



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 24, 2022

SECRETARY

IN RESPONSE, PLEASE
REFER TO: M220224A

MEMORANDUM FOR: Jody C. Martin, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:55 A.M.,
THURSDAY, FEBRUARY 24, 2022, VIDEO CONFERENCE
MEETING (OPEN TO PUBLIC VIA WEBCAST)

- I. SECY-20-0113 – FLORIDA POWER & LIGHT CO. (TURKEY POINT NUCLEAR GENERATING UNITS 3 AND 4), INTERVENORS' PETITIONS FOR REVIEW OF LBP-19-3, LBP-19-6, AND LBP-19-8 AND ORDER THAT PROVIDES GENERIC DIRECTION FOR ALL SUBSEQUENT LICENSE RENEWAL PROCEEDINGS PENDING BEFORE THE AGENCY

The Commission,¹ with Commissioner Wright dissenting in part, approved a Memorandum and Order responding to two petitions for review jointly filed by Friends of the Earth, National Resources Defense Council, and Miami Waterkeeper relating to the application of Florida Power & Light Company for subsequent license renewal of two nuclear power reactors, Turkey Point Nuclear Generating Units 3 and 4. The two petitions relate to three Board decisions—LBP-19-3, LBP-19-6, and LBP 19-8. The Memorandum and Order reverses the Commission's previous decision in this proceeding, CLI-20-03, that held that 10 C.F.R. § 51.53(c)(3) applies to a subsequent license renewal applicant's preparation of an environmental report. The Commission holds that the Generic Environmental Impact Statement for License Renewal of Nuclear Plants did not address subsequent license renewal. It leaves the Turkey Point licenses in place and directs the staff to modify the expiration dates for Units 3 and 4 to 2032 and 2033, respectively; and directs the parties to submit their views on the practical effects of (1) the subsequent renewed licenses continuing in place and (2) the previous licenses being reinstated. The Commission also dismisses the pending appeals and states that the NRC will issue a hearing opportunity after the staff completes a new site-specific environmental impact statement. Additionally, the Commission approved a separate, but related, Order that provides generic direction for all subsequent license renewal proceedings pending before the agency.

(Subsequently, on February 24, 2022, the Secretary signed the Memorandum and Order.)

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a majority vote of the members present. Chairman Hanson, and Commissioners Baran and Wright participated in the meeting via public webcast.

II. SECY-21-0020 – EXELON GENERATING COMPANY, LLC (PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3), BEYOND NUCLEAR’S MOTIONS TO SUBMIT A NEW CONTENTION AND REOPEN THE RECORD

The Commission,² with Commissioner Wright dissenting in part, approved a Memorandum and Order responding to Beyond Nuclear, Inc.’s motions for leave to file a new contention and to reopen the record relating to the application of Exelon Generating Company for subsequent license renewal of two nuclear power reactors, Peach Bottom Atomic Power Station, Units 2 and 3. The Memorandum and Order reverses the portion of the Commission’s previous decision in this proceeding, CLI-20-11, which applied the reasoning in CLI-20-3 in the *Turkey Point* proceeding regarding the interpretation of 10 C.F.R. § 51.53(c)(3) as applying to a subsequent license renewal applicant’s preparation of an environmental report to this case. It also leaves the Peach Bottom licenses in place and directs the staff to modify the expiration dates for Units 2 and 3 to 2033 and 2034, respectively; and directs the parties to submit their views on the practical effects of (1) the subsequent renewed licenses continuing in place and (2) the previous licenses being reinstated.

(Subsequently, on February 24, 2022, the Secretary signed the Memorandum and Order.)

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
ODs, RAs, ACRS, ASLBP
PDR

² Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a majority vote of the members present. Chairman Hanson, and Commissioners Baran and Wright participated in the meeting via public webcast.