

reinstating TVA construction permits for two nuclear reactors (Bellefonte Nuclear Plant Units 1 and 2). The NRC had previously granted TVA's request to withdraw the two construction permits.

2. In its order reinstating the construction permits, the NRC provided an opportunity for a hearing to any member of the public adversely affected by the order. *See In the Matter of Tennessee Valley Authority (Bellefonte Nuclear Plant Units 1 and 2); Order*, 74 Fed. Reg. 10969 (March 13, 2009).

3. In response to the NRC's notice of opportunity for a hearing, BREDL, in conjunction with two other citizen environmental groups, requested a hearing and intervention on the NRC's construction permit reinstatement order. BREDL's hearing request before the NRC sets forth a number of contentions, including contentions raising essentially the same issues as those BREDL has indicated in its Statement of Issues that it intends to challenge in the instant case before this Court.

4. Upon receipt of BREDL's hearing request, the NRC issued an order directing BREDL (and the other hearing petitioners), TVA, and the NRC staff to submit briefs on the threshold question whether the NRC possesses the statutory authority to reinstate the withdrawn construction permits. *In the Matter of Tennessee Valley Authority (Bellefonte Nuclear Power Plant, Units 1 and 2)*, Order (May 20, 2009). The NRC held the remainder of the hearing petitioners' proposed contentions in abeyance pending its ruling on the threshold authority issue. The issue of the NRC's authority to reinstate

previously-withdrawn construction permits is one of the issues included in BREDL's "Statement of Issues" in this Court.

5. In view of the pending NRC adjudication stemming from the same agency order challenged in the present lawsuit, counsel for BREDL, counsel for TVA, and undersigned counsel for NRC have together agreed that the most efficient course would be to hold this case in abeyance pending the outcome of agency proceedings below, and subject to status reports to be filed with the Court every 90 days.

For the foregoing reasons, the NRC respectfully requests that this Court hold this case in abeyance pending the outcome of agency proceedings below on the same NRC construction permit reinstatement order that is the subject of BREDL's petition for review before this Court.

Respectfully submitted,

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Dated: June 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2009, a copy of the foregoing Consent Motion of the Parties to Hold Case in Abeyance was served by mail, postage prepaid, upon the following:

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