

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Stephen G. Burns, Chairman
Kristine L. Svinicki
William C. Ostendorff
Jeff Baran

In the Matter of

DUKE ENERGY CAROLINAS, LLC
(William States Lee III Nuclear Station, Units 1 and 2)

Docket Nos. 52-018-COL,
52-019-COL

FIRSTENERGY NUCLEAR OPERATING COMPANY
(Davis-Besse Nuclear Power Station, Unit 1)

Docket No. 50-346-LR

LUMINANT GENERATION COMPANY LLC
(Comanche Peak Nuclear Power Plant, Units 3 and 4)

Docket Nos. 52-034-COL,
52-035-COL

NUCLEAR INNOVATION NORTH AMERICA LLC
(South Texas Project Units 3 and 4)

Docket Nos. 52-012-COL,
52-013-COL

PROGRESS ENERGY FLORIDA, INC.
(Levy County Nuclear Power Plant, Units 1 and 2)

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

STP NUCLEAR OPERATING COMPANY
(South Texas Project, Units 1 and 2)

Docket Nos. 50-498-LR,
50-499-LR

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

VIRGINIA ELECTRIC AND POWER CO.
d/b/a DOMINION VIRGINIA POWER and
OLD DOMINION ELECTRIC COOPERATIVE
(North Anna Nuclear Power Station Unit 3)

Docket No. 52-017-COL

CLI-15-15

MEMORANDUM AND ORDER

Several environmental organizations (collectively, Petitioners) have moved to reopen the captioned proceedings and request that we allow them to lodge “placeholder” contentions that challenge the 2014 Continued Storage Rule and associated Generic Environmental Impact Statement for Continued Storage.¹ As Petitioners acknowledge, these filings are substantively identical to the motions and proposed contentions recently filed in the *Callaway* license renewal proceeding and the *Fermi* combined license proceeding.² For the reasons set forth in our decisions denying the requests in the *Callaway* and *Fermi* matters, we likewise *deny* these petitions and motions.³

¹ See, e.g., *Blue Ridge Environmental Defense League’s Hearing Request and Petition to Intervene in Combined License Proceeding for W.S. Lee Nuclear Power Plant* (filed Apr. 22, 2015) (Petition); *Declaration of Charles L. Moss Jr.* (filed Apr. 22, 2015); *Blue Ridge Environmental Defense League’s Motion to Reopen the Record of Combined License Proceeding for W.S. Lee Nuclear Power Plant* (filed Apr. 22, 2015). All of the pleadings related to Petitioners’ requests are listed in an appendix to this order.

² See Petition at 1 n.1; *Missouri [Coalition] for the Environment’s Hearing Request and Petition to Intervene in License Renewal Proceeding for Callaway Nuclear Power Plant* (Dec. 8, 2014); *Missouri [Coalition] for the Environment’s Motion to Reopen the Record of License Renewal Proceeding for Callaway Unit 1 Nuclear Power Plant* (Dec. 8, 2014); *Beyond Nuclear’s Hearing Request and Petition to Intervene in Combined License Proceeding for Fermi Unit 3 Nuclear Power Plant* (Feb. 12, 2015) (Petition); *Beyond Nuclear’s Motion to Reopen the Record of Combined License Proceeding for Fermi Unit 3 Nuclear Power Plant* (Feb. 12, 2015).

³ See *Union Electric Co.* (Callaway Nuclear Power Plant, Unit 1), CLI-15-11, 81 NRC ___ (Apr. 23, 2015) (slip op.); *DTE Electric Co.* (Fermi Nuclear Power Plant, Unit 3), CLI-15-12, 81 NRC ___ (Apr. 23, 2015) (slip op.).

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IT IS SO ORDERED.

For the Commission

NRC SEAL

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of June, 2015

APPENDIX

I. PETITIONS

1. *Duke Energy Carolinas, LLC* (William States Lee III Nuclear Station, Units 1 and 2), *Blue Ridge Environmental Defense League's Hearing Request and Petition to Intervene in Combined License Proceeding for W.S. Lee Nuclear Power Plant* (filed Apr. 22, 2015); *Declaration of Charles L. Moss Jr.* (filed Apr. 22, 2015); *Blue Ridge Environmental Defense League's Motion to Reopen the Record of Combined License Proceeding for W.S. Lee Nuclear Power Plant* (filed Apr. 22, 2015).
2. *FirstEnergy Nuclear Operating Co.* (Davis-Besse Nuclear Power Station, Unit 1), *Beyond Nuclear's Hearing Request and Petition to Intervene in License Renewal Proceeding for Davis-Besse Nuclear Power Plant* (filed Apr. 22, 2015); *Declaration of Victoria Clemons* (filed Apr. 22, 2015); *Beyond Nuclear's Motion to Reopen the Record of License Renewal Proceeding for Davis-Besse Nuclear Power Plant* (filed Apr. 22, 2015); *Beyond Nuclear's Motion to Amend NEPA Placeholder Contention in License Renewal Proceeding for Davis-Besse Nuclear Power Plant* (filed May 8, 2015).
3. *Luminant Generation Company LLC* (Comanche Peak Nuclear Power Plant, Units 3 and 4), *SEED Coalition's Hearing Request and Petition to Intervene in Combined License Proceeding for Comanche Peak Units 3 and 4 Nuclear Power Plant* (filed Apr. 24, 2015); *Declaration of Representative Lon Burnam* (filed Apr. 24, 2015); *SEED Coalition's Motion to Reopen the Record of Combined License Proceeding for Comanche Peak Units 3 and 4 Nuclear Power Plant* (filed Apr. 24, 2015).
4. *Nuclear Innovation North America LLC* (South Texas Project Units 3 and 4), *SEED Coalition's Hearing Request and Petition to Intervene in Combined License Proceeding for South Texas Units 3 and 4 Nuclear Power Plant* (filed Apr. 24, 2015); *Declaration of Susan Dancer* (filed Apr. 24, 2015); *SEED Coalition's Motion to Reopen the Record of Combined License Proceeding for South Texas Units 3 and 4 Nuclear Power Plant* (filed Apr. 24, 2015).
5. *Progress Energy Florida, Inc.* (Levy County Nuclear Power Plant, Units 1 and 2), *Nuclear Information and Resource Service's Hearing Request and Petition to Intervene in Combined License Proceeding for Levy County Nuclear Power Plant* (filed Apr. 21, 2015); *Declaration of Amanda Hancock Anderson* (filed Apr. 21, 2015); *Declaration of William Russell Anderson* (filed Apr. 21, 2015); *Declaration of Emily Casey* (filed Apr. 21, 2015); *Nuclear Information and Resource Service's Motion to Reopen the Record of Combined License Proceeding for Levy County Units 1 and 2 Nuclear Power Plant* (filed Apr. 21, 2015).
6. *STP Nuclear Operating Co.* (South Texas Project, Units 1 and 2), *SEED Coalition's Hearing Request and Petition to Intervene in License Renewal Proceeding for South Texas Units 1 and 2* (filed Apr. 24, 2015); *Declaration of Susan Dancer* (filed Apr. 24, 2015); *SEED Coalition's Motion to Reopen the Record of License Renewal Proceeding for South Texas Units 1 and 2* (filed Apr. 24, 2015).

7. *Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2), Blue Ridge Environmental Defense League's Hearing Request and Petition to Intervene in License Renewal Proceeding for Sequoyah Units 1 and 2 (filed Apr. 22, 2015); Declaration of Sandra L. Kurtz (filed Apr. 22, 2015); Blue Ridge Environmental Defense League's Motion to Reopen the Record of License Renewal Proceeding for Sequoyah Nuclear Power Plant Units 1 and 2 (filed Apr. 22, 2015).*
8. *Tennessee Valley Authority (Watts Bar Nuclear Plant, Unit 2), Southern Alliance for Clean Energy's Hearing Request and Petition to Intervene in Operating License Proceeding for Watts Bar Unit 2 Nuclear Power Plant (filed Apr. 22, 2015); Declaration of Sandra L. Kurtz (filed Apr. 22, 2015); Declaration of Jeannie V. McKinney (filed Apr. 22, 2015); Declaration of Victoria Anne Murchie (filed Apr. 22, 2015); Southern Alliance for Clean Energy's Motion to Reopen the Record of Operating License Proceeding for Watts Bar Unit 2 Nuclear Power Plant (filed Apr. 22, 2015).*
9. *Virginia Electric and Power Co. d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative (North Anna Power Station Unit 3), Blue Ridge Environmental Defense League's Hearing Request and Petition to Intervene in Combined License Proceeding for North Anna Unit 3 Nuclear Power Plant (filed Apr. 22, 2015); Declaration of John A. Cruickshank (filed Apr. 22, 2015); Blue Ridge Environmental Defense League's Motion to Reopen the Record of Combined License Proceeding for North Anna Unit 3 Nuclear Power Plant (filed Apr. 22, 2015).*

II. RESPONSIVE PLEADINGS

1. *Duke Energy Carolinas, LLC (William States Lee III Nuclear Station, Units 1 and 2), Duke's Answer Opposing Blue Ridge Environmental Defense League's Motion to Reopen and Petition to Intervene in the Combined License Proceeding for William States Lee III Nuclear Station, Units 1 and 2 (May 7, 2015); NRC Staff Answer to Blue Ridge Environmental Defense League's Motion to Reopen the Record and Petition to Intervene (Apr. 29, 2015).*
2. *FirstEnergy Nuclear Operating Co. (Davis-Besse Nuclear Power Station, Unit 1), FirstEnergy Nuclear Operating Company Response Opposing Motion to Reopen and "Placeholder" Contention Regarding Continued Storage Rule (May 4, 2015); NRC Staff Answer to Beyond Nuclear's Hearing Request and Petition to Intervene and Motion to Reopen the Record in the License Renewal Proceeding for Davis-Besse Nuclear Power Plant (May 1, 2014); FirstEnergy Nuclear Operating Company Response Opposing Motion to Amend "Placeholder" Contention Regarding Continued Storage Rule (May 18, 2015); NRC Staff Answer to Beyond Nuclear's Motion to Amend NEPA Placeholder Contention in License Renewal Proceeding for Davis-Besse Nuclear Power Plant (May 18, 2015).*
3. *Luminant Generation Company LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4), Luminant Response Opposing Motion to Reopen and "Placeholder" Contention Regarding Continued Storage Rule (May 4, 2015); NRC Staff Answer to SEED Coalition Motion to Reopen the Record and Petition to Intervene (May 4, 2015).*

4. *Nuclear Innovation North America LLC (South Texas Project Units 3 and 4), Nuclear Innovation North America LLC Response Opposing Motion to Reopen and "Placeholder" Contention Regarding Continued Storage Rule (May 4, 2015); NRC Staff Answer to SEED Coalition's Motion to Reopen the Record and Petition to Intervene (May 4, 2015).*
5. *Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2), Duke's Answer Opposing Nuclear Information and Resource Service's Motion to Reopen and Petition to Intervene in the Combined License Proceeding for Levy County Nuclear Power Plant, Units 1 and 2 (May 7, 2015); NRC Staff Answer to Nuclear Information and Resource Service's Motion to Reopen the Record and Petition to Intervene (Apr. 29, 2015).*
6. *STP Nuclear Operating Co. (South Texas Project, Units 1 and 2), STP Nuclear Operating Company Response Opposing Motion to Reopen and "Placeholder" Contention Regarding Continued Storage Rule (May 4, 2015); NRC Staff Answer to SEED Coalition's Hearing Request and Petition to Intervene and Motion to Reopen the Record in the License Renewal Proceeding for South Texas Units 1 and 2 (May 1, 2015).*
7. *Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2), Tennessee Valley Authority's Answer Opposing Blue Ridge Environmental Defense League's Hearing Request and Petition to Intervene and Motion to Reopen the Record and Admit a New Contention (May 4, 2015); NRC Staff Answer to Blue Ridge Environmental Defense League's Hearing Request and Petition to Intervene and Motion to Reopen the Record in the License Renewal Proceeding for Sequoyah Nuclear Power Plant, Units 1 and 2 (May 4, 2015).*
8. *Tennessee Valley Authority (Watts Bar Nuclear Plant, Unit 2), Tennessee Valley Authority's Answer Opposing Southern Alliance for Clean Energy's Motions to Reopen the Record and Admit a New Contention (May 1, 2015); NRC Staff Answer to Southern Alliance for Clean Energy's Hearing Request and Petition to Intervene and Motion to Reopen the Record in the Operating License Proceeding for Watts Bar Unit 2 (May 1, 2015).*
9. *Virginia Electric and Power Co. d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative (North Anna Power Station Unit 3), Dominion's Answer Opposing Blue Ridge Environmental Defense League's Motion to Reopen and Petition to Intervene in the Combined License Proceeding for North Anna Power Station, Unit 3 (May 7, 2015); NRC Staff Answer to Blue Ridge Environmental Defense League's Motion to Reopen the Record and Petition to Intervene (May 1, 2015).*
10. *Reply by Beyond Nuclear, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, SEED Coalition and Southern Alliance for Clean Energy to Oppositions by Applicants and NRC Staff to Motions to Admit New Contentions (filed on the dockets for the captioned proceedings May 6, 2015 through May 8, 2015).*

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
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 **COMMISSION MEMORANDUM AND ORDER (CLI-15-15)** 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
COMMISSION MEMORANDUM AND ORDER (CLI-15-15)

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[Original signed by Clara Sola]
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Dated at Rockville, Maryland
this 9th day of June, 2015