

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 52-15-COL

ASLBP No. 08-864-02-COL-BD01

July 9, 2008

MEMORANDUM AND ORDER

(Initial Prehearing Conference Schedule;
Schedule for Additional Briefing Regarding Timeliness Issue;
Opportunity for Written Limited Appearance Statements)

A. Initial Prehearing Conference Schedule

The participants are advised of the following information regarding the schedule for the initial prehearing conference in this proceeding:

Starting Date: Wednesday, July 30, 2008
Starting Time: 9:00 a.m. Eastern Time (ET)
Location: Scottsboro Goosepond Civic Center
1165 Ed Hembree Drive
Scottsboro, Alabama

Currently, the Board anticipates that this conference should last no more than one day. The Board will issue a separate order in the near future establishing time allocations for oral argument regarding the issues it wishes the participants to address during the conference.¹

¹ If the counsel/representative for any of the participants who will be making a presentation is unavailable to take part on this date, that counsel/representative promptly should
(continued...)

B. Additional Filings Regarding Timeliness of Intervention Petition

In its July 1, 2008 answer, applicant Tennessee Valley Authority (TVA) has challenged the timeliness of the filing of the Joint Petitioners² June 6, 2008 intervention petition via the agency's E-Filing system. See Applicant's Answer Opposing Petition to Intervene (July 1, 2008) at 2-3. The NRC staff made no such challenge, see NRC Staff Answer to "Petition for Intervention and Request for Hearing by [Joint Petitioners]" (July 1, 2008) at i-ii, but the Board would like the staff's views on this issue. Accordingly, on or before Monday, July 14, 2008, the staff should provide the Board with a filing providing its position regarding this matter. Joint Petitioners may submit a reply to that staff pleading on or before Friday, July 18, 2008.

C. Limited Appearance Statements by Members of the Public

Relative to the opportunity for members of the public to present limited appearance statements in accord with 10 C.F.R. § 2.315(a), the Board does not intend to conduct oral limited appearance sessions at this juncture, although it may do so in the future at a location or locations near the proposed site. In the interim, any person not a petitioner to this proceeding that wishes to make a statement regarding the issues in the proceeding can do so in writing. Limited appearance statements, which are placed in the docket for the hearing, provide

¹(...continued)

(1) contact the other participants to this proceeding to identify at least three other dates during the week of July 28, 2008, or the weeks of August 4, 11, or 25, 2008, during which all participants would be available; and (2) when those other available dates have been identified, contact Licensing Board Panel law clerk Erica LaPlante (301-415-5165 or erica.laplante@nrc.gov) and apprise her of those dates. Counsel should be aware that, although the Board strongly prefers to conduct this argument in the vicinity of the proposed Bellefonte facility, because of conflicts associated with Board member schedules and the availability of a suitable Bellefonte-viceinity facility, moving the argument to another date may result in the conference being conducted in the Licensing Board Panel's Rockville, Maryland hearing room.

² Joint Petitioners include the Blue Ridge Environmental Defense League and its Bellefonte Efficiency and Sustainability Team chapter and the Southern Alliance for Clean Energy.

members of the public with an opportunity to make the Board and/or the participants aware of their concerns about matters at issue in the proceeding.

A written limited appearance statement can be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail to: Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-1101 (verification (301) 415-1966)

E-mail to: hearingdocket@nrc.gov

In addition, a copy of the limited appearance statement should be sent to the Licensing Board Chairman using the same method at the address below:

Mail to: Administrative Judge G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax to: (301) 415-5599 (verification (301) 415-7550)

E-mail to: paul.bollwerk@nrc.gov

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

July 9, 2008

³ Copies of this memorandum and order were sent this date by the agency's E-Filing system to counsel/representatives for (1) applicant TVA; (2) Joint Petitioners; and (3) the staff.

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In the Matter of)
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TENNESSEE VALLEY AUTHORITY) Docket Nos. 52-014-COL and 52-015-COL
)
(Bellefonte Nuclear Power Plant -)
Units 3 and 4))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE; SCHEDULE FOR ADDITIONAL BRIEFING REGARDING TIMELINESS ISSUE; OPPORTUNITY FOR WRITTEN LIMITED APPEARANCE STATEMENTS), dated July 9, 2008, have been served upon the following persons by the Electronic Information Exchange.

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Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE;
SCHEDULE FOR ADDITIONAL BRIEFING REGARDING TIMELINESS ISSUE;
OPPORTUNITY FOR WRITTEN LIMITED APPEARANCE STATEMENTS)

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Docket Nos. 52-014-COL and 52-015-COL
MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE SCHEDULE;
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[Original signed by L. D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of July 2008