

July 16, 2012

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 FOR EXTENSION OF
TIME TO RESPOND TO PROPOSED TEMPORARY STORAGE
AND ULTIMATE DISPOSAL OF NUCLEAR WASTE CONTENTION

INTRODUCTION

On July 9, 2012, the Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy (Intervenors) filed a "Motion for Leave to File a new Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Bellefonte" (Petition). The staff of the U.S. Nuclear Regulatory Commission (Staff) is filing this motion to request an extension of time to file its Answer. The Staff respectfully requests an extension until August 3, 2012. The Staff has contacted representatives for both the Intervenors and the Applicant. The Applicant supports this motion, provided it is also allowed until August 3, 2012 to file its answer; the Intervenors do not oppose this motion.

DISCUSSION

In its Initial Prehearing Order, the Board stated the following regarding motions for extensions 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See *Tennessee Valley Authority* (Bellefonte Nuclear Power Plant Units 3 and 4), at 6 (June 18, 2008) (unpublished order) (Initial Prehearing Order). 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 Petition seeks to admit a new contention that challenges the failure of the Environmental Report for the Bellefonte combined license (COL) application to address the environmental impacts of spent fuel pool leakage and fires as well as the environmental impacts that may occur if a spent fuel repository does not become available. Petition at 1. The basis for the contention is the United States Court of Appeals for the District of Columbia Circuit’s decision in *State of New York v. NRC*, No. 11-1045 (June 8, 2012). *Id.* New contentions with this court decision as their stated basis have been filed in 19 license renewal and COL proceedings. The Intervenor’s contention here is substantially similar to the new contentions in the other proceedings. The majority of the new contentions in these other proceedings were served on the Staff on July 9, 2012. 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 are due August 3, 2012.

The Board’s Initial Prehearing Order requires the Staff to file answers to the Intervenor’s Petition within fourteen days of service of the motion or no later than July 23, 2012. See Initial Prehearing Order at 6 n.4. Due to the overlap of issues between the Intervenor’s 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 Petition. The Staff proposes that the time for filing the Staff’s answer to the Intervenor’s Petition be extended to August 3, 2012, which is consistent with the answers to be filed in the other proceedings, and would not result in any undue delay to this proceeding.

CONCLUSION

For these reasons, the Staff respectfully requests that this motion to extend the time to respond to the Intervenors' Petition be granted.

Respectfully submitted,

/Signed (electronically) by/

Andrea L. Silvia
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
301-415-8554
Andrea.Silvia@nrc.gov

Dated in Rockville, MD
this 16th day of July 2012.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC STAFF STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PROPOSED TEMPORARY STORAGE AND ULTIMATE DISPOSAL OF NUCLEAR WASTE CONTENTION have been served upon the following persons by Electronic Information Exchange this 16th day of July, 2012:

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: paul.bollwek@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: anthony.baratta@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: william.sager@nrc.gov

Jonathan C. Eser
Law Clerk
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
E-mail: jonathan.eser@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. Viglucci, Esq.
Christopher C. Chandler, Esq.
Tennessee Valley Authority
400 W. Summit Hill Dr., WT 6A-K
Knoxville, TN 37902
E-mail: ejviglucci@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/

Andrea L. Silvia
Counsel for NRC Staff
U.S. Nuclear Regulatory
Commission
Mail Stop O-15 D21
Washington, DC 20555-0001
(301) 415-8554
Andrea.Silvia@nrc.gov