

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

Before Administrative Judges:

Paul S. Ryerson, Chairman
Dr. Gary S. Arnold
Dr. Sue H. Abreu

In the Matter of

TENNESSEE VALLEY AUTHORITY

(Clinch River Nuclear Site Early Site Permit
Application)

Docket No. 52-047-ESP

ASLBP No. 17-954-01-ESP-BD01

August 7, 2017

ORDER

(Concerning Request for Extension of Time)

On July 21, 2017—the last day on which to file a potentially timely reply to the answers to its hearing request and intervention petition¹—the Blue Ridge Environmental Defense League (BREDL) filed a request for more time. BREDL did not propose a date by which it would file a reply, or indicate whether it had first attempted to contact and obtain the consent of other parties.

On July 26, 2017, in light of the circumstances described by BREDL in support of its request, the NRC Staff stated that it would not oppose “a reasonable extension.” To date, TVA has not filed an opposition to BREDL’s request.

Professional courtesy, common sense and the NRC’s rules all require that a party consult with other parties and not first come to the Board seeking an extension of time: “A

¹ The Office of the Secretary granted an extension to file hearing requests on TVA’s application; however, the NRC Staff and TVA have challenged the applicability of the extension to BREDL. Order of the Secretary (June 2, 2017); NRC Staff Answer Opposing Petition to Intervene and Request for Hearing by [BREDL] (July 7, 2017) at 10–12; [TVA’s] Answer Opposing Petitions for Intervention and Requests for Hearing by the Southern Alliance for Clean Energy and Tennessee Environmental Council, and [BREDL] (July 7, 2017) at 29–30.

motion must be rejected if it does not include a certification by the attorney or representative of the moving party that the movant has made a sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful."² BREDL's request, as presented, is therefore DENIED.

Given the absence of a stated objection to a reasonable extension, however, the Board will give BREDL a second chance. BREDL may, if it wishes, seek the consent of the other parties and file a reply by a date to which they agree, accompanied by an unopposed motion to file out of time. In no event shall BREDL file a reply later than fourteen (14) days before the date on which the Board schedules oral argument on standing and contention admissibility.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 7, 2017

² 10 C.F.R. § 2.323(b).

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for Clinch River Nuclear Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Concerning Request for Extension of Time)** have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland,
this 7th day of August, 2017

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