

July 15, 2013

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

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In the Matter of )

Tennessee Valley Authority )

(Watts Bar Unit 2) )  
\_\_\_\_\_

Docket No. 50-391

**SOUTHERN ALLIANCE FOR CLEAN ENERGY’S UNOPPOSED  
MOTION TO WITHDRAW CONTENTION 7**

Pursuant to 10 C.F.R. § 2.323, Southern Alliance for Clean Energy (“SACE”) hereby moves to withdraw Contention 7. SACE seeks leave to withdraw the contention because the Final Environmental Impact Statement (“FEIS”)<sup>1</sup> recently issued by the U.S. Nuclear Regulatory Commission (“NRC”) Staff confirms the primary concerns raised by SACE regarding the adequacy of the Tennessee Valley Authority’s (“TVA’s”) Final Supplemental Environmental Impact Statement (2007) (“FSEIS”) to address aquatic impacts. The NRC has rejected TVA’s characterization of the Tennessee River as a healthy reservoir, and has also rejected TVA’s approach of quantitatively measuring the health of the river by assessing the health of reservoir fish rather than the endemic species that have all but disappeared. FEIS at 4-89 - 4-90, E-36 - E-39. The NRC also agrees with SACE that the cumulative impacts of dams and industry on the Tennessee River (which TVA’s FEIS did not address at all) are significant. *Id.* at 4-94.

In addition, the FEIS recognizes that some of the aquatic impacts data collected by TVA are incomplete and poorly analyzed. *Id.* at E-56 - E-57, E-58, E-60, E-61, E-61, E-62, E-80, E-81. Finally, in response to Contention 7, the TVA has collected more and better aquatic impacts

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<sup>1</sup> NUREG-0498, Final Environmental Impact Statement Related to the Operation of Watts Bar Nuclear Plant, Unit 2 (Supp. 2) (May 2013).

data in the recent past, and has done a better job at analyzing it. *Id.* at Table 5-1, E-58, E-61, E-62, E-69, E-81.

While we disagree with the NRC's ultimate conclusion that the incremental impacts of WBN2 are insignificant and unrelated to the other cumulative impacts (FEIS at 4-94), we think our resources would not be well-utilized by continuing with a hearing before the ASLB on that single issue. Instead, we plan to follow up with the TVA on the significant criticisms that the NRC Staff has made of the TVA's methodology for evaluating environmental impacts.

Counsel for Intervenors is authorized to state that the TVA and the NRC Staff do not oppose this motion.

Respectfully submitted,

*Electronically signed by*

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