

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

November 27, 2017

ORDER

(Denying Intervenors' Motion to Establish a Schedule as Moot)

On October 26, 2017, Intervenors filed a partially unopposed motion¹ to establish a schedule for filing new or amended contentions concerning TVA's Response to NRC Request for Additional Information (eRAI 8885) Related to Emergency Planning Exemption Requests in Part 6 of the ESPA (RAI Response).² Intervenors proposed a deadline of November 20, 2017.³

TVA opposed the motion;⁴ the NRC Staff did not.⁵

¹ Intervenors' Partially Unopposed Motion to Establish a Schedule for Filing of New or Amended Contentions Regarding Emergency Planning-Related Portions of TVA's Early Site Permit Application and Exemption Request (Oct. 26, 2017) [hereinafter Intervenors' Motion].

² Letter CNL-17-01 from J.W. Shea, TVA Vice President, Nuclear Regulatory Affairs & Support Services, to Document Control Desk, U.S. NRC (Aug. 24, 2017) (ADAMS Accession No. ML17237A175).

³ Intervenor's Motion at 7.

⁴ [TVA's] Answer Opposing Intervenors' Partially Unopposed Motion to Establish a Schedule for Filing of New or Amended Contentions Regarding Emergency Planning-Related Portions of TVA's Early Site Permit and Exemption Request (Nov. 6, 2017).

⁵ Intervenors' Motion at 2.

During a telephonic scheduling conference on November 8, 2017, the Board directed Intervenors to proffer their new or amended contention by November 20, 2017, unless the Board ruled before then that the contention would necessarily be untimely.⁶ As the Board explained, it would prefer to rule on the relevance and materiality of allegedly new information in the context of a proffered contention, rather than in the abstract.⁷

Intervenors have apparently elected not to file a new or amended contention concerning the RAI Response by their proposed deadline of November 20, 2017. Intervenors' motion to establish a November 20, 2017 deadline is therefore denied as moot.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

/RA/

Dr. Sue H. Abreu
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 27, 2017

⁶ Tr. at 150–53.

⁷ Id.

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NUCLEAR REGULATORY COMMISSION

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(Early Site Permit Application)
for Clinch River Nuclear Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Denying Intervenors' Motion to Establish a Schedule as Moot)** have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland
this 27th day of November, 2017

[Original signed by Herald M. Speiser ____]
Office of the Secretary of the Commission