

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

DOCKETED 06/24/08

SERVED 06/24/08

G. Paul Bollwerk, III, Chairman
Dr. Anthony J. Baratta
Dr. William W. Sager

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Bellefonte Nuclear Power Plant Units 3 and 4)

Docket Nos. 52-014-COL and 52-15-COL

ASLBP No. 08-864-02-COL-BD01

June 24, 2008

MEMORANDUM AND ORDER
(Granting in Part Filing Extension Request)

Pending with the Licensing Board is a June 23, 2008 motion filed by the Blue Ridge Environmental Defense League and its Bellefonte Efficiency and Sustainability Team chapter and by the Southern Alliance for Clean Energy (Joint Petitioners), requesting a two-week extension of time to provide the Board with a separate numeric or alpha designation for each of its contentions, as requested in the Board's June 18, 2008 initial prehearing order. See Motion to Request an Extension of Time to Submit Supplement to the Petition (June 23, 2008) at 2 [hereinafter Extension Motion]. In its initial prehearing order, the Board asked that by June 25, 2008, Joint Petitioners provide a petition supplement that gives each contention a label indicating to which one of nine Board-designated categories (corresponding to the discrete portions of the pending Tennessee Valley Authority (TVA) application for a 10 C.F.R. Part 52 combined operating license for the Bellefonte Nuclear Power Plant Units 3 and 4 or an undifferentiated Miscellaneous category) the contention relates. See Licensing Board Memorandum and Order (Initial Prehearing Order) (June 18, 2008) at 2-3 (unpublished)

[hereinafter Initial Prehearing Order]; see also 10 C.F.R. § 2.309(f)(1)(vi). In a June 23 responsive filing, applicant TVA indicated it does not oppose providing a two-day extension of time to Joint Intervenors to complete this task, but asks that TVA and the NRC staff likewise be given a two-day extension within which to file their answers to Joint Intervenors petition.¹ See Applicant's Answer to Motion to Request an Extension of Time to Submit Supplement to the Petition (June 23, 2008) at 2.

In requesting this extension,² Joint Petitioners have significantly overestimated the effort required to comply with the Board's request. The Board is not asking that Joint Petitioners redraft any of their contentions. Rather, all they need do is submit a filing that provides a label for each contention that corresponds to one of the categories outlined by the Board, for instance, FSAR-1, in place of the sequential numeric designations, such as Contention 1, used by Joint Petitioners. This can be done with a simple listing (much like the list of contentions on

¹ The Board notes that both Joint Petitioners motion and the TVA response provide the date of the filing on the first page of the pleading. The Board requests that all participants, including the NRC staff, continue that practice for the balance of this proceeding.

² In their motion, see Extension Motion at 2, Joint Petitioners also recognized they were unable to comply with the Board's initial prehearing order request that each time extension motion be filed three business days before the filing at issue is due and that it include a statement indicating whether the other participants support or oppose the motion, see Initial Prehearing Order at 6; see also 10 C.F.R. § 2.323(b) (movant must include certification it has made sincere effort to contact other parties to resolve issues raised in motion). Subsequently, Joint Petitioners provided a filing in which they indicated they had contacted the other participants but were unable to reach a resolution relative to their extension request. See Supplement to Motion to Request an Extension of Time To Submit Supplement to the Petition (June 24, 2008) at 1.

The purpose of the three business-day requirement is to permit the Board to have in hand on the day before a pleading is due both the extension motion and any opposition thereto, see Initial Prehearing Order at 7, thereby permitting it to act on the motion and afford the movant the opportunity, if the motion is denied, to meet the original filing deadline. In accord with its initial prehearing order, the Board contemplates that (absent some Board directive to the contrary) all future time extension requests, as well as requests to exceed the page limitation and to file a reply, see id. at 5-6, will be submitted on the third business day before the date the pleading at issue is due to be filed.

page ten of their petition) and need not entail restating or reordering the contentions as they are set forth in the petition. Moreover, as the Board indicated, even if Joint Petitioners should decide that a particular contention falls into more than one of the categories outlined by the Board, this should involve no more than the use of a wordprocessing program's cut/copy and paste function to restate the contention separately under each designation (e.g., FSAR-1 and NEPA-1).

Given that Joint Petitioners counsel is not available on the June 25, 2008 due date specified by the Board because of a medical appointment, the Board grants a one-day extension of time, up to and including Thursday, June 26, 2008, for Joint Petitioners to complete this relatively straightforward labeling assignment. If, after reviewing Joint Petitioners supplemental filing, TVA and/or the staff believe they need additional time to file an answer to the petition, as supplemented, they should file a motion seeking that relief.³

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

June 24, 2008

³ Under the circumstances, such an extension request submitted by 4:00 p.m. Eastern Daylight Time (EDT) on Friday, June 27, 2008, and any response to such a request filed by Noon EDT on Monday, June 30, 2008, will be considered timely by the Board.

⁴ Copies of this memorandum and order were sent this date by the agency's E-Filing system to counsel for (1) applicant TVA; (2) Joint Petitioners; and (3) the staff.

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(Bellefonte Nuclear Power Plant -)
Units 3 and 4))
)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (GRANTING IN PART FILING EXTENSION REQUEST), dated June 24, 2008, have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-014-COL and 52-015-COL
 MEMORANDUM AND ORDER (GRANTING IN PART FILING EXTENSION REQUEST)

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Docket Nos. 52-014-COL and 52-015-COL
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[Original signed by L. D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 24th day of June 2008