

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE SECRETARY**

In the Matter of	)	
	)	
TENNESSEE VALLEY AUTHORITY	)	Docket No. 50-391
	)	
(Watts Bar Nuclear Plant, Unit 2)	)	June 18, 2009
	)	

**RESPONSE OF TENNESSEE VALLEY AUTHORITY TO  
REQUEST FOR EXTENSION OF TIME TO SUBMIT HEARING REQUEST/PETITION  
TO INTERVENE BY SOUTHERN ALLIANCE FOR CLEAN ENERGY**

Tennessee Valley Authority (“TVA”), applicant in the above-captioned matter, hereby files its Response to the “Request for Extension of Time to Submit Hearing Request/Petition to Intervene,” (“Request”) filed by the Southern Alliance for Clean Energy (“SACE”) on June 16, 2009. SACE requests a two-week extension of time to submit a hearing request and petition to intervene in the licensing proceeding regarding TVA’s application to operate the Watts Bar Nuclear Plant, Unit 2. The bases set forth in SACE’s Request for the extension are as follows: (1) the unavailability of certain environmental decisions and other relevant documents; (2) alleged deficiencies in information provided by the Nuclear Regulatory Commission (“NRC”) in its hearing notice, its webpage, and in NRC’s Agencywide Documents Access and Management System (“ADAMS”) relevant to the Watts Bar 2 operating license proceeding; and (3) scheduling conflicts of two of its expert consultants.<sup>1</sup>

As noted by SACE, TVA agreed to a two-week extension of the 60-day notice period announced in the Notice of Opportunity for Hearing for the Watts Bar Nuclear Plant, Unit 2, published on May 1, 2009.<sup>2</sup> Counsel for SACE initially indicated its intent to file a motion asking

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<sup>1</sup> Request for Extension of Time at 1-2.

<sup>2</sup> *Id.* at 2. See 74 Fed. Reg. 20,350 (May 1, 2009).

that the Notice of Opportunity for Hearing be declared invalid because of the purported unavailability of certain relevant documents mentioned in the hearing notice. In particular, counsel for SACE mentioned the difficulty SACE encountered in attempting to access the NRC's Final Environmental Statement related to the operation of Watts Bar Nuclear Plant, Units 1 and 2, which was published in April 1995. Counsel for TVA offered to provide this and as many documents as it could in a timely manner and, as noted above, agreed to a two-week extension of the 60-day notice period. TVA, however, consented to this two-week extension based solely on the purported unavailability of certain relevant documents identified by counsel for SACE during discussions on the proposed Request. As noted by SACE in its Request, TVA promptly provided a copy of the NRC's April 1995 Final Environmental Statement to SACE<sup>3</sup> and also provided SACE with electronic access to other relevant documents.<sup>4</sup>

During discussions with TVA regarding its Request, SACE's counsel did not mention the scheduling conflicts of its expert witnesses.<sup>5</sup> SACE also did not mention or seek TVA's consent with respect to its request that the Secretary take "all necessary steps to ensure correction of significant deficiencies" in other information provided by NRC relevant to this proceeding.<sup>6</sup> As such, TVA does not consent to SACE's request for extension of time based on any of these other reasons.

In conclusion, TVA does not oppose SACE's request for only a two-week extension of time to file a hearing request and petition to intervene in this proceeding based on the unavailability of certain relevant documents.

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<sup>3</sup> *Id.* at 4 n.3.

<sup>4</sup> Subsequent to the filing of this Request, SACE requested further documents from TVA and TVA has provided copies of additional documents to SACE.

<sup>5</sup> Even if SACE had discussed its expert's scheduling conflicts with TVA, TVA does not believe that such scheduling conflicts are an appropriate basis for an extension of time.

<sup>6</sup> Request for Extension of Time at 1-2.

Respectfully submitted,

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Dated in Washington, D.C.  
this 18th day of June 2009

Signed (electronically) by Kathryn M. Sutton

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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 18, 2009, a copy of the “Response of Tennessee Valley Authority to Request for Extension of Time to Submit Hearing Request/Petition to Intervene by Southern Alliance for Clean Energy” was filed electronically with the Electronic Information Exchange.

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Dated in Washington, D.C.  
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