

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

May 25, 2010

MEMORANDUM AND ORDER
(Staff Review Schedule Status Update)

By letter dated March 1, 2010, the NRC staff provided the Licensing Board and the other parties with another update regarding the schedule for the preparation and issuance of its safety and environmental review documents associated with this 10 C.F.R. Part 52 combined license (COL) proceeding by which applicant Tennessee Valley Authority (TVA) seeks authorization to construct and operate two new units at its existing Bellefonte Nuclear Power Plant (BNPP) site.

See Letter from Jody C. Martin, NRC Staff Counsel, to Licensing Board (Mar. 1, 2010).

According to the staff's letter, it continues to anticipate that its draft environmental impact statement (DEIS) will not be issued before fall 2011. Additionally, the staff indicates that while it has issued the safety evaluation report (SER) with open items for eighteen of the nineteen Bellefonte SER chapters, it has not yet issued the SER with open items for chapter 6. Further, according to the staff, when it issued SER chapter 3 for the Bellefonte COL it did not include sections 3.7 (Seismic Design) and 3.8 (Design of Category 1 Structures). While stating that Bellefonte SER chapter 6, and sections 3.7 and 3.8 of Bellefonte SER chapter 3 will be

scheduled once the AP1000 design certification document SER schedule is developed for these sections, the staff also indicated that it still anticipates developing a more detailed schedule for the Bellefonte COL 3 and 4 safety review by the end of spring 2010. Id. at 2.

As we have noted previously, any adjudicatory resolution of the two National Environmental Policy Act-related environmental contentions that have been admitted in this COL proceeding still appears unlikely for a considerable period of time. The Board nonetheless continues to monitor the status of the staff's progress on an ongoing basis. To this end, the Board asks that on or before Monday, June 21, 2010, the staff provide the Board and the other parties with a update regarding the staff's schedule for its environmental and safety reviews associated with this proceeding.

Further, and 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 safety and environmental review schedules for this COL proceeding, including issuance of its DEIS or SER with open items.

Finally, 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 more definitive staff schedule for its safety and environmental reviews, which is important information the Board needs to create a realistic schedule in accord with the model milestones guidance in 10 C.F.R. Part 2, app. B.II.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

May 25, 2010

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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]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 25th day of May 2010