

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 Plant Units 1 and 2)

Docket Nos. 50-438-CP and 50-439-CP

ASLBP No. 10-896-01-CP-BD01

February 12, 2010

MEMORANDUM AND ORDER  
(Submission of Joint Petitioners' Reply Pleading)

In its January 15, 2010 initial prehearing hearing order, the Licensing Board established a schedule for (1) the submission of answers by the Tennessee Valley Authority (TVA) and the NRC staff to the Joint Petitioners' May 8, 2009 intervention petition; and (2) the Joint Petitioners reply to any TVA and staff answers. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Jan. 15, 2010) at 3 (unpublished). Although TVA and the staff filed their answers on a timely basis on January 29, 2010, the Board and the other participants have yet to receive the Joint Petitioners reply.

During the past week, the mid-Atlantic region has experienced a series of snow storms that caused (1) the Nuclear Regulatory Commission (NRC) to authorize early dismissal for the afternoon of Friday, February 5, 2010; and (2) the federal government in the Washington, D.C. area to remain closed between Monday, February 8, 2010, and Thursday, February 11, 2010.

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\* Joint Petitioners include the Blue Ridge Environmental Defense League (BREDL) with its Bellefonte Efficiency and Sustainability (BEST) chapter and the Southern Alliance for Clean Energy (SACE).

During that entire period, however, as far as the Board is aware, the agency's E-Filing system has continued to operate to receive and serve filings by participants to this and other agency adjudications. Further, as far as the Board is aware, up to this point there has been no filing or other attempt by Joint Petitioners to contact the Board to explain their failure to submit their reply pleading by the established February 5 deadline.

If Joint Petitioners still intend to submit a reply to the January 29, 2010 answers of TVA and the staff, they must do so on or before noon Eastern Time (ET) on Tuesday, February 16, 2010. As appropriate, their reply pleading should be accompanied by a motion that (1) explains why they failed to file that pleading by the February 5 deadline so as to engender good cause for their submission delay; and (2) in accord with 10 C.F.R. § 2.323(b), outlines their efforts to contact TVA and staff counsel to ascertain whether either participant objects to their motion. Any TVA or staff filing opposing such an motion by Joint Petitioners regarding the filing of their reply pleading must be submitted on or before noon ET on Wednesday, February 17, 2010.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

February 12, 2010

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(Bellefonte Nuclear Power Plant - )  
Units 1 and 2) )  
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (SUBMISSION OF JOINT PETITIONERS' REPLY PLEADING) have been served upon the following persons by the Electronic Information Exchange (EIE) with additional service by email on persons marked with\*.

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Docket Nos. 50-438 and 50-439-CP  
 MEMORANDUM AND ORDER (SUBMISSION OF JOINT PETITIONERS' REPLY PLEADING)

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[Original signed by Nancy Greathead]  
 Office of the Secretary of the Commission

Dated at Rockville, Maryland  
 this 12<sup>th</sup> day of February 2010