

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.	)	Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3))	
)	
DTE ELECTRIC CO.	)	Docket No. 50-341-LR
(Fermi Nuclear Power Plant, Unit 2))	
)	
DUKE ENERGY CAROLINAS, L.L.C.	)	Docket Nos. 52-018-COL,
(William States Lee III Nuclear Station, Units 1 and 2)	)	52-019-COL
)	
ENTERGY NUCLEAR OPERATIONS, INC.	)	Docket Nos. 50-247-LR,
(Indian Point Nuclear Generating Units 2 and 3)	)	50-286-LR
)	
FIRSTENERGY NUCLEAR OPERATING CO.	)	Docket No. 50-346-LR
(Davis-Besse Nuclear Power Station, Unit 1))	
)	
FLORIDA POWER & LIGHT CO.	)	Docket Nos. 52-040-COL,
(Turkey Point, Units 6 and 7)	)	52-041-COL
)	
LUMINANT GENERATION CO. L.L.C.	)	Docket Nos. 52-034-COL,
(Comanche Peak Nuclear Power Plant, Units 3 and 4)	)	52-035-COL
)	
NEXTERA ENERGY SEABROOK, L.L.C.	)	Docket No. 50-443-LR
(Seabrook Station, Unit 1))	
)	
NUCLEAR INNOVATION NORTH AMERICA, L.L.C.	)	Docket Nos. 52-012-COL,
(South Texas Project, Units 3 and 4)	)	52-013-COL
)	
PACIFIC GAS AND ELECTRIC CO.	)	Docket Nos. 50-275-LR
(Diablo Canyon Power Plant, Units 1 and 2)	)	50-323-LR
)	
PROGRESS ENERGY FLORIDA, INC.	)	Docket Nos. 52-029-COL,
(Levy County Nuclear Power Plant, Units 1 and 2)	)	52-030-COL

STP 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 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-14-09

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.¹ 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.²

¹ 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).

² 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*

(continued . . .)

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.

For the Commission

NRC SEAL

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 7th 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).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket No. 50-391-OL
)
(Watts Bar Nuclear Plant, Unit 2))
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)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER (CLI-14-09)** have been served upon the following persons by the Electronic Information Exchange.

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Watts Bar - Docket No. 50-391-OL

COMMISSION MEMORANDUM AND ORDER (CLI-14-09)

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

Dated at Rockville, Maryland
this 7th day of October 2014