

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

June 2, 2010

ORDER

(Granting TVA's Unopposed Motion to Dismiss SACE Contention 1)

This proceeding arises from an updated application pursuant to 10 C.F.R. Part 50 by the Tennessee Valley Authority (TVA) for a license to operate a second nuclear reactor at the Watts Bar Nuclear Plant (WBN) in Rhea County, Tennessee.

On November 19, 2009, the Board granted a Petition to Intervene and Request for Hearing submitted by the Southern Alliance for Clean Energy (SACE) and admitted two of SACE's proffered contentions.<sup>1</sup>

On April 19, 2010, the TVA filed a motion to dismiss SACE's Contention 1 as moot.<sup>2</sup> Thereafter, on May 6, 2010, SACE notified the Board that it did not oppose TVA's motion to dismiss because it had concluded that the TVA had provided the information sought in Contention 1 regarding the status of TVA's compliance with federal and state permits that would be required for the construction and operation of a second nuclear reactor at the Watts Bar

<sup>1</sup> LBP-09-26, 70 NRC \_\_ (slip op.) (Nov. 19, 2009).

<sup>2</sup> [TVA]'s Motion to Dismiss [SACE]'s Contention 1 as Moot (Apr. 19, 2010).

facility.<sup>3</sup> On that same date the NRC Staff filed an Answer to TVA's Motion to Dismiss in which it stated that, in its view, the TVA had supplied "all federal, state, and local authorizations, consultations, and environmental permits needed for the operation of [WBN] Unit 2."<sup>4</sup>

It appearing that SACE Contention 1 has been rendered moot, and all parties being in agreement, SACE Contention 1 is hereby dismissed.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>5</sup>

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, MD  
June 2, 2010

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<sup>3</sup> See Letter from Diane Curran, Counsel for SACE, to the ASLB (May 6, 2010) (ADAMS Accession No. ML1012605460).

<sup>4</sup> NRC Staff's Answer to [TVA]'s Motion to Dismiss [SACE]'s Contention 1 as Moot (May 6, 2010) at 3.

<sup>5</sup> Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for the NRC Staff; (2) Counsel for the TVA; and (3) Counsel for SACE.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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TENNESSEE VALLEY AUTHORITY ) Docket No. 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 ORDER (GRANTING TVA'S UNOPPOSED MOTION TO DISMISS SACE CONTENTION 1) have been served upon the following persons by the Electronic Information Exchange.

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Docket No. 50-391-OL  
ORDER (GRANTING TVA'S UNOPPOSED MOTION TO DISMISS SACE CONTENTION 1)

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

Dated at Rockville, Maryland  
this 2<sup>nd</sup> day of June 2010