



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 22, 2021

Mr. James Barstow
Vice President, Nuclear Regulatory Affairs & Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402

SUBJECT: BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2—EXTENSION OF
CONSTRUCTION PERMIT EXPIRATION DATES (CAC/EPID
NOS. 000976/05000438/L-2020-LLA-0214 AND
000976/05000439/L-2020-LLA-0214)

Dear Mr. Barstow:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed order extending the construction completion dates for Bellefonte Nuclear Plant (BLN) Unit 1, Construction Permit No. CPPR-122, from October 1, 2020 to October 1, 2021, and BLN Unit 2, Construction Permit No. CPPR-123, from October 1, 2014 to October 1, 2021. The NRC has issued this order in response to requests from the Tennessee Valley Authority in letters dated June 10, 2014; March 31, 2017; and August 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos: ML14168A489, ML17090A388, and, ML20244A305, respectively.)

The NRC staff's safety evaluation for your requests is also enclosed. The environmental assessment and finding of no significant impact was published in Volume 86 of the *Federal Register* (FR), page 5280 (86 FR 5280), on January 19, 2021.

The enclosed order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Omid Tabatabai, Senior Project Manager
New Reactor Licensing Branch
Division of New and Renewed Licenses
Office of Nuclear Reactor Regulation

Docket Nos. 50-438 and 50-439

Enclosures:

1. Order Extending Construction
Permit Expiration Dates
2. Safety Evaluation

cc w/encls: See next page

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DATED JANUARY 22, 2021

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ADAMS Accession Nos.:**LTR: ML20335A393****FRN: ML20335A390****ORDER: ML21014A356*****via email****NRR-106**

OFFICE	NRR/DNRL:PM	NRR/DNRL:LA	NRR/DNRL:BC	QTE*
NAME	OTabatabai*	SGreen*	MDudek*	QTE
DATE	12/01/2020	12/01/2020	12/06/2021	11/24/2020
OFFICE	OGC	NRR/DNRL:D	NRR:D	NRR/DNRL:PM
NAME	AGhosh-Naber*	ABradford*	RTaylor*	OTabatabai*
DATE	12/06/2021	1/11/2021	1/22/2021	1/22/2021

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In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. 50-438 and 50-439
)
(Bellefonte Nuclear Plant, Units 1 and 2))

under 10 CFR 50.55(b) for the extension of the latest date for the completion of construction as stated in CPPR-122 for BLN Unit 1.

In its letter dated June 14, 2014, TVA requested the NRC to extend the latest construction completion date for BLN Unit 2 from October 1, 2014, to October 1, 2017. Later, in a letter dated March 31, 2017, TVA stated that it had sold the Bellefonte property at auction and proposed that the NRC leave the extension request for BLN Unit 2 as an open item until the NRC is able to obtain construction completion information based on the purchaser's plans.

In its letter dated August 28, 2020, TVA requested the NRC to extend the latest construction completion date for BLN Unit 1 from October 1, 2020 to October 1, 2021. TVA stated that the sale of BLN Units 1 and 2 did not close in November 2018, and that the purchaser, Nuclear Development, LLC, filed a lawsuit against TVA for breach of contract. TVA stated that an extension for BLN Unit 1 is needed to allow the parties additional time to obtain a decision in the lawsuit.

II.

The NRC reviewed TVA's requests in the letters dated June 10, 2014; March 31, 2017; and August 28, 2020. As discussed more fully in the staff's related safety evaluation, the NRC staff finds that good cause exists for extending the completion date to October 1, 2021, for BLN Units 1 and 2. The staff also finds that the requested extensions involve no significant hazards consideration.

The NRC staff prepared an environmental assessment and finding of no significant impact and published it in the *Federal Register* on January 19, 2021 (86 FR 5280). Under 10 CFR 51.32, "Finding of no significant impact," the Commission has determined that extending the construction completion date will not have a significant effect on the quality of the human environment.

III.

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. The scope of this order extending the construction completion dates and any proceeding hereunder is limited to direct challenges to the CP holder's asserted reasons that show good cause for the extension. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <https://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for

the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards

consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR Part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding

officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV.

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at <https://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <https://www.nrc.gov/site-help/e-submittals.html>, by e mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires

submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The attorney for the permit holder is Sherry A. Quirk, Executive Vice President and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902.

V.

IT IS HEREBY ORDERED THAT the latest dates for the completion of construction for CP Nos. CPPR-122 and CPPR-123 are extended to October 1, 2021.

Dated at Rockville, Maryland, this 22 day of January 2021.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert M. Taylor, Deputy Director
Office of Nuclear Reactor Regulation

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATING TO THE REQUEST FOR EXTENSION
OF CONSTRUCTION PERMIT NOS. CPPR-122 AND CPPR-123 FOR
BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 50-438 AND 50-439

1.0 INTRODUCTION

This safety evaluation documents the U.S. Nuclear Regulatory Commission (NRC) staff's evaluation of Tennessee Valley Authority (TVA) requests for the extension of the latest construction completion dates for Bellefonte Nuclear Plant (BLN), Units 1 and 2. TVA requested these licensing actions in letters dated June 10, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14168A489); March 31, 2017 (ADAMS Accession No. ML17090A388); and August 28, 2020 (ADAMS Accession No. ML20244A305).

2.0 BACKGROUND

The NRC issued two construction permits (CPs) to TVA on December 24, 1974, authorizing the construction of BLN Units 1 and 2 in Jackson County, AL. Since January 2010, BLN Units 1 and 2 have been in deferred status under the Commission Policy Statement on Deferred Plants (ADAMS Accession No. ML093420915.)

TVA filed a request on June 10, 2014 (ADAMS Accession No. ML14168A489), as supplemented on March 31, 2017 (ADAMS Accession No. ML17090A388), under 10 CFR 50.55(b) for the extension of the latest date for the completion of construction as stated in CPPR-123 for BLN Unit 2. TVA also filed a request on August 28, 2020 (ADAMS Accession No. ML20244A305), under 10 CFR 50.55(b) for the extension of the latest date for the completion of construction as stated in CPPR-122 for BLN Unit 1. With respect to both construction permits, TVA submitted its extension requests at least 30 days before the expiration dates of the existing CPs. Therefore, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.109, "Effect of timely renewal application," the CPs for BLN Units 1 and 2 are in timely renewal and will continue to remain valid and effective beyond their current expiration dates until the NRC makes a determination with respect to TVA's extension requests.

3.0 STAFF EVALUATION

In its letter dated June 10, 2014, TVA requested the NRC to extend the latest construction completion date for BLN Unit 2 from October 1, 2014 to October 1, 2017. Subsequently, in its letter dated March 31, 2017, TVA stated that it had sold the Bellefonte property at auction and proposed that the NRC leave the extension request for the latest construction completion date for BLN Unit 2 as an open item until the NRC is able to obtain construction completion information based on the purchaser's plans.¹ TVA also stated that there is no construction

¹ The NRC is separately reviewing a license transfer application and construction permit extension requests submitted by Nuclear Development.

activity at BLN Unit 2, and TVA has continued to preserve and maintain BLN Unit 2 in a deferred status.

In its letter dated August 28, 2020, TVA requested the NRC to extend the latest construction completion date for BLN Unit 1 from October 1, 2020 to October 1, 2021. TVA indicated that the sale of BLN Units 1 and 2 did not close in November 2018, and that the purchaser, Nuclear Development, LLC (ND), filed a lawsuit against TVA for breach of contract. TVA stated that an extension for BLN Unit 1 is needed to allow the parties additional time to obtain a decision in the lawsuit. In addition, TVA stated that there is no construction activity at BLN Unit 1, and TVA has continued to preserve and maintain BLN Unit 1 in a deferred status. With respect to BLN Unit 2, TVA stated that its position, as set forth in its letter dated March 31, 2017, remains unchanged.

TVA also stated that on December 26, 2018, TVA and ND entered into a stipulation pursuant to which TVA agreed to satisfy quality assurance and other requirements in accordance with the BLN CPs while the litigation process is continuing. During this process, the plants will remain in deferred status, no construction activity will take place, and TVA will continue to comply with the terms and conditions of the CPs to ensure the protection of public health and safety.

TVA does not propose to modify the terms of the CPs other than to extend the completion time in order to obtain a decision in the lawsuit. The extension does not authorize any new activities or alter any other aspect of the construction permit. The construction activities do not have any radiological consequences. Accordingly, the extension of CPs does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the NRC staff finds that the requested extension does not involve a significant hazards consideration and meets the criteria set forth in 10 CFR 50.92(c).

Upon the review of information provided by TVA in its letters dated June 10, 2014; March 31, 2017; and August 28, 2020, the NRC staff finds that TVA has shown good cause, in accordance with 10 CFR 50.55(b), for the extension of the latest construction completion dates for BLN Units 1 and 2. The staff's finding is based on the consideration that (1) TVA does not request or propose any modifications to the terms of the CPs other than to extend the completion time, (2) the extension is needed to allow the parties additional time to obtain a decision in the lawsuit, (3) the extension of the CPs does not authorize any new activities and does not have any radiological consequences, and (4) TVA will continue to maintain BLN Units 1 and 2 in deferred plant status and in accordance with the quality assurance requirements. For the reasons discussed above, the NRC staff finds that an extension of the latest completion dates for construction of BLN Units 1 and 2 to October 1, 2021 is reasonable.

4.0 ENVIRONMENTAL CONSIDERATION

Under 10 CFR 51.21, "Criteria for and identification of licensing and regulatory actions requiring environmental assessments"; 10 CFR 51.32, "Finding of no significant impact"; and 10 CFR 51.35, "Requirement to publish finding of no significant impact; limitation on Commission action," the NRC published an environmental assessment and finding of no significant impact in Volume 86 of the *Federal Register* (FR), page 5280 (86 FR 5280), on January 19, 2021. Based on the environmental assessment, the staff determined that extending the construction completion dates for BLN Units 1 and 2 will not have a significant effect on the quality of the human environment.

5.0 CONCLUSION

The NRC staff finds, pursuant to 10 CFR 50.55(b), that TVA has shown good cause to extend the completion dates for the construction of BLN Units 1 and 2. The staff finds that there is reasonable assurance that the extension of the construction completion dates for BLN Units 1 and 2 will not endanger public health and safety, and that the requested period of time is reasonable. The NRC staff has determined that the extensions do not involve a significant hazards consideration, and that, based on the evaluation above, issuance of an order extending the latest completion dates for construction of BLN Units 1 and 2 is reasonable and should be authorized. Therefore, the staff concludes that the latest completion date for the construction of BLN Units 1 and 2 should be extended to October 1, 2021.

Principal Contributor: Omid Tabatabai