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
Washington, DC 20515

The Honorable Phil Gingrey
Vice Chairman, Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515
The Honorable Robert F. Latta  
Vice Chairman, Subcommittee on  
Communications and Technology  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515

The Honorable Marsha Blackburn  
Vice Chairman, Subcommittee on  
Communications and Technology  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515

The Honorable Ralph M. Hall  
Subcommittee on Environment and the Economy  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515

The Honorable Gregg Harper  
Subcommittee on Commerce,  
Manufacturing and Trade  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515

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

The Honorable Bill Johnson  
Subcommittee on Commerce,  
Manufacturing, and Trade  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515

The Honorable Mike Pompeo  
Subcommittee on Commerce,  
Manufacturing, and Trade  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC  20515
The Honorable Adam Kinzinger
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, DC  20515

The Honorable H. Morgan Griffith
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
United States House of Representatives
Washington, DC  20515

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

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<td>CALVERT CLIFFS NUCLEAR POWER PLANT, INC</td>
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# Licensing Actions Affected by Continued Storage

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<td>CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC, and UNISTAR NUCLEAR OPERATING SERVICES, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3)</td>
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<td>DTE ELECTRIC CO. (Fermi Nuclear Power Plant, Unit 3)</td>
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<td>ENTERGY NUCLEAR OPERATIONS, INC. (Indian Point Nuclear Generating Units 2 and 3)</td>
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<td>ENTERGY OPERATIONS, INC. (Grand Gulf Nuclear Station, Unit 1)</td>
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<td>FLORIDA POWER &amp; LIGHT CO. (Turkey Point Units 6 and 7)</td>
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<td>LUMINANT GENERATION CO. LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4)</td>
<td>Project suspended by the applicant, (March 2014)</td>
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<td>NEXTERA ENERGY SEABROOK, LLC (Seabrook Station, Unit 1)</td>
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<td>NUCLEAR INNOVATION NORTH AMERICA LLC (South Texas Project Units 3 and 4)</td>
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<td>PACIFIC GAS &amp; ELECTRIC CO. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)</td>
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<td>PPL BELL BEND, LLC (Bell Bend Nuclear Power Plant)</td>
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<td>Company</td>
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<td>PROGRESS ENERGY CAROLINAS, INC. (Shearon Harris Nuclear Power Plant, Units 2 and 3)</td>
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<td>TENNESSEE VALLEY AUTHORITY (Watts Bar Nuclear Plant, Unit 2)</td>
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