

August 8, 2014

The Honorable Fred Upton
Chairman, Committee on Energy
and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman :

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of July 23, 2014, regarding the Commission's consideration of the draft final waste confidence (continued storage) rule. I am pleased to have this opportunity to update you on the various matters you raised.

With regard to your interest in the NRC's schedule to conclude its review of the continued storage rule, I can assure you that the Commission is actively reviewing the draft final rule package provided by the NRC staff on July 21, 2014. Although the NRC has not established a specific date for publication of the rule, this is an important rulemaking and the Commission is treating the matter as one of high priority. The Commission expects to have a final rule published by early fall.

In your letter you asked for a list of licensing actions awaiting completion of the rulemaking, a schedule for the completion of each of these licensing actions, and a description of any hurdles to the resumption of the licensing activities that had been affected by the continued storage rule. As requested, enclosed is a list of the licensing actions that are on hold pending Commission action to address the NRC's August 2012 Order (CLI-12-16), which suspended final licensing actions pending completion of the continued storage rulemaking. The Commission intends to provide direction for proceeding with actions that have been suspended consistent with decisions on the final rule. Following issuance of the final rule, the suspension is the only agency-wide hurdle to the resumption of NRC's licensing activities.

At this time, the NRC cannot provide a schedule for pending licensing actions because the manner and extent to which each action must consider the environmental impacts of continued storage varies based on the current status of the action. We would note, however, that of the 24 licensing actions affected by the continued storage rulemaking, only two are awaiting issuance of the final rule. Additionally, each of the 24 actions has a unique schedule that is not directly tied to the completion of the continued storage rule. In many cases there are other issues not related to continued storage that must be addressed before the NRC can make a licensing decision. For example, the timing of final licensing decisions will depend on whether an action is the subject of an adjudicatory proceeding before an Atomic Safety and Licensing Board or the Commission, and other circumstances unrelated to continued storage that must be resolved before a final action can be taken. The Office of Congressional Affairs will keep the Committee informed as schedules for individual proceedings become apparent.

The NRC takes seriously its statutory obligations to review requested licensing actions to assure the safe and secure use of nuclear materials. We would note that in suspending final determinations on licensing actions impacted by the continued storage rule, the Commission specifically tasked the NRC staff to continue with all other aspects of licensing reviews so that there would be no undue delay in reaching final determinations on licensing matters before the Commission once the rulemaking was completed.

I appreciate your interest in the continued storage rule and trust this information is useful. We would be happy to offer you and your staff an in-depth briefing related to continued storage. If you have questions, please contact me or Eugene Dacus, Acting Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/ (Kristine L. Svinicki for)

Allison M. Macfarlane

Enclosure:

[Affected Licensing Actions](#)

cc: Representative Henry A. Waxman

Identical letter sent to:

The Honorable Fred Upton
Chairman, Committee on Energy
and Commerce
United States House of Representatives
Washington, DC 20515
cc: Representative Henry A. Waxman

The Honorable Ed Whitfield
Chairman, Subcommittee on Energy and Power
United States House of Representatives
Washington, DC 20515
cc: Representative Bobby L. Rush

The Honorable Joe Barton
Chairman Emeritus, Committee on Energy
and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable John Shimkus
Chairman, Subcommittee on Environment
and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515
cc: Representative Paul Tonko

The Honorable Tim Murphy
Chairman, Subcommittee on Oversight
and Investigation
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Lee Terry
Chairman, Subcommittee on Commerce,
Manufacturing, and Trade
Committee on Energy and Commerce
United States House of Representatives
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The Honorable Phil Gingrey
Vice Chairman, Subcommittee on Environment
and the Economy
Committee on Energy and Commerce
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The Honorable Robert F. Latta
Vice Chairman, Subcommittee on
Communications and Technology
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The Honorable Marsha Blackburn
Vice Chairman, Subcommittee on
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The Honorable Ralph M. Hall
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
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The Honorable Gregg Harper
Subcommittee on Commerce,
Manufacturing and Trade
Committee on Energy and Commerce
United States House of Representatives
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The Honorable Gus Bilirakis
Subcommittee on Environment and the Economy
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The Honorable Bill Johnson
Subcommittee on Commerce,
Manufacturing, and Trade
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The Honorable Mike Pompeo
Subcommittee on Commerce,
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The Honorable Adam Kinzinger
Subcommittee on Environment and the Economy
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The Honorable H. Morgan Griffith
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
United States House of Representatives
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The Honorable Billy Long
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Pete Olson
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Renee Ellmers
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Licensing Actions Awaiting Issuance of the Final Rule

Reactors	Notes	Licensing Action
EXELON GENERATION CO., LLC (Limerick Generating Station, Units 1 and 2)		License Renewal
Storage Facilities		
CALVERT CLIFFS NUCLEAR POWER PLANT, INC (Calvert Cliffs Independent Spent Fuel Storage Installation)		License Renewal
Licensing Actions Affected by Continued Storage		
Reactors		
CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC, and UNISTAR NUCLEAR OPERATING SERVICES, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3)		Combined License (COL)
DTE ELECTRIC CO. (Fermi Nuclear Power Plant, Unit 3)		COL
DUKE ENERGY CAROLINAS, LLC (William States Lee III Nuclear Station, Units 1 and 2)		COL
ENTERGY NUCLEAR OPERATIONS, INC. (Indian Point Nuclear Generating Units 2 and 3)		License Renewal
ENTERGY OPERATIONS, INC. (Grand Gulf Nuclear Station, Unit 1)		License Renewal
ENTERGY OPERATIONS, INC. (Grand Gulf Nuclear Station, Unit 3)		COL
FIRSTENERGY NUCLEAR OPERATING CO. (Davis-Besse Nuclear Power Station, Unit 1)		License Renewal
FLORIDA POWER & LIGHT CO. (Turkey Point Units 6 and 7)		COL
LUMINANT GENERATION CO. LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4)	Project suspended by the applicant, (March 2014)	COL
NEXTERA ENERGY SEABROOK, LLC (Seabrook Station, Unit 1)		License Renewal
NUCLEAR INNOVATION NORTH AMERICA LLC (South Texas Project Units 3 and 4)		COL
PACIFIC GAS & ELECTRIC CO. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)		License Renewal
PPL BELL BEND, LLC (Bell Bend Nuclear Power Plant)		COL

Enclosure

PROGRESS ENERGY CAROLINAS, INC. (Shearon Harris Nuclear Power Plant, Units 2 and 3)	Project suspended by the applicant. (June 2013)	COL
PROGRESS ENERGY FLORIDA, INC. (Levy County Nuclear Power Plant, Units 1 and 2)		COL
SOUTH TEXAS PROJECT NUCLEAR OPERATING CO. (South Texas Project, Units 1 and 2)		COL
TENNESSEE VALLEY AUTHORITY (Bellefonte Nuclear Power Plant Units 3 and 4)	Project deferred by the applicant. (December 2011)	COL
TENNESSEE VALLEY AUTHORITY (Sequoyah Nuclear Plant, Units 1 and 2)		License Renewal
TENNESSEE VALLEY AUTHORITY (Watts Bar Nuclear Plant, Unit 2)		Operating License
UNION ELECTRIC CO. (Callaway Nuclear Power Plant, Unit 1)		License Renewal
VIRGINIA ELECTRIC AND POWER CO. d/b/a DOMINION VIRGINIA POWER and OLD DOMINION ELECTRIC COOPERATIVE (North Anna Power Station, Unit 3)		COL
Storage Facilities		
NORTHERN STATES POWER CO. (Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation)		License Renewal
Early Site Permits		
PSE&G Power, LLC/PSE&G Nuclear, LLC Early Site Permit		Early Site Permit