

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

January 12, 2004

**DOCKETED
USNRC**

Before the Commission

January 12, 2004 (3:00PM)

In the Matter of

DOMINION NUCLEAR NORTH ANNA, LLC

(Early Site Permit for North Anna ESP Site)

)
)
)
)
)

Docket No. 52-008

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**APPLICANT'S ANSWER TO HEARING REQUEST AND PETITION TO INTERVENE
BY BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, NUCLEAR
INFORMATION AND RESOURCE SERVICE, AND PUBLIC CITIZEN**

Dominion Nuclear North Anna, LLC, ("Applicant") hereby answers the Hearing Request and Petition to Intervene By Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Public Citizen ("Petitioners"), filed in this proceeding on January 2, 2004. Applicant does not challenge Petitioners' representational standing,¹ but reserves the right to oppose Petitioners' intervention if Petitioners later fail to plead at least one admissible contention.²

Petitioners have jointly petitioned to intervene and state that they have agreed that if they are admitted to the proceeding as intervenors, Blue Ridge Environmental Defense League will serve as the lead intervenor. Petition at 1 n.1. Applicant supports this approach and suggests

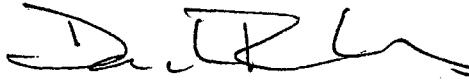
¹ Petitioners suggest that the presumption that individuals residing within 50 miles of the plant have standing should apply in an Early Site Permit ("ESP") proceeding. See Petition at 4 n.2. Because most of the members supporting Petitioners representational standing reside approximately 15 miles from the ESP site (indeed, most appear to be residents of a single "intentional community" described at www.twinoaks.org), it is unnecessary to decide whether the 50-mile presumption applies in this case. As a general matter, it may be inappropriate to apply the 50-mile presumption, particularly if an ESP application seeks approval of a site for reactors with characteristics that preclude significant offsite consequences.

² To be admitted as a party, a petitioner must file a supplement to its petition containing at least one admissible contention. 10 C.F.R. § 2.714(b)(1).

that if Petitioners are admitted as intervenors, they should be consolidated for all purposes and all issues of the proceeding, pursuant to 10 C.F.R. § 2.715a.

Finally, Petitioners have listed a number of topics as aspects of the subject matter of the proceeding as to which they wish to intervene. Petition at 5-6. While Applicant does not contest Petitioners' compliance with 10 C.F.R. § 2.714(a)(2), the topics are very broad and may encompass issues that are not appropriate for this proceeding. Applicant reserves the right to respond to all contentions and to make all arguments concerning the admissibility of contentions after they are filed.

Respectfully submitted,



David R. Lewis
SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037-1128
Tel. (202) 663-8474
Email: David_Lewis@shawpittman.com

Lillian M. Cuoco
Senior Counsel
Dominion Resources Services, Inc.
Rope Ferry Road
Waterford, CT 06385
Tel. (860) 444-5316
Email: Lillian_Cuoco@dom.com

Counsel for Dominion Nuclear North Anna, LLC

Dated: January 12, 2004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	
)	
DOMINION NUCLEAR NORTH ANNA, LLC)	Docket No. 52-008
)	
(Early Site Permit for North Anna ESP Site))	

CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Answer to Hearing Request and Petition to Intervene By Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Public Citizen, dated January 12, 2004, were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 12th day of January, 2004.

*Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov, hearingdocket@nrc.gov

*Robert M. Weisman, Esq.
*Laura C. Zaccari, Esq.
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
rmw@nrc.gov, lcz@nrc.gov

Office of Commission Appellate Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Atomic Safety and Licensing Board
Mail Stop T-3-F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

*Dianne Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
dcurran@harmoncurran.com



David R. Lewis

January 9, 2004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

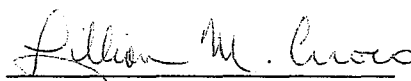
Before the Commission

In the Matter of)	
)	
DOMINION NUCLEAR NORTH ANNA, LLC)	Docket No. 52-008
)	
(Early Site Permit for North Anna ESP Site))	

NOTICE OF APPEARANCE OF LILLIAN M. CUOCO

Lillian M. Cuoco, being an attorney at law in good standing admitted to practice before the courts of Connecticut, New York, and the District of Columbia, hereby enters her appearance as counsel on behalf of Dominion Nuclear North Anna, LLC, in any proceeding related to the above-captioned matter.

Respectfully submitted,



Lillian M. Cuoco
Senior Counsel
Dominion Resources Services, Inc.
Rope Ferry Road
Waterford, CT 06385
Tel. (860) 444-5316
Fax: (860) 444-4278
Email: Lillian_Cuoco@dom.com

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	
)	
DOMINION NUCLEAR NORTH ANNA, LLC)	Docket No. 52-008
)	
(Early Site Permit for North Anna ESP Site))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the Notice of Appearance of Lillian M. Cuoco were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 12th day of January, 2004.

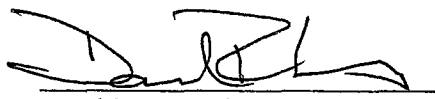
*Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov, hearingdocket@nrc.gov

*Robert M. Weisman, Esq.
*Laura C. Zaccari, Esq.
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
rmw@nrc.gov, lcz@nrc.gov

Office of Commission Appellate Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Atomic Safety and Licensing Board
Mail Stop T-3-F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

*Dianne Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
dcurran@harmoncurran.com



David R. Lewis

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

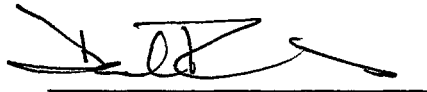
Before the Commission

In the Matter of)	
)	
DOMINION NUCLEAR NORTH ANNA, LLC)	Docket No. 52-008
)	
(Early Site Permit for North Anna ESP Site))	

NOTICE OF APPEARANCE OF DAVID R. LEWIS

David R. Lewis, being an attorney at law in good standing admitted to practice before the courts of the District of Columbia, as well as various federal courts, hereby enters his appearance as counsel on behalf of Dominion Nuclear North Anna, LLC, in any proceeding related to the above-captioned matter.

Respectfully submitted,



David R. Lewis
SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
(202) 663-8474
Fax: (202) 663-8007
E-mail: david_lewis@shawpittman.com

Dated: January 12, 2004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	
)	
DOMINION NUCLEAR NORTH ANNA, LLC)	Docket No. 52-008
)	
(Early Site Permit for North Anna ESP Site))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the Notice of Appearance of David R. Lewis were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 12th day of January, 2004.

*Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov, hearingdocket@nrc.gov

*Robert M. Weisman, Esq.
*Laura C. Zaccari, Esq.
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
rmw@nrc.gov, lcz@nrc.gov

Office of Commission Appellate Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Atomic Safety and Licensing Board
Mail Stop T-3-F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dianne Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, N.W., Suite 600
Washington, D.C. 20036
dcurran@harmoncurran.com



David R. Lewis

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

DAVID R. LEWIS
202-663-8474
David.Lewis@shawpittman.com

January 12, 2004

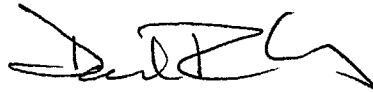
Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
Dominion Nuclear North Anna, LLC
(Early Site Permit for North Anna ESP Site)
Docket No. 52-008

Dear Ms. Vietti-Cook:

Please find enclosed Applicant's Answer to Hearing Request and Petition to Intervene By Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Public Citizen. Also enclosed are the Notice of Appearance of David R. Lewis, and the Notice of Appearance of Lillian M. Cuoco.

Sincerely,



David R. Lewis
Counsel for Dominion Nuclear North Anna, LLC

Enclosures

cc: Service List