

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

September 18, 2009

MEMORANDUM AND ORDER  
(Staff Review Schedule Status Update)

The NRC staff recently has provided the Licensing Board and the other parties with two information items regarding the status of this 10 C.F.R. Part 52 combined license (COL) proceeding for authorization to construct and operate two new units at the existing Bellefonte Nuclear Power Plant (BNPP) site that are likely to affect the schedule for this adjudicatory hearing. Below, we describe these items, as well as our current approach regarding tracking the status of staff scheduling for this proceeding.

The first of the items is a staff letter to the Board dated July 27, 2009. In that letter, the staff stated it has advised applicant Tennessee Valley Authority (TVA) that, based on a May 1, 2009 TVA letter indicating the TVA board of directors will not be in a position to make a decision about whether to move forward with completing existing BNPP Units 1 and 2 until the first half of fiscal year (FY) 2011, the staff does not anticipate issuing a draft environmental impact statement (DEIS) relative to the COL application for BNPP Units 3 and 4 until after the TVA board makes a decision regarding Units 1 and 2. See July 27, 2009 Letter from Jody C. Martin,

NRC Staff Counsel, to Licensing Board at 1 & unnumbered encl. 1. The second is a September 1, 2009 staff status report letter. This letter, among other things, includes an update of the schedule under which the Advisory Committee on Reactor Safeguards (ACRS) has set meetings to consider separate chapters of the staff's advanced safety evaluation report with open items (ASER/OI) for BNPP Units 3 and 4 in conjunction with the corresponding chapters in the staff's safety evaluation report on revision 17 to the AP1000 certified design, with the understanding that the ASER/OI chapters are to be provided to the ACRS by the staff one month before the scheduled meeting. See Sept. 1, 2009 Letter from Ann P. Hodgdon, NRC Staff Counsel, to Licensing Board at 2-3.

Under the circumstances, any adjudicatory resolution of the two National Environmental Policy Act (NEPA)-related environmental contentions that have been admitted in this proceeding may not be in the offing for a considerable period of time. The Board nonetheless will continue to monitor the status of the staff's progress on an ongoing basis. To this end, the Board asks that on or before Friday, November 20, 2009, the staff provide the Board and the other parties with a update regarding the staff's schedule for issuing its DEIS and ASER. In that report, the Board requests that the staff also provide an estimate of how much time the staff will require to issue its DEIS relating to BNPP Units 3 and 4 once it receives a report on the TVA board's decision regarding BNPP Units 1 and 2, assuming the TVA board's decision is not to proceed with the completion of either one or both of those existing units. If this staff estimate is, in turn, dependant on when during FY 2011 the TVA board announces such a decision not to proceed (e.g., during the first quarter of FY 2011 v. during the second quarter of FY 2011), the staff should indicate the degree to which the TVA board's decision date affects the length of time (i.e., the number of months) the staff will need to issue the DEIS following that decision.

Also in that status report, the staff should provide any updated information regarding its schedule for providing the ACRS with chapters from its ASER/OI.

Further, as was the case previously, in the interim, the staff should provide the Board and the parties with notice of any significant developments or changes relative to the staff's schedule for issuance of its DEIS or ASER in this proceeding.

Finally, as was also the case previously, the Board will continue to defer issuing its 10 C.F.R. § 2.332(a) general schedule for this proceeding pending the receipt of a complete staff review schedule.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

/RA/

G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

September 18, 2009

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\* 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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(Bellefonte Nuclear Power Plant -	)	
Units 3 and 4)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (STAFF REVIEW SCHEDULE STATUS UPDATE) have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Nancy Greathead]  
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Dated at Rockville, Maryland  
this 18<sup>th</sup> day of September 2009