

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair
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

August 8, 2012

MEMORANDUM AND ORDER

(Suspending Date for Submission of Reply Pleading)

Pending in this proceeding is Joint Intervenors' July 9, 2012 motion to admit a new contention asserting that the environmental report (ER) of applicant Tennessee Valley Authority (TVA) is not in compliance with the requirements of the National Environmental Policy Act because the ER fails to include a discussion of the environmental impacts of spent fuel pool (SFP) leakage, SFP fires, and the lack of a spent fuel repository, as required by the recent decision of the United States Court of Appeals for the District of Columbia Circuit in New York v. NRC, 681 F.3d 471 (D.C. Cir. 2012). See Intervenors' Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Bellefonte (July 9, 2012) at 4. In accordance with the Licensing Board's initial prehearing order, Joint Intervenors' reply to the August 3 answers of TVA and the NRC staff to their motion to admit this new contention is due on August 10. See Licensing Board Memorandum and Order

* Joint Intervenors are the Blue Ridge Environmental Defense League (BREDL) and the Southern Alliance for Clean Energy.

(Initial Prehearing Order) (June 18, 2008) at 6 (unpublished). Yesterday, however, the Commission directed that this contention be held in abeyance until further order of the Commission, see Calvert Cliffs Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-12-16, 76 NRC __, __ & n.10 (slip op. at 5-6 & n.10) (Aug. 7, 2012), raising a question about the status of Joint Intervenors' reply pleading.

Given the likelihood of a further order from the Commission regarding the pending new contention and the possible need to hear from all the parties relative to that order, the Board finds that the goal of the conducting this proceeding efficiently and effectively would best be served if the filing date for Joint Intervenors' reply pleading is suspended pending further direction from the Board.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III
CHAIR

Rockville, Maryland

August 8, 2012

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Suspending Date for Submission of Reply Pleading)** have been served upon the following persons by the Electronic Information Exchange and by electronic mail as indicated by an asterisk*.

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

Dated at Rockville, Maryland
this 8th day of August 2012