

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

Before Administrative Judges:

E. Roy Hawkens, Chairman
 Dr. Anthony J. Baratta
 Dr. Randall J. Charbeneau

In the Matter of

PROGRESS ENERGY FLORIDA, INC.

(Levy County Nuclear Power Plant, Units 1 and 2)

Docket Nos. 52-029-COL, 52-030-COL

ASLBP No. 09-879-04-COL-BD01

March 3, 2015

ORDER
 (Terminating Proceeding)

In 2008, Progress Energy Florida, Inc. applied to the U.S. Nuclear Regulatory Commission (NRC) for licenses to construct and operate two nuclear power reactors in Levy County, Florida.¹ On March 26, 2013, after an evidentiary hearing, the Board in this proceeding issued a partial initial decision on Contention 4A, which had been submitted by the Nuclear Information and Resource Service and the Ecology Party of Florida (Intervenors), ruling that the NRC's final environmental impact statement complied with the National Environmental Policy Act and 10 C.F.R. Part 51.² On October 1, 2014, pursuant to Commission direction, the Board dismissed a pending environmental waste confidence contention.³ The Board did not terminate the proceeding, however, because on September 29, 2014, Intervenors moved to file a new

¹ Progress Energy Florida, Inc.; Application for the Levy County Nuclear Power Plant Units 1 and 2; Notice of Order, Hearing, and Opportunity to Petition for Leave to Intervene, 73 Fed. Reg. 74,532 (Dec. 8, 2008).

² LBP-13-04, 77 NRC 107 (2013). Intervenors did not seek Commission review of this partial initial decision.

³ Licensing Board Memorandum and Order (Dismissing Environmental Waste Confidence Contention) at 1 (Oct. 1, 2014) (unpublished) (Waste Confidence Order); see also Calvert Cliffs 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), et al., CLI-14-08, 80 NRC 71, 79 (2014).

safety-related waste confidence contention.⁴ The Commission chose to review Intervenors' motion along with similar motions in other proceedings and associated petitions to suspend reactor licensing.⁵ On February 26, 2015, the Commission declined to admit the new safety-related waste confidence contentions and denied the suspension petitions.⁶

There being no other pending contentions or outstanding issues, the contested adjudicatory hearing before this Board is terminated. Pursuant to 10 C.F.R. § 2.341(a), this order will constitute the final decision of the Commission 120 days from the date of its issuance, unless a petition for review is filed within twenty-five (25) days in accordance with 10 C.F.R. § 2.341(b), or the Commission directs otherwise.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Anthony J. Baratta
ADMINISTRATIVE JUDGE

/RA/

Dr. Randall J. Charbeneau
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 3, 2015

⁴ See Waste Confidence Order at 2 n.4, 4; see also Ecology Party of Florida and Nuclear Information and Resource Services' Motion for Leave to File a New Contention Concerning the Absence of Required Waste Confidence Safety Findings (Sept. 29, 2014).

⁵ DTE Electric Co. (Fermi Nuclear Power Plant, Unit 3), et al., CLI-14-09, 80 NRC ___, ___ (slip op. at 3) (Oct. 7, 2014); see also Petition to Suspend Final Decisions in All Pending Reactor Licensing Proceedings Pending Issuance of Waste Confidence Safety Findings (Sept. 29, 2014).

⁶ DTE Electric Co. (Fermi Nuclear Power Plant, Unit 3), et al., CLI-15-04, 81 NRC ___, ___ (slip op. at 3) (Feb. 26, 2015).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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PROGRESS ENERGY FLORIDA, INC.) Docket Nos. 52-029-COL
) and 52-030-COL
(Levy County Nuclear Power Plant)
Units 1 and 2))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Terminating Proceeding) (LBP-15-8)** have been served upon the following persons by Electronic Information Exchange.

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Levy County Nuclear Power Plant, Units 1 and 2, Docket Nos. 52-029-COL and 52-030-COL
ORDER (Terminating Proceeding) (LBP-15-8)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of March, 2015