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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

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

In the Matter of	Docket Nos. 52-014-COL and 52-15-COL
TENNESSEE VALLEY AUTHORITY	ASLBP No. 08-864-02-COL-BD01
(Bellefonte Nuclear Power Plant Units 3 and 4)	July 21, 2008

MEMORANDUM AND ORDER
(Prehearing Conference Argument Time Allocations; Entry of Appearance; Electronic Copy of Application; Webstreaming)

A. Argument Order and Time Allocations

For the initial prehearing conference in this combined operating license (COL) proceeding currently scheduled for July 30, 2008, beginning at 9:00 a.m. Central Time (CT)[1] in Scottsboro, Alabama, the order of argument and the allocation of time for argument by participant counsel/representatives as to each of the issue or contention groupings outlined below is as follows:

[1] The Licensing Board's July 9, 2008 memorandum and order incorrectly listed the starting time for this proceeding as 9:00 a.m. Eastern Time (ET). The conference will start at 9:00 a.m. CT, the local time in Scottsboro, Alabama, which would be 10:00 a.m. ET.

1. Timeliness of Joint Petitioners[2] hearing request/standing of BEST (10/5/5)[3];

2. The admissibility of Joint Petitioners contentions,[4] in the following sequence:

    a. FSAR-B (formerly Contention 3) (10/5/5)

    b. MISC-D (formerly Contention 5) (10/5/5)

    c. NEPA-A (formerly Contention 7) (10/5/5)

    d. NEPA-B (formerly Contention 8) (10/5/5)

    e. NEPA-C, NEPA-D, NEPA-E, NEPA-N (formerly Contentions 9, 10, 11, and 16) (30/15/15)

    f. NEPA-F (formerly Contention 12) (10/5/5)

    g. MISC-F (formerly Contention 13) (10/5/5)

    h. MISC-A, FSAR-A, TS-A, A/FI-A, MISC-A1, MISC-B, MISC-C, MISC-E, NEPA-L, FSAR-C, NEPA-M, NEPA-O, NEPA-P, NEPA-Q (formerly Contentions 1, 2, 4, 6, 14, 15, 17, 18, and 19) (20/10/10)

In making their arguments, the participants should bear in mind that the members of the Licensing Board will have read their pleadings. As such, they should focus their presentations

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[2] Joint Petitioners include the Blue Ridge Environmental Defense League (BREDL) and its Bellefonte Efficiency and Sustainability Team (BEST) chapter and the Southern Alliance for Clean Energy.

[3] This time allocation designation (and those that follow) indicates the total argument time provided each participant for the particular issue group or contention/contention group, beginning with Joint Petitioners, applicant Tennessee Valley Authority (TVA), and the NRC staff. Thus, the allocation “10/5/5" provides ten minutes for Joint Petitioners, five minutes for TVA, and five minutes for the staff. For the issues or contentions in a group that is given a single time allocation, each participant can decide how much of its total time allocation it wishes to use to present its argument regarding any single issue or contention in the group. Also, in the case of Joint Petitioners, at the beginning of the argument regarding each individual matter or group, Joint Petitioners will be asked to specify how much of their total allotted time they wish to reserve for rebuttal. Only one counsel/representative per participant will be permitted to make a presentation regarding any single matter or group.

[4] If Joint Petitioners July 8, 2008 reply to a particular contention is the subject of the TVA July 11, 2008 motion to strike portions of that reply, participant arguments regarding the motion should be provided during any presentation they make regarding the admissibility of the contention.

on the critical points in controversy as those issues have emerged as a result of the various participant filings.[5]

B. Entry of Appearance for Joint Petitioners BREDL/BEST

The certificate of service accompanying an April 2, 2008 "Supplemental Motion to Suspend Hearing Notice or, in the Alternative, Request for an Extension of Time to Submit Hearing Request and Contentions and Request for Expedited Consideration," indicated that a notice of appearance in this proceeding for Louis A. Zeller as a representative for Joint Petitioners BREDL/BEST was "filed . . . to the parties" on April 1, 2008. After searching for that appearance document in the agency's electronic hearing docket and ADAMS document databases, and inquiring about the document with the agency's Office of the Secretary, it cannot be located in the agency's files. The Board therefore requests that on or before Friday, July 25, 2008, Mr. Zeller submit a notice of appearance that conforms to the requirements of 10 C.F.R. § 2.314(b) and section III.A of the Board's June 18, 2008 initial prehearing order.

C. Electronic Copy of COL Application for Bellefonte Units 3 and 4

The Licensing Board requests that applicant TVA send the Licensing Board members by postal or other delivery service (i.e., not through the agency's E-Filing system) copies of the publicly available portions of the TVA COL application for Bellefonte Units 3 and 4 in an electronic format (DVD or CD).[6] To the degree possible, the Board requests that the copies

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[5] If any of the participants require any special audio/visual equipment for making their July 30 argument presentations (e.g., projector, screen), they should contact Licensing Board Panel law clerk Erica LaPlante (301-415-5165 or erica.laplante@nrc.gov) and apprise her of those needs on or before Wednesday, July 23, 2008.

[6] The Board requests that three electronic copies of the application be sent to Board Chairman Bollwerk, and one copy be sent to Judge Sager. If sent by overnight or other expedited delivery method, the copies directed to Judge Bollwerk should be sent to the following address:

(continued...)

include active links that will allow quick access to major portions of the application through a central table of contents. The Board asks that the electronic copies be sent by a method that will allow the Board to receive them on or before Friday, July 25, 2008. Additionally, the Board asks that for any request received from the counsel/representative of Joint Petitioners and/or the staff by TVA counsel on or before 4:30 p.m. ET on Tuesday, July 22, 2008, TVA provide an to that participant by postal or other delivery service (i.e., not through the agency's E-Filing system) for receipt on or before Friday, July 25, 2008, an electronic copy of the Bellefonte COL application identical to that provided to the Board.

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[6](...continued)

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Third Floor, Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

For Judge Sager, the copy should be sent to:

Texas A&M University
Department of Oceanography
317A Eller Bldg.
College Station, TX 77843-3146

Contact Number: 979-845-9828

D. Opportunity to View the Proceeding Via Webstreaming

As an informational matter, the participants are advised that current planning calls for the proceeding to be made available for live viewing via an internet webstreaming feed at:

http://www.visualwebcaster.com/event.asp?id=50055

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD[7]

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

July 21, 2008

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
TENNESSEE VALLEY AUTHORITY	)	Docket Nos. 52-014-COL and 52-015-COL
	)	
(Bellefonte Nuclear Power Plant - Units 3 and 4)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (PREHEARING CONFERENCE ARGUMENT TIME ALLOCATIONS; ENTRY OF APPEARANCE; ELECTRONIC COPY OF APPLICATION; WEBSTREAMING), dated July 21, 2008, have been served upon the following persons by the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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OCAA Mail Center
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U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

Hearing Docket
E-mail: hearingdocket@nrc.gov

Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (PREHEARING CONFERENCE ARGUMENT TIME ALLOCATIONS; ENTRY OF APPEARANCE; ELECTRONIC COPY OF APPLICATION; WEBSTREAMING)

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Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (PREHEARING CONFERENCE ARGUMENT TIME ALLOCATIONS; ENTRY OF APPEARANCE; ELECTRONIC COPY OF APPLICATION; WEBSTREAMING)

North Carolina Waste Awareness
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Chapel Hill, North Carolina 27515

John D. Runkle, Esq.
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[Original signed by Linda D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of July 2008