

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

ENERGY NORTHWEST)

(Columbia Generating Station))

Docket No. 50-397-LR

September 21, 2011

**PETITIONER’S MEMORANDUM IN REPLY TO OPPOSITIONS TO
ADMISSION OF CONTENTION**

Pursuant to 10 C.F.R. § 2.309(h)(2), the Petitioner hereby replies to the oppositions submitted by the applicant, Energy Northwest, and the U.S. Nuclear Regulatory Commission (“NRC”) Staff to Petitioner’s contention seeking consideration of the environmental implications of the Fukushima Task Force Report. Petitioner respectfully submits that the arguments by applicant and the NRC Staff regarding the timeliness and admissibility of the contention are without merit and the contention should be admitted.

The arguments raised by the applicant and the NRC Staff in response to Petitioner’s contention are similar or identical to arguments made by the applicant and staff in response to Fukushima Task Force Report-related contentions that were filed in other reactor licensing proceedings a few days before the one in the instant proceeding. Petitioner attaches and incorporates by reference the attached Reply Memorandum, which addresses the most common arguments that are made in the responses and was

prepared by counsel for intervenors in several of the cases.¹ The Reply Memorandum also discusses the effect of the NRC Commissioners' recent decision regarding the Emergency Petition that was submitted by Petitioner and many other intervenors and petitioners in April 2011. *Union Electric Co., d/b/a/ Ameren Missouri* (Callaway Plant, Unit 2) et al., CLI-11-05, __ NRC __ (Sept. 9, 2011) ("CLI-11-05").²

Respectfully submitted, this 21st day of September, 2011.

(signed electronically by)
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¹ The Reply Memorandum was prepared by Diane Curran (counsel for the intervenor in the Diablo Canyon license renewal proceeding and Watts Bar operating license proceeding), Mindy Goldstein (counsel for some of the intervenors in the Vogtle and Turkey Point COL proceedings), and Jason Totoui (counsel for some of the intervenors in the Turkey Point COL proceeding).

² Because the applicant and the NRC Staff have not had an opportunity to address the effect of CLI-11-05 on the timeliness and admissibility of Petitioner's contention, Petitioner would not object to a response by the applicant and the Staff to their arguments regarding the relevance of CLI-11-05 to their contention.