

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

Before Administrative Judges:

Michael M. Gibson, Chairman
Dr. Gary S. Arnold
Dr. Randall J. Charbeneau

In the Matter of

NUCLEAR INNOVATION NORTH AMERICA
LLC

(South Texas Project Units 3 and 4)

Docket Nos. 52-12-COL and 52-13-COL

ASLBP No. 09-885-08-COL-BD01

September 19, 2014

MEMORANDUM AND ORDER
(Dismissing Contention and Terminating Proceeding)

The background of this proceeding is set forth in LBP-04-03.¹ On July 9, 2012, Intervenor² moved for leave to file a new contention concerning continued storage of spent nuclear fuel.³ In accordance with the Commission's direction in CLI-12-16,⁴ the Board ordered the motion held in abeyance pending further Commission order.⁵

¹ See LBP-14-03, 79 NRC __, __ (slip op. at 1–10) (Apr. 10, 2014).

² Intervenor² are three public interest organizations: the Sustainable Energy and Economic Development Coalition, the South Texas Association for Responsible Energy, and Public Citizen.

³ See Intervenor²'s 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).

⁴ Calvert Cliffs Nuclear Project, L.L.C. (Calvert Cliffs Nuclear Power Plant, Unit 3), et al., CLI-12-16, 76 NRC 63, 68–69 (2012).

⁵ See Licensing Board Order (Holding Waste Confidence Contention in Abeyance) (Mar. 1, 2013) (unpublished).

On August 26, 2014, the Commission approved “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.”⁶ Further, the Commission lifted the suspension on final licensing decisions, declined to accept contentions concerning continued storage of spent nuclear fuel, and directed this Board (among others) to reject pending contentions on this issue.⁷ Accordingly, Intervenor’s motion for leave to file a new contention is denied. Further, there being no other pending contention, the contested adjudicatory hearing before this Board is terminated. This order shall constitute the final decision of the Commission, unless a petition for review is filed in accordance with 10 C.F.R. § 2.341(b) within twenty-five (25) days of its service.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chairman
ADMINISTRATIVE JUDGE

/RA/

Gary S. Arnold
ADMINISTRATIVE JUDGE

/RA/

Randall J. Charbeneau
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 19, 2014

⁶ Calvert Cliffs Nuclear Project, L.L.C. (Calvert Cliffs Nuclear Power Plant, Unit 3), et al., CLI-14-08, 80 NRC __, __ (slip op. at 3) (Aug. 26, 2014).

⁷ Id. at __ (slip op. at 3, 10).

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 **MEMORANDUM AND ORDER LBP-14-14 (Dismissing Contention and Terminating Proceeding)** have been served upon the following persons by the Electronic Information Exchange.

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South Texas Project, Units 3 and 4
Docket Nos. 52-012-COL and 52-013-COL

MEMORANDUM AND ORDER LBP-14-14 (Dismissing Contention and Terminating Proceeding)

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

Dated at Rockville, Maryland
this 19th day of September, 2014