

January 26, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

DOCKETED  
USNRC

January 27, 2004 (7:30AM)

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In the Matter of

Docket No. 52-008

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dominion Nuclear North Anna, LLC

(Early Site Permit for North Anna ESP Site)

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PETITIONERS' OPPOSITION TO  
DOMINION NUCLEAR'S APPLICATION FOR  
NEW ADJUDICATORY PROCESS

Petitioners, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Public Citizen hereby respond to Applicant's Motion to Apply New Adjudicatory Process (January 16, 2004) (hereinafter "Applicant's Motion"). Applicant, Dominion Nuclear North Anna, LLC (hereinafter "Dominion"), seeks the Commission's approval to apply the Nuclear Regulatory Commission's ("NRC's" or "Commission's") newly promulgated Part 2 regulations to this proceeding. Final Rule, Changes to Adjudicatory Process, 69 Fed. Reg. 2,182 (January 14, 2004).

Under the rule, the new Part 2 provisions are not scheduled to go into effect until mid-February. As noted by Dominion, the Commission was not required to delay the effectiveness of the rule. Petitioners believe that due to the breadth and austerity of the new rules, it was fair for the Commission to provide a 30-day period before the rule went into effect. Applicants have given no particular reason to impose the new schedule, other than they believe the rule is an improvement over the former rule. Clearly, the Commission believed the same thing when it provided the 30-day grace period.

Petitioners believe that the Commission should honor the schedule for making the rule effective that it set in the Federal Register notice.

Moreover, Petitioners do not believe that following the new rule will make the North Anna Early Site Permit proceeding more effective and efficient. Petitioners are unaware of any other Early Site Permit cases that have been litigated previously. Given the novelty of the proceeding and the potential complexity of the issues that have been raised by Petitioners regarding the relationship between reactor design and the site, alternatives to the proposal, cumulative impacts between the existing facility and prospective facilities, and site redress, Petitioners believe that a formal hearing will be a more effective and efficient means of resolving the parties' disputes.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I certify that on January 26, 2003, copies of the foregoing PETITIONERS' OPPOSITION TO DOMINION NUCLEAR'S APPLICATION FOR NEW HEARING PROCEDURES were served on the following by Federal Express:

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