

August 22, 2011

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 and 52-015
)
Bellefonte Nuclear Power Plant)
(Units 3 and 4))

NRC STAFF'S UNOPPOSED MOTION TO EXCEED PAGE LIMIT AND FOR
EXTENSION OF TIME TO RESPOND TO PROPOSED FUKUSHIMA CONTENTION

On August 11, 2011, the Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy (Intervenors) filed a "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." (Fukushima Contention). The staff of the U.S. Nuclear Regulatory Commission (Staff) is filing this motion to request to exceed the current ten page limit in its Answer to the proposed Fukushima Contention and to request an extension of time to file its Answer. The Staff respectfully requests an extension until September 6, 2011. The Staff has contacted representatives for both the Intervenors and the Applicant, and they have both stated that they do not oppose this motion.

I. The Staff Requests to Exceed the Page Limit in its Answer to the Fukushima Contention

In its Initial Prehearing Order, the Atomic Safety and Licensing Board (Board) stated the following regarding page limitations:

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 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.

See *Tennessee Valley Authority* (Bellefonte Nuclear Power Plant Units 3 and 4), at 5-6 (June 18, 2008) (unpublished order) (Initial Prehearing Order). Additionally, the Board specified that “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) and responses/replies thereto are subject to this page limitation.” *Id.* at 5, n.2. As stated above, the Staff has contacted representatives for both the Intervenors and the Applicant, and they do not oppose this Motion.

The Staff requests to exceed the ten page limit for its Answer to the Intervenors’ Fukushima Contention. The Staff’s good faith estimate is that 10 additional pages will be filed such that the Staff’s Answer will be approximately 20 pages in length.

The Staff believes it has good cause for its request to exceed the ten page limitation. The Intervenors’ motion regarding the Fukushima Contention is 59 pages long and thus substantially exceeds the ten page limit. The Intervenors’ motion seeks to admit a new contention to address the safety and environmental implications of the findings and recommendations raised in the Nuclear Regulatory Commission’s July 12, 2011 Near-Term Task Force Report (Task Force Report) regarding the events at Fukushima Daiichi. The Staff requests additional pages to fully address all of the issues raised in the Intervenors’ proposed Fukushima Contention.

II. The Staff Requests an Extension of Time to September 6, 2011 to File its Answer

In its Initial Prehearing Order, the Board stated the following regarding motions for extension of time:

A motion for extension of time filed with the presiding officer in these proceedings shall be submitted in writing at least three business days before the due date for the pleading or other submission for which an extension is sought. A motion for extension of time must (1) indicate whether the request is opposed or supported

by the other participants to the particular proceeding; and (2) demonstrate appropriate cause that supports permitting the extension.

See Initial Prehearing Order at 6. Additionally, the Board noted that any response to a motion seeking the admission of nontimely or new/amended contentions is “due within fourteen days of service of the motion.” *Id.* at 6, n.4.

The Intervenor’s motion seeks to admit a new contention to address the safety and environmental implications of the findings and recommendations raised in the July 12, 2011 Task Force Report. The Staff has been served with new contentions in 17 license renewal and combined license (COL) proceedings and the stated basis for these new contentions is also the release of the July 12, 2011 Task Force Report. The Intervenor’s Fukushima Contention is substantially similar to the new contentions filed in these other proceedings. The majority of the new contentions in these other proceedings were served on the Staff on August 12, 2011. As a result, pursuant to 10 C.F.R. § 2.309(h)(1), and the initial scheduling orders in most other proceedings, the Staff’s responses to the new contentions in those proceedings is due September 6, 2011. The Board’s Initial Prehearing Order requires the Staff to file answers to the Intervenor’s Fukushima Contention within fourteen days of service of the motion or no later than August 25, 2011. See Initial Prehearing Order at 6, n.4. Due to the overlap of issues between the Intervenor’s Fukushima Contention and the other new contentions and the need to coordinate the Staff’s responses, the Staff requests additional time to reply to the Intervenor’s Fukushima Contention. The Staff proposes that the time for filing the Staff’s Answer to the Intervenor’s Fukushima Contention be extended to September 6, 2011, which is consistent with the answers to be filed in the other proceedings, and would not result in any undue delay to this proceeding.

For these reasons, the Staff respectfully requests that this motion to exceed the page limit and extend the time to respond to the Intervenors' Fukushima Contention be granted.

Respectfully submitted,

/Signed (electronically) by/

Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-1569
Jody.Martin@nrc.gov

Dated at Rockville, Maryland
This 22nd day of August, 2011

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CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff's Unopposed Motion to Exceed Page Limit and for Extension of Time to Respond to Proposed Fukushima Contention, have been served upon the following persons by Electronic Information Exchange this 22nd day of August, 2011:

Administrative Judge
G. Paul Bollwerk, III, Chair
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: gpb@nrc.gov)

Office of the Secretary
ATTN: Docketing and Service
Mail Stop 0-16C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge
Dr. Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: ajb5@nrc.gov)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: ocaamail@nrc.gov)

Administrative Judge
Dr. William W. Sager
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: wws1@nrc.gov)

Erica LaPlante
Law Clerk
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: eal1@nrc.gov)

Sara Barczak
Southern Alliance for Clean Energy
428 Bull Street
Savannah, GA 31401
(E-mail: sara@cleanenergy.org)

Steven P. Frantz, Esq.
Stephen J. Burdick, Esq.
Jonathan M. Rund, Esq.
Alan H. Gutterman, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(E-mail: sfrantz@morganlewis.com
sburdick@morganlewis.com
jrund@morganlewis.com
agutterman@morganlewis.com)

Edward J. Vigluicci, Esq.
Christopher C. Chandler, Esq.
Tennessee Valley Authority
400 W. Summit Hill Dr., WT 6A-K
Knoxville, TN 37902
(E-mail: ejvigluicci@tva.gov,
Ccchandler0@tva.gov)

Louise Gorenflo
Bellefonte Efficiency & Sustainability Team
185 Hood Drive
Crossville, TN 38555
(E-mail: lgorenflo@gmail.com)

Louis A. Zeller
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629
(E-mail: BREDL@skybest.com)

/signed (electronically) by/

Jody C. Martin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-1569
Jody.Martin@nrc.gov