

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

April 21, 2011

MEMORANDUM AND ORDER
(Requesting TVA Status Report)

In an October 13, 2010 memorandum and order, the Licensing Board acknowledged an October 3, 2010 NRC staff letter providing the then-current status of the NRC 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. In that issuance, the Licensing Board indicated that the NRC staff had been advised by TVA that upon completion of TVA's new Integrated Resource Plan (IRP) in spring 2011, the TVA Board would decide whether TVA will seek to finish Bellefonte Unit 1 prior to completing proposed Units 3 and 4. The Licensing Board also recognized that a TVA Board determination to move forward first on Unit 1 could (1) require a significant revision to the TVA COL application for Units 3 and 4 that would take as much as two years to complete; and (2) create a concomitant delay in the NRC staff's license review schedule for Units 3 and 4. See Licensing Board

Memorandum and Order (Procedure for Next Update Regarding Application Review Schedule) (Oct. 13, 2010) at 1-2 (unpublished). As a consequence, the Licensing Board directed that, once applicant TVA advised the NRC staff of the TVA Board's decision regarding Bellefonte Unit 1, TVA should provide the Licensing Board with a report outlining the scheduling impacts of the TVA Board's decision on this COL proceeding. See id. at 2.

It is apparent from the TVA website that on April 14, 2011, the TVA Board did hold a meeting at which the new IRP and the future of the BNPP were agenda items. Further, during that meeting the TVA staff asked the TVA Board to defer any decision regarding the BNPP until such time as TVA has a "clear understanding" of the situation at the Fukushima I nuclear facility and any potential impact that situation might have on the licensing of Bellefonte Units 1, 3, and 4. TVA News Release, TVA Board Sets Path for Environmental Future (Apr. 14, 2011), http://www.tva.com/news/releases/aprjun11/board_meeting_0414.htm (last visited Apr. 20, 2011) (quoting TVA chief operating officer Bill McCollum).

In light of the apparent further deferral of any TVA Board decision regarding the BNPP, the Licensing Board requests that on or before Friday, May 6, 2011, applicant TVA provide the Licensing Board with a status report that describes in as much detail as practicable TVA's plans for reaching a decision regarding how TVA wishes to proceed with the licensing of BNPP Units 1, 3, and 4.* In that regard, the Licensing Board asks that the status report incorporate a discussion of the format and schedule associated with the TVA process for arriving at a "clear

* Although the Board is aware of the recent petition of, among others, Joint Intervenors Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy requesting that the Commission suspend this and other agency licensing proceedings pending an investigation of the lessons learned from the Fukushima I situation, see Emergency Petition to Suspend All Pending Reactor Licensing Decisions and Related Rulemaking Decisions Pending Investigation of Lessons Learned from Fukushima Daiichi Nuclear Power Station Accident (Apr. 18, 2011), this Licensing Board request for a TVA status report is in no way at odds with the relief being sought in that petition.

understanding” of the Fukushima I situation, including conducting any studies/analyses/investigation, issuing any reports, and/or providing any TVA Board briefings.

In the interim, the NRC staff continues to have the obligation to provide the Licensing Board and the parties with notice of any significant developments or changes relative to the NRC 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 it will proceed with Units 3 and 4 and the NRC staff's resulting lack of a review schedule, the Licensing 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 Licensing 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 Licensing 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

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (REQUESTING TVA STATUS REPORT) have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (REQUESTING TVA STATUS REPORT)

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

Dated at Rockville, Maryland
this 21st day of April 2011