

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

Before Administrative Judges:

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

October 13, 2010

MEMORANDUM AND ORDER

(Procedure for Next Update Regarding Application Review Schedule)

On October 4, 2010, the NRC staff submitted to the Licensing Board another update regarding the staff's schedule for preparing and issuing 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 Advanced Passive (AP)1000 units, Units 3 and 4, at its existing Bellefonte Nuclear Power Plant (BNPP) site. See Letter from Jody C. Martin, NRC Staff Counsel, to Licensing Board (Oct. 5, 2010) [hereinafter Update Letter].

In its letter, the staff described the contents of an attached letter from applicant TVA to the staff. See Update Letter at 1. In its letter to the staff, TVA states that upon completion of TVA's new Integrated Resource Plan (IRP) in spring 2011, the TVA Board will decide whether TVA will seek to complete Bellefonte Unit 1 prior to proposed Units 3 and 4. See Update Letter, unnumbered attach. at 1 (Letter from Gordon Arent, General Manager, New Generation Licensing, Nuclear Generation Development & Construction, TVA, to NRC (Sept. 29, 2010)). If

the TVA Board decides to complete Unit 1 prior to proposed Units 3 and 4, TVA states in its letter to the staff that TVA's COL application (COLA) for Units 3 and 4 will need to undergo "significant revision," which TVA anticipates would take approximately two years to complete. Id.

In its letter to the staff, TVA indicates that if the TVA Board decides to complete Unit 1, TVA plans to inform the staff about TVA's submission of a COLA revision for Bellefonte Units 3 and 4 "no later than 90 days ahead of the submittal" of the revision. Id. For this reason, TVA recommends that the staff defer a large portion of its environmental and safety review for the COLA for Units 3 and 4. See id. encl. Moreover, because of the significant length of time TVA anticipates taking to revise its Units 3 and 4 COLA, the staff advised the Board that the staff does not expect to formulate a review schedule until it receives TVA's 90-day notification of the submittal of its revised COLA. See Update Letter at 2.

Given that the staff likely will not receive notification of any revisions to the Bellefonte COLA for at least another two years, the Board requests that applicant TVA provide a report to the Board within fourteen days of the date on which it notifies the staff of the TVA Board's decision regarding Unit 1 (which the Board assumes TVA will do sometime shortly after the TVA Board makes its decision on Unit 1 following issuance of the new IRP). That report shall describe in as much detail as practicable TVA's plans for Units 1, 3, and 4; indicate whether TVA will adhere to the process for approval of Unit 1 and revision of the COLA for Units 3 and 4 that is described in its September 29, 2010 letter to the staff; outline the nature of any changes to that process and how those changes might impact the staff review schedule; and provide TVA's views on what impact, if any, the schedule and process information provided in its Board report has upon this pending adjudication.

In the interim, the staff continues to have the obligation to 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 draft

environmental impact statement or safety evaluation report with open items. Because of applicant TVA's continuing uncertainty about whether or not it will proceed with Units 3 and 4 and the staff's concomitant lack of a review schedule, the Board likewise continues 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.

Finally, the parties should continue to adhere to the document disclosure requirements mandated by 10 C.F.R. § 2.336 and the Board's October 2008 memorandum and order. See Licensing Board Memorandum and Order (Ruling Regarding Mandatory Disclosures and Scheduling Prehearing Conference) (Oct. 14, 2008) at 2-3 (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

October 13, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. 52-014-COL and 52-015-COL
)	
(Bellefonte Nuclear Power Plant -)	
Units 3 and 4))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (PROCEDURE FOR NEXT UPDATE REGARDING APPLICATION REVIEW SCHEDULE) have been served upon the following persons by the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

G. Paul Bollwerk, III, Chair
Administrative Judge
E-mail: paul.bollwerk@nrc.gov

Dr. Anthony J. Baratta
Administrative Judge
E-mail: anthony.baratta@nrc.gov

Dr. William W. Sager
Administrative Judge
E-mail: wws1@nrc.gov

Ann Hove, Law Clerk
ann.hove@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16C1
Washington, DC 20555-0001
Roland Frye, Esq.
roland.frye@nrc.gov

OCAA Mail Center
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15D21
Washington, DC 20555-0001

Marian Zobler, Esq.
E-mail: marian.zobler@nrc.gov
Ann P. Hodgdon, Esq.
E-mail: ann.hodgdon@nrc.gov
Jody C. Martin, Esq.
E-mail: jody.martin@nrc.gov
Patrick A. Moulding, Esq.
E-mail: pam3@nrc.gov
Joseph Gilman, Paralegal
E-mail: jsq1@nrc.gov
OGC Mail Center
E-mail: OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001

Hearing Docket
E-mail: hearingdocket@nrc.gov

Docket Nos. 52-014-COL and 52-015-COL
 MEMORANDUM AND ORDER (PROCEDURE FOR NEXT UPDATE REGARDING
 APPLICATION REVIEW SCHEDULE)

Morgan, Lewis & Bockius, LLP
 Counsel for Tennessee Valley Authority
 1111 Pennsylvania Ave., N.W.
 Washington, DC 20004

Tennessee Valley Authority
 Office of the General Counsel
 400 W. Summit Hill Drive, WT 6A-K
 Knoxville, TN 37902

Steven P. Frantz, Esq.
 E-mail: sfrantz@morganlewis.com
 Stephen J. Burdick, Esq.
 E-mail: sburdick@morganlewis.com
 Alvin H. Gutterman, Esq.
 E-mail: agutterman@morganlewis.com
 Jonathan M. Rund, Esq.
 E-mail: jrund@morganlewis.com
 Kathryn M. Sutton, Esq.
ksutton@morganlewis.com
 Mary L. Freeze, Legal Secretary
 E-mail: mfreeze@morganlewis.com

Edward J. Vigluicci, Esq.
 E-mail: ejvigluicci@tva.gov
 Maureen H. Dunn, Esq.
 E-mail: mhdunn@tva.gov
 Maria V. Gillen, Esq.
mvgillen@tva.gov
 Christopher Chandler, Esq.
 E-mail: ccchandler0@tva.gov
 Scott A. Vance, Esq.
 E-mail: savance@tva.gov

Pillsbury, Winthrop Shaw Pittman, LLP
 2300 N. Street, NW
 Washington, DC 20037

Blue Ridge Environmental Defense League,
 Inc. (BREDL)
 P.O. Box 88
 Glendale Springs, NC 28629

R. Budd Haemer, Esq.
 E-mail: robert.haemer@pillsburylaw.com
 Maria D. Webb, Senior Energy Legal Analyst
 E-mail: maria.webb@pillsburylaw.com

Louis A. Zeller, Administrator and
 Science Director
 E-Mail: bredl@skybest.com

Bellefonte Efficiency & Sustainability Team
 185 Hood Drive
 Crossville TN 38555

Louise Gorenflo
 E-mail: lgorenflo@gmail.com

Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (PROCEDURE FOR NEXT UPDATE REGARDING
APPLICATION REVIEW SCHEDULE)

Southern Alliance for Clean Energy (SACE)
428 Bull Street, Suite 201
Savannah, GA 31401

Sara Barczak, Director
E-mail: sara@cleanenergy.org

North Carolina Waste Awareness
and Reduction Network
P.O. Box 2793
Chapel Hill, North Carolina 27515

John D. Runkle, Esq.
E-mail: jrunkle@pricecreek.com

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

Dated at Rockville, Maryland
this 13th day of October 2010