuel pool fires).

[15] *See* Staff Requirements—COMSECY-12-0016—Approach for Addressing Policy Issues Resulting from Court Decision to Vacate Waste Confidence Decision and Rule (Sept. 6, 2012) (ML12250A032) (SRM-COMSECY-12-0016).

[16] *See* Staff Requirements—SECY-13-0061—Proposed Rule: Waste Confidence—Continued Storage of Spent Nuclear Fuel (RIN 3150-AJ20) (Aug. 5, 2013) (ML13217A358); Proposed Continued Storage Rule, 78 Fed. Reg. at 56,776; Draft Waste Confidence Generic Environmental Impact Statement, 78 Fed. Reg. 56,621 (Sept. 13, 2013).

statement and revised rule that cure the deficiencies identified by the court. We have adopted that rule today. Upon consideration of the final Continued Storage Rule and associated GEIS, we lift the suspension on all final licensing decisions for affected applications as of the effective date of the final rule. To be sure, the results of the continued storage proceeding must be accounted for before finalizing individual licensing decisions. But once the Staff has otherwise completed its review of the affected applications and has implemented the Continued Storage Rule as appropriate for each affected application, it may make decisions regarding final license issuance.[17]

B. Pending Contentions Concerning Continued Storage

In CLI-12-16, we observed that, to the extent that the NRC addressed waste confidence on a case-by-case basis, "litigants can challenge such site-specific agency actions in our adjudicatory process."[18] Twenty-two continued storage contentions, most filed concurrently with the suspension petitions, are pending before us[19] or before the Atomic Safety and Licensing Boards.[20] All but two of these contentions are substantively similar. Echoing the court's decision, the petitioners argued in a general way that the environmental review for each

[17] Consistent with our direction in CLI-12-16, licensing reviews and adjudications continued apace. *See* CLI-12-16, 76 NRC at 67; "Implementation of Commission Memorandum and Order CLI-12-16 Regarding Waste Confidence Decision and Rule," Commission Paper SECY-12-0132 (ML12276A054) (package) (explaining the Staff's approach for continuing licensing reviews during the pendency of the rulemaking); Continued Storage Rule at 19-20, 36-37, 39-40 (explaining how the impact determinations in the GEIS will be used in NRC environmental reviews).

[18] CLI-12-16, 76 NRC at 67 (footnote omitted).

[19] The filings before the Commission are listed in an Appendix to this decision.

[20] The filings before the Boards are listed in the Appendix to this decision, together with the Board orders implementing our direction in CLI-12-16. The continued storage issue had been raised before the Board in the *Victoria County Station* early site permit proceeding; that proceeding has since been terminated. *Exelon Nuclear Texas Holdings, LLC* (Victoria County Station Site), LBP-12-20, 76 NRC 215 (2012) (granting the motion to withdraw the application without prejudice and terminating the proceeding).

proposed facility (the environmental report, draft environmental impact statement, or final environmental impact statement, depending on the status of the application in question) does not satisfy NEPA. To cite one example:

> The [draft environmental impact statement] for the proposed Fermi 3 does not satisfy NEPA, because it does not include a discussion of the environmental impacts of spent fuel storage after cessation of operation, including the impacts of spent fuel pool leakage, spent fuel pool fires, and failing to establish a spent fuel repository, as required by the U.S. Court of Appeals in *State of New York v. NRC*, No. 11-1045 (June 8, 2012). Therefore, unless and until the NRC conducts such an analysis, no license may be issued.[21]

At bottom, the petitioners argued that, in view of the court's decision invalidating the 2010 Decision and Rule, the NRC could no longer rely on 10 C.F.R. § 51.23(b), "which relies on those findings to exempt both the agency staff and license applicants from addressing spent fuel storage impacts in individual licensing proceedings."[22]

As we acknowledged in CLI-12-16 and again earlier this year, due to the special circumstances presented by waste confidence, we directed that such contentions be held in abeyance pending our further direction.[23] As discussed in the GEIS, the NRC considered

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[21] *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Proposed Fermi 3 Nuclear Power Plant* (July 9, 2012), at 4.

[22] *Id.* at 4-5.

[23] *Tennessee Valley Authority* (Sequoyah Nuclear Plant, Units 1 and 2), CLI-14-3, 79 NRC __, __ (Feb. 12, 2014) (slip. op. at 3, 8-9) (indicating that further direction regarding pending contentions would be provided "concurrent with issuance of the final rule"); CLI-12-16, 76 NRC at 68-69. At the time we directed the Staff to prepare a final rule and environmental impact statement, we expressly reserved the option to conduct some environmental analyses of continued storage issues on a site-specific basis if necessary, although we cautioned the Staff that "such a step should be used only in rare circumstances in which there is an exceptional or compelling need to proceed otherwise and proceeding with the site-specific review would not delay or create inconsistencies with development of the generic [environmental impact statement]." SRM-COMSECY-12-0016 at 2 (unnumbered).

addressing the environmental impacts of continued storage in site-specific reviews.[24] As part of the analysis underpinning the GEIS, however, we concluded that the impacts of continued storage will not vary significantly across sites; the impacts of continued storage at reactor sites, or at away-from-reactor sites, can be analyzed generically.[25] Further, "the assumptions used in the analysis are sufficiently conservative to bound the impacts such that variances that may occur between sites are unlikely to result in environmental impact determinations greater than those presented in the GEIS."[26] Because these generic impact determinations have been the subject of extensive public participation in the rulemaking process, they are excluded from litigation in individual proceedings.[27]

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[24] GEIS at 1-6 to 1-9 (discussing, among other things, review of impacts on a site-specific basis, preparation of a GEIS whose findings could be used in individual licensing reviews without the binding effect of a rule, or preparation of a policy statement).

[25] Continued Storage Rule at 15-17. As the final rule acknowledges, the court of appeals endorsed a generic approach. *Id.* at 15 (citing *New York*, 681 F.3d at 480 ("[W]e see no reason that a comprehensive general analysis would be insufficient to examine on-site risks that are essentially common to all plants.")).

[26] GEIS at D-101 to D-102 (response to Comment D.2.11.6); *see also id.* at D-94 to D-109 (providing, *inter alia*, responses to comments requesting site-specific reviews instead of a generic analysis); *id.* at D-68 to D-71 (providing responses to comments expressing concerns related to particular power plants or spent fuel storage facilities).

[27] Contentions that are the subject of general rulemaking by the Commission may not be litigated in individual license proceedings. *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 NRC 328, 345 (1999) (quoting *Potomac Electric Power Co.* (Douglas Point Nuclear Generating Station, Units 1 and 2), ALAB-218, 8 AEC 79, 85 (1974)); *see also* 10 C.F.R. §§ 2.309(f)(1)(iii), 2.335(a); GEIS at 1-7 ("Requiring the NRC to prepare site-specific discussions of generic issues, like those associated with continued storage, would result in the considerable expenditure of public, NRC, and applicant resources. Further, licensing boards could be required to hear nearly identical issues in each proceeding on these generic matters. Adopting the generic impacts of continued storage in a rule, on the other hand, allows the NRC and the participants in its licensing proceedings to focus their limited resources on site-specific issues that are unique to each licensing action.").

We therefore decline to accept for litigation those contentions pending before us.[28] The motions pending before us in the *William States Lee*, *Grand Gulf*, *Shearon Harris*, *Comanche Peak*, and *North Anna* combined license matters, and in the *South Texas* and *Grand Gulf* license renewal matters, are dismissed; those proceedings are terminated.[29]

Likewise, we direct the Atomic Safety and Licensing Boards to reject the contentions pending before them, consistent with our decision today,[30] with the exception of the two contentions pending in the *Indian Point* matter. These proposed contentions appear to include issues beyond the scope of the Continued Storage Rule.[31] To the extent that Contentions CW-SC-4 and NYS-39/RK-EC-9/CW-EC-10 raise issues resolved by the Continued Storage Rule, the Board is directed to dismiss them consistent with our opinion today. To the extent that these contentions raise other matters, the Board should assess their admissibility under our generally applicable rules of practice.[32]

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[28] As the Staff made clear in the GEIS, the Continued Storage Rule does not address the environmental impacts of spent fuel storage *during the license term*; these impacts are assessed as part of the site-specific environmental review for a proposed action. *See, e.g.*, GEIS at D-95. The site-specific environmental review may be subject to challenge, provided all other procedural requirements are satisfied.

[29] *See* the Appendix to this decision for a list of contentions pending before us. Because the proposed continued storage contentions are inadmissible, we need not, and do not, reach the other procedural issues raised by these motions.

[30] *See id*.

[31] *See Hudson River Sloop Clearwater, Inc.'s Motion for Leave to Add a New Contention Based Upon New Information and Petition to Add New Contention* (July 9, 2012) (Contention CW-SC-4); *State of New York, Riverkeeper, and Clearwater's Joint Motion for Leave to File a New Contention Concerning the On-Site Storage of Nuclear Waste at Indian Point* (July 8, 2012); *State of New York, Riverkeeper, Inc., and Hudson River Sloop Clearwater's Joint Contention NYS-39/RK-EC-9/CW-EC-10 Concerning the On-Site Storage of Nuclear Waste at Indian Point* (July 8, 2012).

[32] *See* 10 C.F.R. § 2.309(c), (f).

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One other matter merits mention. The petitioners sought "an opportunity for public comment on any generic determinations that [the Commission] may make in either an environmental assessment . . . or environmental impact statement . . . ."[33] In CLI-12-16, we committed that the public "will be afforded an opportunity to comment in advance on any generic waste confidence document that the NRC issues on remand—be it a fresh rule, a policy statement, an [environmental assessment], or an [environmental impact statement]."[34] The rulemaking record reflects that the Staff provided a variety of opportunities for public participation over the course of the rulemaking and received extensive public comment.[35] Many—if not most—of the petitioners in the captioned matters availed themselves of the opportunity to participate.[36] We are satisfied that the Staff amply fulfilled the assurances we made in CLI-12-16.

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[33] CLI-12-16, 76 NRC at 66.

[34] *Id.* at 67.

[35] The proposed rule was published for a seventy-five-day comment period on September 13, 2013; the comment period ultimately was extended until December 20, 2013. Proposed Continued Storage Rule, 78 Fed. Reg. at 56,776; Proposed Rule, Waste Confidence—Continued Storage of Spent Nuclear Fuel, 78 Fed. Reg. 66,858 (Nov. 7, 2013) (extension of comment period). During the comment period, the NRC staff held thirteen public meetings across the country. Overall, the NRC received over 33,000 comment submissions and recorded approximately 1,600 pages of public meeting transcripts. Continued Storage Rule at 52-53; GEIS at 1-12, C-1 to C-18, D-1 to D-3.

[36] *See, e.g.*, *Comments by Environmental Organizations on Draft Waste Confidence Generic Environmental Impact Statement and Proposed Waste Confidence Rule and Petition to Revise and Integrate All Safety and Environmental Regulations Related to Spent Fuel Storage and Disposal* (Dec. 20, 2013, corrected Jan. 7, 2014) (ML14030A152) (package) (transmitting comments made on behalf of 33 organizations); *Comments Submitted by the Attorneys General of the States of New York, Vermont, Connecticut, and the Commonwealth of Massachusetts, the Vermont Department of Public Service, and the Prairie Island Indian Community on the Nuclear Regulatory Commission's Draft Waste Confidence Generic Environmental Impact Statement and Proposed Rule* (Jan. 2, 2013) (ML13365A345). *See generally* GEIS at D-554 to D-602 (listing individuals who provided unique comments on the draft GEIS and proposed rule).

III. CONCLUSION

For the reasons discussed above, and in view of our approval of the final Continued Storage Rule and associated GEIS, we *lift* the suspension on all final licensing decisions for affected applications as of the effective date of the final rule. Further, the proposed "continued storage" contentions referenced herein are inadmissible, and *we decline to accept them* for litigation. As such, we *dismiss* the petitions pending before us in *William States Lee*, *Grand Gulf*, *Shearon Harris*, *Comanche Peak*, *North Anna*, and *South Texas* and *terminate* those proceedings. We *direct* the Atomic Safety and Licensing Boards, with the exception of the *Indian Point* Board, to likewise dismiss the contentions pending before them. Finally, we *direct* the *Indian Point* Board to dismiss the "continued storage" contentions pending before it; to the extent that the Board finds that these contentions raise issues outside the scope of the Continued Storage Rule, the Board should assess the admissibility of these contentions under the applicable rules of practice.

IT IS SO ORDERED.

For the Commission

NRC SEAL

/RA/

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Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of August, 2014

APPENDIX

CONTENTIONS PENDING BEFORE THE COMMISSION

1. *Motion to Reopen the Record for William States Lee III Units 1 and 2* (July 9, 2012), together with *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at William States Lee III Units 1 and 2* (July 9, 2012).

2. *Beyond Nuclear Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Grand Gulf Unit 1* (July 9, 2012).

3. *Beyond Nuclear Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Grand Gulf Unit 3* (July 9, 2012).

4. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Comanche Peak Nuclear Power Plant* (July 9, 2012).

5. *NC WARN's Motion to Reopen the Record and Admit Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at the Shearon Harris Nuclear Power Plant* (July 9, 2012).

6. *Petition for Intervention to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at STP Units 1 & 2* (July 9, 2012).

7. *Motion to Reopen the Record for North Anna Unit 3* (July 9, 2012), filed with *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at North Anna Unit 3* (July 9, 2012).

CONTENTIONS PENDING BEFORE THE ATOMIC SAFETY AND LICENSING BOARDS

1. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Proposed Fermi 3 Nuclear Power Plant* (July 9, 2012); Order (Holding New Contention in Abeyance) (Aug. 29, 2012) (unpublished).

2. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Davis-Besse Nuclear Power Station* (July 9, 2012); Order (Suspending Procedural Date Related to Proposed Waste Confidence Contention) (Aug. 8, 2012) (unpublished).

3. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Turkey Point Nuclear Power Plant* (July 9, 2012) (two motions, one filed by Southern Alliance for Clean Energy, National Parks Conservation Association, Dan Kipnis, and Mark Oncavage, and the other by Citizens Allied for Safe Energy, Inc.); Order (Suspending Deadlines for Submission of Reply Briefs Related to Proposed Waste Confidence Contention) (Aug. 9, 2012) (unpublished).

4. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Seabrook Station, Unit 1* (July 9, 2012); Order (Holding Intervenors' Motion for Leave to File a New Contention in Abeyance) (Aug. 15, 2012) (unpublished).

5. *San Luis Obispo Mothers for Peace Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Spent Reactor Fuel at Diablo Canyon Nuclear Power Plant* (July 9, 2012); Order (Holding Proposed New Contention in Abeyance) (Aug. 16, 2012) (unpublished).

6. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Spent Reactor Fuel at Levy Nuclear Power Plant* (July 9, 2012); Order (Holding Proposed New Contention in Abeyance) (Aug. 16, 2012) (unpublished).

7. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at South Texas Units 3 & 4* (July 9, 2012).

8. *Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Bellefonte* (July 9, 2012); Memorandum and Order (Suspending Date for Submission of Reply Pleading) (Aug. 8, 2012) (unpublished).

9. *Southern Alliance for Clean Energy's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Spent Reactor Fuel at Watts Bar Unit 2* (July 9, 2012); Order (Holding Waste Confidence Contention in Abeyance) (Aug. 9, 2012) (unpublished).

10. *Intervenor's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Callaway Nuclear Power Plant* (July 9, 2012); Memorandum and Order (Suspending Date for Submission of Reply Pleading) (Aug. 8, 2012) (unpublished).

11. *Hudson River Sloop Clearwater, Inc.'s Motion for Leave to Add a New Contention Based Upon New Information and Petition to Add New Contention* (July 9, 2012); *State of New York, Riverkeeper, and Clearwater's Joint Motion for Leave to File a New Contention Concerning the On-Site Storage of Nuclear Waste at Indian Point*, filed with *State of New York, Riverkeeper, Inc., and Hudson River Sloop Clearwater's Joint Contention NYS-39/RK-EC-9/CW-EC-10 Concerning the On-Site Storage of Nuclear Waste at Indian Point* (July 8, 2012); Order (Holding Contentions NYS-39/RK-EC-9/CW-EC-10 and CW-SC-4 in Abeyance) (Aug. 8, 2012) (unpublished).

12. *NRDC's Waste Confidence Contention* (July 9, 2012); Order (Suspending Procedural Date Related to Proposed Waste Confidence Contention) (Aug. 8, 2012) (unpublished) (suspending briefing in the *Limerick* license renewal proceeding).

13. *Prairie Island Indian Community's Request for Hearing and Petition to Intervene in License Renewal Proceeding for the Prairie Island Independent Spent Fuel Storage Installation* (Aug. 24, 2012), at 23-26 (Contention 1); LBP-12-24, 76 NRC at 510-11 (2012) (holding Contention 1 in abeyance); *Prairie Island Indian Community Motion to Admit New and Amended Contentions after Issuance of NRC's Draft Environmental Assessment* (Dec. 12, 2013); Memorandum and Order (Ruling on Motion to Admit New and Amended Contentions) (Apr. 30, 2014), at 5-7 (unpublished) (holding an amended Contention 1, challenging the draft environmental impact statement, in abeyance).

14. *Petition for Leave to Intervene and Request for Hearing by the Blue Ridge Environmental Defense League, Bellefonte Efficiency and Sustainability Team, and Mothers Against Tennessee River Radiation* (May 6, 2013), at 12-14 (Contention B in the *Sequoyah* license

renewal proceeding); LBP-13-8, 78 NRC 1, 15-16 (2013) (holding Contention B in abeyance), *interlocutory appeal denied*, CLI-14-3, 79 NRC __ (Feb. 12, 2014) (slip op.).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
DTE ELECTRIC COMPANY	)	Docket No. 52-033-COL
	)	
(Fermi Nuclear Power Plant, Unit 3)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER (CLI-14-08)** have been served upon the following persons by Electronic Information Exchange or by electronic mail as indicated by an asterisk.

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