

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
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

December 11, 2015

MEMORANDUM AND ORDER

(Revising Schedule for Mandatory Disclosure/Hearing File Updates)

In an August 25, 2015 memorandum and order, the Licensing Board requested input from the parties regarding how this case should proceed. As the Board indicated in that issuance, this proceeding regarding the Tennessee Valley Authority's (TVA) October 2007 application for 10 C.F.R. Part 52 combined licenses (COLs) for Units 3 and 4 at TVA's existing Bellefonte Nuclear Power Plant has been on hiatus for an extended period that is expected to continue into the foreseeable future. See Licensing Board Memorandum and Order (Request for Joint Status Report) (Aug. 25, 2015) at 1-3 (unpublished). In raising this issue, the Board noted the possibility that TVA's application could be withdrawn or that the parties could reach a settlement that would result in termination of this adjudication. See id. at 3. In reply, the parties notified the Licensing Board that TVA did not intend to withdraw its application at this time, but that the parties would engage in settlement discussions. See Joint Status Report (Sept. 23, 2015) at 1. The parties subsequently advised the Board that their settlement discussions had

not been successful and that no further talks were planned. See Updated Joint Status Report (Nov. 2, 2015) at 1.

In response to these status updates, the Licensing Board scheduled a December 4, 2015 telephone prehearing conference with the parties to discuss, among other issues, “whether the existing circumstances regarding this proceeding warrant an additional revision to the current schedule for mandatory discovery disclosures and hearing file updates.” Licensing Board Memorandum and Order (Scheduling Prehearing Conference) (Dec. 1, 2015) at 2 (unpublished). During this conference, the parties expressed agreement that the mandatory discovery and hearing file updates should be reduced from a quarterly requirement to a semiannual or annual requirement. See Tr. at 323-25, 327-31.

Given the current situation, the Board agrees with the parties that the quarterly cumulative disclosure requirement should be reduced. Accordingly, paragraph seven of the Board's October 14, 2008 memorandum and order establishing a schedule for mandatory disclosure/hearing file updates, see Licensing Board Memorandum and Order (Ruling Regarding Mandatory Disclosures and Scheduling Prehearing Conference) (Oct. 14, 2008) at 3 (unpublished), is amended to provide that going forward cumulative updates shall be submitted by the parties on a semiannual basis, with updates due on or before January 2 and July 1 of each calendar year. Each cumulative semiannual update shall include any previously undisclosed documents or information developed or obtained (1) less than fourteen days prior to the date of the previous semiannual disclosure; and (2) during the current semiannual disclosure period at any time up to and including the fourteenth day prior to the date of the current semiannual disclosure.

Further, in accord with section 2.306(a), if a semiannual disclosure date falls on a weekend or a federal holiday, the update shall be due on the next business day. As a

consequence, the next section 2.336(d) submissions are due on or before Monday, January 4, 2016.

The Board will continue to monitor this proceeding to determine when a return to a thirty-day disclosure schedule, or the implementation of some other suitable schedule, may be appropriate. In the interim, any party wishing to have the disclosure schedule revised should provide the Board with a motion that conforms to the requirements of section 2.323.

Finally, the Board reminds the parties, and in particular applicant TVA and the NRC staff, that they should promptly bring to the attention of the Board and the other parties any event or circumstance that will have a material impact on this proceeding, including any matter that will affect this proceeding's schedule and/or duration to any substantial degree.* See, e.g., Licensing Board Memorandum and Order (Requesting TVA Status Report) (Apr. 21, 2011) at 2-3 (unpublished).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 11, 2015

* The Board also reminds the parties that all counsel and others appearing before the Board in a representative capacity are required to file a notice of appearance in accord with 10 C.F.R. § 2.314(b).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Revising Schedule for Mandatory Disclosure/ Hearing File Updates)** have been served upon the following persons by the Electronic Information Exchange.

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Bellefonte Nuclear Power Plant, Units 3 and 4, Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (Revising Schedule for Mandatory Disclosure/ Hearing File Updates)

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[Original signed by Brian Newell _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 11th day of December, 2015