

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

Before Administrative Judges:

Paul S. Ryerson, Chairman
E. Roy Hawkens
Dr. Sue H. Abreu

In the Matter of
TENNESSEE VALLEY AUTHORITY
(Enforcement Action)

Docket Nos. EA-20-006 and EA-20-007

ASLBP No. 21-969-01-EA-BD01

July 1, 2021

Order
(Scheduling Prehearing Conference)

The Board will conduct a prehearing conference by telephone on Wednesday, July 21, 2021 at 10:00 AM EDT for the purpose of discussing administrative details concerning the evidentiary hearing presently scheduled to begin on October 18, 2021.¹

After considering the views of the parties, the Board contemplates issuing a Prehearing Order. In addition to such other issues as the Board or the parties may raise at the conference, the parties should be prepared to address:

1. Should the hearing be conducted in person or virtually? Or as a hybrid? If conducted wholly or partially in person, where?
2. Format for submitting pre-filed written testimony and exhibits.
3. Expected stipulations.
4. Expected Motions:
 - a. Summary disposition?

¹ Licensing Board Order (Granting Joint Motion for Schedule Extension) (April 2, 2021) (unpublished).

- b. Motions in limine?
 - c. Other?
5. The Board presently expects that all witnesses who submit pre-filed written testimony will be available for oral examination. The parties should not expect joint motions to excuse one or more witnesses will necessarily be granted, as the Board may wish to examine a witness regardless of whether opposing counsel waives cross-examination.
6. Does either party intend to invoke Rule 615 of the Federal Rules of Evidence, concerning the prevention of witnesses from hearing the testimony of prior witnesses?

Insofar as practicable, the parties are encouraged to confer and to be prepared to present joint recommendations on such issues.

The Board's law clerk, Ian Curry, will send an e-mail to counsel containing the telephone number and passcode for participating in the prehearing conference. Members of the public or media who wish to listen to the conference call may do so, and should contact Mr. Curry by email at Ian.Curry@nrc.gov for the requisite information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 1, 2021

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
TENNESSEE VALLEY AUTHORITY) Docket Nos. EA-20-006 and 20-007-EA
)
(Enforcement Action))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order (Scheduling Prehearing Conference)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: 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-14A44
Washington, DC 20555-0001

Paul S. Ryerson, Chairman
Administrative Judge

Joe Gillespie, Esq.
Sara Kirkwood, Esq.
Mauri Lemoncelli, Esq.
Joseph McManus, Esq.
Patrick Moulding, Esq.
Kevin Roach, Esq.
Thomas Steinfeldt, Esq.

E. Roy Hawkens
Chief Administrative Judge

Brian Newell, Paralegal
Stacy Schumann, Paralegal

Dr. Sue H. Abreu
Administrative Judge

E-mail: joe.gillespie@nrc.gov
sara.kirkwood@nrc.gov
mauri.lemoncelli@nrc.gov
joseph.mcmanus@nrc.gov
patrick.moulding@nrc.gov
kevin.roach@nrc.gov
thomas.steinfeldt@nrc.gov
brian.newell@nrc.gov
stacy.schumann@nrc.gov

Ian Curry, Law Clerk

E-mail: paul.ryerson@nrc.gov
roy.hawkens@nrc.gov
sue.abreu@nrc.gov
ian.curry@nrc.gov

TENNESSEE VALLEY AUTHORITY
Docket Nos. EA-20-006 and 20-007-EA
Order (Scheduling Prehearing Conference)

On behalf of Erin Henderson and
Tennessee Valley Authority

Pillsbury Winthrop Shaw Pittman LLP
Meghan Hammond, Esq.
Brendan Hennessey, Esq.
Anne Leidich, Esq.
Michael Lepre, Esq.
Timothy Walsh, Esq.
1200 Seventeenth Street, NW
Washington, DC 20036-3006

Email: meghan.hammond@pillsburylaw.com
brendan.hennessey@pillsburylaw.com
anne.leidich@pillsburylaw.com
michael.lepre@pillsburylaw.com
timothy.walsh@pillsburylaw.com

On behalf of Tennessee Valley Authority

O'Melveny & Myers LLP
Mary Patrice Brown, Esq.
Andrew Neal Taylor Churchill, Esq.
Alexander Duran, Esq.
Samuel R. Lehman, Esq.
Laurel Loomis Rimon, Esq.
Amanda Santella, Esq.
1625 Eye Street, NW
Washington, DC 20006

Email: mpbrown@omm.com
achurchill@omm.com
aduran@omm.com
slehman@omm.com
lrimon@omm.com
asantella@omm.com

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this day 1st of July 2021.