

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

January 22, 2016

MEMORANDUM AND ORDER

(Requesting Party Briefs on Issue of "Abandonment")

In response to a January 4, 2016 Licensing Board issuance, by joint filing dated January 19, 2016, the parties to this proceeding regarding the 10 C.F.R. Part 52 combined license (COL) application of the Tennessee Valley Authority (TVA) for Units 3 and 4 at TVA's existing Bellefonte Nuclear Power Plant, indicated that during the parties' recent settlement negotiations attempting to reach agreement on a basis for terminating this adjudication, the parties did consider a range of settlement conditions beyond those adopted in the Callaway proceeding, but were unable to identify a mutually acceptable settlement. See Joint Response to Board Request for Additional Status Information (Jan. 19, 2016) at 1; see also Licensing Board Memorandum and Order (Request for Additional Status Information) (Jan. 4, 2016) at 1-2 (citing AmerenUE (Callaway Plant, Unit 2), LBP-09-23, 70 NRC 659 (2009)) (unpublished). In addition, Joint Intervenors¹ submitted a separate pleading asserting, among other things, that in

¹ Joint Intervenors are the Blue Ridge Environmental Defense League and the Southern Alliance for Clean Energy.

the absence of a settlement, the only way in which this adjudicatory proceeding can be terminated by the Board is if TVA withdraws its COL application or the Board dismisses the TVA application as having been abandoned. See Joint Intervenors' Separate Statement Regarding Additional Status Information (Jan. 19, 2016) at 2 (citing P.R. Elec. Power Auth. (North Coast Nuclear Plant Unit 1), ALAB-605, 12 NRC 153 (1980)).

In this regard, the Board requests that applicant TVA and the NRC staff provide briefs (not exceeding twenty pages) addressing the following issue:

(1) Do current circumstances regarding TVA planning concerning proposed Bellefonte Units 3 and 4, as outlined in TVA's 2015 Integrated Resource Plan (IRP), see TVA, 2015 [IRP],

https://www.tva.gov/file_source/TVA/Site%20Content/Environment/Environmental%20Stewardship/IRP/Documents/2015_irp.pdf/, constitute actual or constructive abandonment of TVA's pending COL application?

Additionally, so the Board can have a more complete understanding of the circumstances surrounding the current situation with TVA's COL application, the Board requests that in their filings TVA and the staff address the following question:

(2) Assuming TVA withdrew its pending COL application in the near term and later submitted another COL application for proposed Units 3 and/or 4 consistent with the general timeline outlined in the alternative sensitivity analysis in the 2015 IRP, see Licensing Board Memorandum and Order (Request for Joint Status Report) (Aug. 25, 2015) at 2 & n.2 (unpublished), what resource impacts (including financial and scheduling) would accrue to TVA and the staff from that withdrawal and subsequent submission, as compared to the resource impacts that would accrue to TVA and the staff

under the same timeline if the current application remains docketed, but with staff review suspended pending a TVA request to re-institute staff review.

The TVA and staff briefs addressing these matters shall be filed on or before Friday, February 12, 2016, while any response by Joint Intervenors (also not to exceed twenty pages) shall be filed on or before Friday, March 4, 2016.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 22, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Requesting Party Briefs on Issue of "Abandonment")** have been served upon the following persons by the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-7H4
Washington, DC 20555-0001
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15D21
Washington, DC 20555-0001

G. Paul Bollwerk, III, Chair
Administrative Judge
paul.bollwerk@nrc.gov

Sara Kirkwood, Esq.
sara.kirkwood@nrc.gov
Patrick Moulding, Esq.
patrick.moulding@nrc.gov
Michael Spencer, Esq.
michael.spencer@nrc.gov
Anthony Wilson, Esq.
anthony.wilson@nrc.gov

Dr. Anthony J. Baratta
Administrative Judge
anthony.baratta@nrc.gov

Dr. William W. Sager
Administrative Judge
william.sager@nrc.gov

OGC Mail Center: Members of this office have received a copy of this filing by EIE service.

Cooper Strickland
Law Clerk
cooper.strickland@nrc.gov

Bellefonte Nuclear Power Plant, Units 3 and 4, Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (Requesting Party Briefs on Issue of “Abandonment”)

Morgan, Lewis & Bockius, LLP
Counsel for Tennessee Valley Authority
1111 Pennsylvania Ave., N.W.
Washington, DC 20004

Stephen J. Burdick, Esq.
sburdick@morganlewis.com
Steven P. Frantz, Esq.
sfrantz@morganlewis.com
Mary L. Freeze, Legal Secretary
mfreeze@morganlewis.com
Audrea Salters, Legal Secretary
asalters@morganlewis.com

Southern Alliance for Clean Energy (SACE)
428 Bull Street, Suite 201
Savannah, GA 31401

Sara Barczak, Director
sara@cleanenergy.org
Angela Garrone, Esq.
angela@cleanenergy.org

Blue Ridge Environmental Defense League,
Inc. (BREDL)
P.O. Box 88
Glendale Springs, NC 28629

North Carolina Waste Awareness
and Reduction Network
P.O. Box 2793
Chapel Hill, North Carolina 27515

Louis A. Zeller, Administrator and
Science Director
bredl@skybest.com

John D. Runkle, Esq.
jrunkle@pricecreek.com

Tennessee Valley Authority
Office of the General Counsel
400 W. Summit Hill Drive, WT 6A-K
Knoxville, TN 37902

Blake Nelson, Esq.
bjnelson@tva.gov
Maria V. Gillen, Esq.
mvgillen@tva.gov
Scott A. Vance, Esq.
savance@tva.gov

[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of January, 2016