

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**ATOMIC SAFETY AND LICENSING BOARD PANEL
BEFORE THE LICENSING BOARD**

_____)	
In the Matter of)	
Tennessee Valley Authority)	Docket Nos. 52-014, 52-015
Bellefonte Nuclear Power Plant)	ASLBP No. 08-864-02-COL-BD01
Units 3 and 4)	November 24, 2008
_____)	

**INTERVENORS' ANSWER OPPOSING
TVA'S MOTION FOR RECONSIDERATION**

Pursuant to 10 CFR § 2.323(e), the Blue Ridge Environmental Defense League with its chapter Bellefonte Efficiency and Sustainability Team and the Southern Alliance for Clean Energy (“Joint Intervenors”) hereby submit their answer to the Motion for Reconsideration (“Motion”) filed by Tennessee Valley Authority (“TVA”).

Background

Regarding TVA’s Motion for Clarification,¹ the Atomic Safety and Licensing Board’s Memorandum and Order of October 14, 2008 ruled that the attempt to limit NEPA-N to costs of construction was misdirected. The Board stated that Contention NEPA-N includes Environmental Report (“ER”) Section 9.2.3.3, combination of alternatives, and ER Section 10.4.2.1.1, cost-benefit analysis. The contention admitted by the Board states as follows:

¹ Submitted September 22, 2008

NEPA-N: ENVIRONMENTAL REPORT'S INADEQUATE COST ESTIMATES AND COST COMPARISONS. CONTENTION: TVA's cost comparison is inadequate to satisfy the National Environmental Policy Act ("NEPA") or NRC regulations at 10 C.F.R. § 51.45(c) because it fails to provide reasonably up-to-date and accurate information regarding the estimated electrical generation costs of the proposed new nuclear power plant.

On November 10, 2008 TVA filed a Motion for Reconsideration of the Board's Clarification Order Regarding Contention NEPA-N.

Discussion

Any comparison of alternatives depends on the accuracy of its assumptions; therefore, accuracy of these assumptions is material to the contentions admitted by the Board.² We would draw the Board's attention to the original Contention NEPA-N as stated in the Petition of June 6th. There Joint Intervenors cited Sections 9 and 10 of the Applicant's Environmental Report regarding costs of electric generation. Petition at 84. The two relevant sections of the Environmental Report specifically state "overall costs of generation" at \$0.0266 per kWh³ and "levelized cost of operation" in a range of \$0.036 to \$0.083 per kWh."⁴ We believe that the 35% to 212% difference between the costs of nuclear electricity in ER chapters 9 and 10 presented by TVA cannot be resolved without full consideration as stated in the Board's Order on Contention NEPA-N.

² By ASLB Memorandum and Order of September 12, 2008

³ Environmental Report at 9.2-38

⁴ Environmental Report at 10.4-19

Further, TVA's Motion to Reconsider would limit admitted contention NEPA-N to ER Section 10.4.2.1.1 which is "costs related to construction."⁵ The latest move by TVA is puzzling. Overall costs of generation include construction and operation; levelized costs are building and operating costs adjusted for inflation. There is no logical reason to truncate the costs in the manner suggested by TVA, nor would it be in keeping with the arguments in the Petition, the Board's rulings on the matter or the ER itself.

Conclusion

According to federal rules of procedure at 10 C.F.R. § 2.323(e), "Motions for reconsideration may not be filed except...upon a showing of compelling circumstances, such as the existence of a clear and material error in a decision, which could not have reasonably been anticipated, that renders the decision invalid." TVA has failed to meet its burden; therefore, the Motion should be dismissed.

Respectfully submitted,

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⁵ Environmental Report at 10.4-6

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CERTIFICATE OF SERVICE

I hereby certify that copies of the INTERVENORS' ANSWER OPPOSING TVA'S MOTION FOR RECONSIDERATION were served this day on the following persons via Electronic Information Exchange.

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