

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

VIRGINIA ELECTRIC AND POWER
COMPANY

(North Anna Power Station, Units 1 and 2)

Docket Nos. 50-338-SLR-2
50-339-SLR-2

ORDER

On February 21, 2024, I issued an order in this proceeding holding in abeyance two motions filed by Beyond Nuclear and the Sierra Club (together, Petitioners).¹ As explained in that order, these motions seek (1) withdrawal of the notice of opportunity for hearing on the draft site-specific environmental impact statement (EIS) concerning the North Anna subsequent license renewal (SLR) application² or, in the alternative, (2) suspension of the deadline to request a hearing.³ These motions were held in abeyance because the question they raised—whether the NRC staff’s issuance of the hearing notice in this proceeding was consistent with the Commission’s direction in CLI-22-3—was identical to the question an Atomic Safety and Licensing Board certified to the Commission in a separate proceeding concerning the SLR application for Turkey Point Nuclear Generating Units 3 and 4.⁴

¹ Order of the Secretary, at 3 (Feb. 21, 2024) (ADAMS Accession No. ML24052A386).

² *Motion by Beyond Nuclear and Sierra Club for Withdrawal of Premature Hearing Notice* (Jan. 18, 2024) (ML24018A150) (Withdrawal Motion); *Errata to Motion by Beyond Nuclear and Sierra Club for Withdrawal of Premature Hearing Notice* (Jan. 22, 2024) (ML24022A066).

³ *Notification of Relevance of LBP-24-01 to This Proceeding and Request to Immediately Suspend Hearing Request Deadline Pending Resolution of Certified Question Raised in LBP-24-01* (Feb. 12, 2024) (ML24043A036) (Suspension Motion).

⁴ See *Florida Power & Light Co. (Turkey Point Nuclear Generating Units 3 and 4)*, LBP-24-1, 99 NRC __, __ (Jan. 31, 2024) (slip op. at 4).

In CLI-24-1 the Commission accepted the Board's certification and found that the NRC staff reasonably interpreted CLI-22-3 when it published the notice of opportunity for hearing on the Turkey Point SLR application upon issuance of the draft EIS.⁵

Therefore, consistent with CLI-24-1 and pursuant to my authority under 10 C.F.R. § 2.346(j), I *deny* the Petitioners' Withdrawal Motion and Suspension Motion.

IT IS SO ORDERED.

For the Commission



Carrie M. Safford
Secretary of the Commission

Dated at Rockville, Maryland,
this 13th day of March 2024.

⁵ CLI-24-1, 99 NRC __, __ (Mar. 7, 2024) (slip op. at 6).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER OF THE SECRETARY OF THE COMMISSION** have been served upon the following persons by Electronic Information Exchange.

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 13th day of March 2024.