

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

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

January 19, 2016

**JOINT INTERVENORS' SEPARATE STATEMENT
REGARDING ADDITIONAL STATUS INFORMATION**

Pursuant to the Atomic Safety and Licensing Board (ASLB) Memorandum and Order (Request for Additional Status Information) (Jan. 4, 2016), Joint Intervenors Blue Ridge Environmental Defense League (BREDL) and the Southern Alliance for Clean Energy (SACE) have joined the Tennessee Valley Authority (TVA) and the U.S. Nuclear Regulatory Commission (NRC) Staff in a response to questions by the ASLB, filed today.

In addition, independently of TVA and the NRC Staff, Joint Intervenors respectfully submit this separate statement. Joint Intervenors seek to clarify the basis for their view that it would not be lawful, under any circumstances, for the ASLB to terminate this adjudication while TVA's combined license application (COLA) is pending before the NRC. Instead, the appropriate remedy in these circumstances is withdrawal or dismissal of the COLA for abandonment.

Under Section 189a of the Atomic Energy Act, 42 U.S.C. § 2239(a), the NRC must grant a hearing to any party who demonstrates an interest in a construction permit or operating license proceeding. The ASLB has established Joint Intervenors as interested parties by approving their standing, admitting at least one of their contentions, and admitting them as parties to this

proceeding. *State of Alaska Dept. of Transportation and Public Facilities*, CLI-04-26, 60 NRC 399, 405 (2004).¹

As long as TVA's COLA for Bellefonte reactor units 3 & 4 remains pending before the ASLB, the Atomic Energy Act does not permit termination of the hearing already granted to Joint Intervenors. Only if TVA withdraws its COLA, or if the ASLB dismisses the COLA for abandonment as permitted by *Puerto Rico Electric Power Authority* (North Coast Nuclear Plant Unit 1), ALAB-605, 12 NRC 153 (1980), may the adjudicatory proceeding be terminated.

Respectfully submitted,

Signed (electronically) by:

For BREDL:

[Electronically signed by]

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¹ These circumstances distinguish this proceeding from the circumstances in *AmerenUE* (Callaway Plant, Unit 2), LBP-09-23, 70 NRC 659 (2009), where the ASLB had not yet ruled on standing or the admissibility of contentions.

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CERTIFICATE OF SERVICE

I hereby certify that the
**JOINT INTERVENORS' SEPARATE STATEMENT
REGARDING ADDITIONAL STATUS INFORMATION**
has been filed through the NRC Electronic Information Exchange system
this 19th day of January, 2016.



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