

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman  
Dr. Paul B. Abramson  
Dr. Gary Arnold

In the Matter of

Tennessee Valley Authority

(Watts Bar Unit 2)

Docket No. 50-391-OL

ASLBP No. 09-893-01-OL-BD01

October 22, 2009

SCHEDULING NOTICE

This proceeding arises from an updated application by the Tennessee Valley Authority (TVA) for an operating license (OL) for a second nuclear reactor at the Watts Bar Nuclear Plant (WBN) in Rhea County, Tennessee.<sup>1</sup> Pending before the Board are three matters: (1) a Petition to Intervene and Request for Hearing<sup>2</sup> jointly filed by five organizations in response to a Notice of Opportunity for Hearing issued on May 1, 2009,<sup>3</sup> (2) Petitioners' Motion to Permit the Late Addition of Co-Petitioners,<sup>4</sup> and (3) Petitioners' Motion for Leave to Amend Contention 7.<sup>5</sup>

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<sup>1</sup> TVA originally filed an OL application for WBN Unit 2 on June 30, 1976; however, construction of the unit was never completed. TVA filed an update to the OL application on March 4, 2009. See Tennessee Valley Authority; Notice of Receipt of Update to Application for Facility Operating License and Notice of Opportunity for Hearing for the Watts Bar Nuclear Plant, Unit 2, 74 Fed. Reg. 20,350, 20,350 (May 1, 2009).

<sup>2</sup> Petition to Intervene and Request for Hearing (July 13, 2009) [hereinafter Petition].

<sup>3</sup> 74 Fed. Reg. 20,350.

<sup>4</sup> Motion to Permit Late Addition of Co-Petitioners to Southern Alliance for Clean Energy's [SACE] Petition to Intervene and Admit Them as Intervenors (Aug. 14, 2009) [hereinafter Motion to Permit Late Addition of Co-Petitioners].

<sup>5</sup> Petitioners' Motion for Leave to Amend Contention 7 Regarding TVA Aquatic Study (Sept. 3, 2009) [hereinafter Motion to Amend]; Petitioners' Amended Contention 7 Regarding TVA Aquatic Study (Sept. 3, 2009) [hereinafter Amended Contention 7].

The Petitioners in this proceeding are Southern Alliance for Clean Energy (SACE), Tennessee Environmental Council (TEC), We the People (WTP), the Sierra Club, and Blue Ridge Environmental Defense League (BREDL).<sup>6</sup> On August 7, 2009, TVA and the NRC Staff filed Answers addressing the Petition.<sup>7</sup> On August 14, 2009, Petitioners filed a Reply to TVA's and the NRC Staff's Answers.<sup>8</sup> On August 14, 2009, the Petitioners filed a Motion to Permit the Late Addition of Co-Petitioners.<sup>9</sup> TVA and the NRC Staff responded on August 21, 2009.<sup>10</sup> On September 3, 2009, the Petitioners filed a Motion for Leave to Amend Contention 7, along with an Amended Contention 7.<sup>11</sup> TVA and the NRC Staff filed Responses in opposition to the Motion on September 8, and September 10, 2009, respectively.<sup>12</sup> In addition, on September 28, 2009, TVA and the NRC Staff filed Answers to the Amended Contention.<sup>13</sup> SACE filed a Reply to TVA's and the NRC Staff's Answers to the Amended Contention on October 5, 2009.<sup>14</sup>

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<sup>6</sup> Petition at 1.

<sup>7</sup> [TVA]'s Answer Opposing the [SACE], et al. Petition to Intervene and Request for Hearing (Aug. 7, 2009); NRC Staff's Answer to Petition to Intervene and Request for Hearing (Aug. 7, 2009).

<sup>8</sup> Petitioners' Reply to NRC Staff's and [TVA]'s Answers to Petition to Intervene and Request for Hearing (Aug. 14, 2009).

<sup>9</sup> Motion to Permit Late Addition of Co-Petitioners.

<sup>10</sup> NRC Staff's Response in Opposition to Motion to Permit Late Addition of Co-Petitioners (Aug. 21, 2009); TVA's Answer Opposing the Motion to Permit Late Addition of Co-Petitioners to [SACE]'s Petition to Intervene and Admit Them as Intervenors (Aug. 21, 2009).

<sup>11</sup> Motion to Amend; Amended Contention 7.

<sup>12</sup> [TVA]'s Response in Opposition to Petitioners' Motion for Leave to Amend Contention 7 Regarding TVA Aquatic Study (Sept. 8, 2009); NRC Staff's Response in Opposition to Motion for Leave to Amend Contention 7 Regarding TVA Aquatic Study (Sept. 10, 2009).

<sup>13</sup> [TVA]'s Response in Opposition to Petitioners' Amended Contention 7 Regarding TVA Aquatic Study (Sept. 28, 2009); NRC Staff's Answer to Petitioners' Amended Contention 7 Regarding TVA Aquatic Study (Sept. 28, 2009).

<sup>14</sup> Petitioners' Reply to Responses of NRC Staff and [TVA] to Petitioners' Amended Contention 7 (Oct. 5, 2009).

The final pleading on the matters pending before the Board (Petitioners' Reply) having been filed on October 5, 2009, pursuant to 10 C.F.R. § 2.309(i) the Board's ruling should be filed within 45 days after October 5, 2009, that is, no later than November 19, 2009. The Board will rule on the two pending motions and the admissibility of the proffered contentions in early November 2009.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD<sup>15</sup>

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, MD  
October 22, 2009

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<sup>15</sup> A copy of this order was sent this date by the agency's E-filing system to: (1) Counsel for the NRC staff; (2) Counsel for TVA; and (3) Diane Curran and Matthew Fraser as Counsel for the Petitioners.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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TENNESSEE VALLEY AUTHORITY ) Docket Nos. 50-391-OL  
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(Watts Bar Nuclear Power Plant - )  
Unit 2) )  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB SCHEDULING NOTICE have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 22<sup>nd</sup> day of October 2009