

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TENNESSEE VALLEY AUTHORITY)	Docket Nos. 52-014-COL & 52-015-COL
)	
(Bellefonte Nuclear Power Plant, Units 3 and 4))	August 22, 2011
)	

**TENNESSEE VALLEY AUTHORITY’S MOTION TO EXCEED PAGE LIMIT FOR
ANSWER TO PROPOSED FUKUSHIMA CONTENTION**

On August 11, 2011, the Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy (“Intervenors”), filed with the U.S. Nuclear Regulatory Commission (“NRC”), a motion to admit a proposed New Contention that claims to address the safety and environmental implications of the NRC Task Force Report, “Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident” (July 12, 2011).¹ Tennessee Valley Authority (“TVA”) is filing this Motion to exceed the page limit for the Answer to the New Contention.

In its June 18, 2008 Initial Prehearing Order, the Atomic Safety and Licensing Board (“Board”) stated the following regarding page limits:

Any motion filed after the date of this memorandum and order and any related responsive pleadings shall not exceed ten pages in length (including signature page) absent preapproval of the presiding officer. A request for presiding officer preapproval to exceed this page limitation shall be sought in writing no less than three business days prior to the time the motion or responsive

¹ Motion to Admit New Contention Regarding the Safety and Environmental Implications of the Nuclear Regulatory Commission Task Force Report on the Fukushima Dai-Ichi Accident (Aug. 11, 2011); Contention Regarding NEPA Requirement to Address Safety and Environmental Implications of the Fukushima Task Force Report (Aug. 11, 2011) (“New Contention”).

pleading is filed or due to be filed. A request to exceed this page limitation must (1) indicate whether the request is opposed or supported by the other participants to the proceeding; (2) provide a good faith estimate of the number of additional pages that will be filed; and (3) demonstrate good cause for being permitted to exceed the page limitation.²

The Board specified that this page limitation applies to “any subsequent motion for admission of a nontimely contention under section 2.309(c) or a new or amended contention under section 2.309(f)(2).”³

TVA requests the Board’s preapproval to exceed the 10 page limit for its Answer to the New Contention. This request is provided in writing no less than three business days prior to the Answer due date (August 25, 2011). TVA has communicated with the Intervenor’s representative and counsel for the NRC Staff, and they do not oppose this request. TVA will make every effort to keep the Answer as brief as possible; however, TVA’s current good faith estimate is that the Answer will be approximately 30 pages in length.

TVA has good cause for being permitted to exceed the page limitation. The Intervenor’s submission regarding the New Contention is 59 pages in length: 8 pages for the motion to admit the proposed New Contention; 23 pages for the New Contention; 2 pages for the Certificate of Service; and 26 pages of supporting declarations and qualifications. This submission itself greatly exceeded the 10 page limit for new contentions. TVA requests the additional pages for its Answer in order to fully address this lengthy New Contention that raises a broad set of issues regarding the Task Force Report. Additionally, TVA’s Answer will demonstrate that the New Contention is untimely and does not satisfy many of the contention admissibility requirements in 10 C.F.R. § 2.309(f)(1). The additional requested pages are necessary to present this information

² Memorandum and Order (Initial Prehearing Order), at 5-6 (June 18, 2008) (unpublished).

³ *Id.* at 5 n.2.

in a clear manner and to fully discuss the corresponding legal requirements. TVA believes that the additional pages will allow the other parties and the Board to better understand its position, which will facilitate any replies to TVA's Answer and the resulting Board order ruling on the admissibility of the New Contention.

For these reasons, TVA respectfully requests that the Board grant this Motion for leave to exceed the page limitation.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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Dated in Washington, DC
this 22nd day of August 2011

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NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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TENNESSEE VALLEY AUTHORITY)	Docket Nos. 52-014-COL & 52-015-COL
(Bellevue Nuclear Power Plant, Units 3 and 4))	August 22, 2011

CERTIFICATE OF SERVICE

I certify that, on August 22, 2011, a copy of “Tennessee Valley Authority’s Motion to Exceed Page Limit for Answer to Proposed Fukushima Contention” was served electronically with the Electronic Information Exchange on the following recipients:

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