

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

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Paul B. Abramson
Dr. Gary Arnold

In the Matter of	Docket No. 50-391-OL
TENNESSEE VALLEY AUTHORITY	ASLBP No. 09-893-01-OL-BD01
(Watts Bar Nuclear Plant Unit 2)	September 20, 2011

ORDER
(Granting TVA's Request to File a Surreply)

On August 11, 2011, the Intervener, Southern Alliance for Clean Energy (SACE), moved for leave to submit a new contention arising out of the recent incident at the Fukushima Dai-Ichi nuclear power facility in Japan,¹ to which the Applicant, Tennessee Valley Authority (TVA), and the NRC Staff filed oppositions on September 6, 2011.² SACE then filed a reply and reply memorandum on September 13, 2011.³

TVA has now requested leave to file a surreply, explaining that SACE's reply and memorandum discuss Commission Order and Memorandum CLI-11-05 – which resolves various petitions relating to the events at Fukushima – and that TVA has not had an opportunity

¹ Motion to Admit New Contention Regarding the Safety and Environmental Implications of the Nuclear Regulatory Commission Task Force Report on the Fukushima Dai-Ichi Accident (Aug. 11, 2011); Contention Regarding NEPA Requirement to Address Safety and Environmental Implications of the Fukushima Task Force Report (Aug. 11, 2011).

² Tennessee Valley Authority's Answer in Opposition to Proposed Contention Regarding Fukushima Task Force Report (Sept. 6, 2011); NRC Staff's Answer to Motion and Contention Regarding NEPA Requirement to Address Safety and Environmental Implications of the Fukushima Task Force Report (Sept. 6, 2011).

³ Reply Memorandum Regarding Timeliness and Admissibility of New Contentions Seeking Consideration of Environmental Implications of Fukushima Task Force Report in Individual Reactor Licensing Proceedings (Sept. 13, 2011).

to address CLI-11-05's relevance here because it was issued after TVA filed its opposition on September 6.⁴ TVA represents that the other parties do not oppose its motion for leave to file a surreply.⁵

Given that TVA has shown compelling circumstances pursuant to 10 C.F.R. § 2.323(c), TVA's request to file a surreply is hereby granted. TVA may file a surreply as requested on or before Wednesday, September 21, 2011.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 20, 2011

⁴ Tennessee Valley Authority's Request to File a Surreply to the Reply of Southern Alliance for Clean Energy (Sept. 16, 2011) at 2 (citing Union Elec. Co. d/b/a/ Ameren Missouri (Callaway Plant, Unit 2), CLI-11-05, 74 NRC __ (slip op.) (Sept. 9, 2011)).

⁵ Id. at 3.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting TVA's Request to File a Surreply)** have been served upon the following persons by the Electronic Information Exchange.

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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of September 2011