

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

TENNESSEE VALLEY AUTHORITY

(Bellefonte Nuclear Power Plant Units 3 and 4)

Docket Nos. 52-014-COL and 52-015-COL

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

June 4, 2009

MEMORANDUM AND ORDER
(Request for Scheduling Clarification)

Previously, in a November 10, 2008 issuance, the Licensing Board had advised the parties that it was deferring issuance of the 10 C.F.R. § 2.332(a) general schedule for this proceeding in light of the NRC staff's determination it was unable to provide a schedule for its safety and environmental reviews for this combined license (COL) proceeding. See Licensing Board Memorandum and Order (Prehearing Conference and Status of General Schedule) (Nov. 10, 2008) at 9-10 (unpublished). By letter dated May 28, 2009, the staff provided another update regarding its review schedules in which it indicates it now believes it will be unable to provide the Board with a complete schedule until the first calendar quarter of 2010.¹ In its letter,

¹ According to the staff's letter, its review schedule has been impacted by (1) applicant Tennessee Valley Authority's (TVA) update of the hydrology portions of its application, as previously identified in the staff's March 31, 2009 letter to the Board; (2) an April 3, 2009 letter from the staff to Westinghouse that provided a revision to the schedule for reviewing the pending AP1000 design certification amendment; and (3) NuStart Energy Development's (NED) April 28, 2009 letter informing the staff that NED was changing the AP1000 COL reference application from Bellefonte Units 3 and 4 to Plant Vogtle Units 3 and 4. In its letter, the staff further indicated that as a result of the revised design certification amendment schedule, it is
(continued...)

however, the staff also indicated it would be issuing the safety evaluation report (SER) with open items for the Bellefonte COL on a chapter by chapter basis, and has scheduled a series of meetings with the Advisory Committee on Reactor Safeguards in the July through November 2009 time frame to discuss various chapters of the SER with open items.

So that the Board might have a better understanding of the staff's SER safety review process, it requests that on or before Thursday, June 11, 2009, the staff provide the Board with the schedule for its chapter by chapter issuance of the SER with open items, including an enumeration of any SER chapters, in addition to the hydrology evaluation, that are not covered by this schedule.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

June 4, 2009

¹(...continued)

re-evaluating all of the COL schedules and, due to Plant Vogtle's reference COL designation, the staff currently is working to develop a detailed schedule for the review of the Vogtle COL through the issuance of the final safety evaluation report. Once this effort has been completed, the letter states, the staff will reassess the schedules for all the COL reviews, including developing a complete schedule for both the safety and environmental reviews for Bellefonte.

² Copies of this memorandum and order were sent this date by the agency's E-Filing system to the counsel/representatives for (1) applicant TVA; (2) intervenors Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy; and (3) the staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (REQUEST FOR SCHEDULING CLARIFICATION) have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Linda D. Lewis]
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Dated at Rockville, Maryland
this 4th day of June 2009