

**RAS 8389**

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

**DOCKETED 08/31/04**

**SERVED 08/31/04**

Before Administrative Judges:

Alex S. Karlin, Chairman  
Dr. Richard F. Cole  
Dr. Thomas S. Elleman

In the Matter of

DOMINION NUCLEAR NORTH ANNA, LLC

(Early Site Permit for North Anna ESP Site)

Docket No. 52-008-ESP

ASLBP No. 04-822-02-ESP

August 31, 2004

NOTICE OF HEARING  
(Application for Early Site Permit)

This proceeding concerns the September 25, 2003 application of Dominion Nuclear North Anna, LLC (Dominion) for a 10 C.F.R. Part 52 early site permit (ESP). The ESP application seeks approval of the site of the existing North Anna nuclear power facility in Louisa County, Virginia, for the possible construction of two or more new nuclear reactors. In response to a November 25, 2003 notice of hearing and opportunity to petition for leave to intervene, 68 Fed. Reg. 67,489 (Dec. 2, 2003), on January 2, 2004, the Blue Ridge Environmental Defense League (BREDL), the Nuclear Information and Resource Service (NIRS), and Public Citizen (PC) (collectively the North Anna Petitioners) filed a request for hearing and petition to intervene contesting the Dominion ESP application. On March 2, 2004 the Commission referred the petition to the Atomic Safety and Licensing Board Panel to conduct any subsequent adjudication. CLI-04-08, 59 NRC 113, 118-19 (2004). On March 22, 2004, a three-member Atomic Safety and Licensing Board was established to adjudicate this ESP proceeding. 69 Fed. Reg. 15,910 (Mar. 26, 2004).

On June 21-22, 2004, the Board conducted a two-day initial prehearing conference at the NRC's Rockville, Maryland headquarters facility during which it heard oral presentations regarding the standing of the ESP petitioners and the admissibility of their nine proffered contentions. Thereafter, in an August 6, 2004 issuance the Board noted that the petitioners have established the requisite standing to intervene in this proceeding and ruled that they have submitted two admissible contentions concerning the Dominion ESP application so that they can be admitted as parties to this proceeding. Dominion Nuclear North Anna, LLC (Early Site Permit for North Anna Clinton ESP Site), LBP-04-18, 60 NRC \_\_ (Aug. 6, 2004). On that same date the Board issued a Notice of Reconstitution establishing new members of this Board. 69 Fed. Reg. 49,916 (Aug. 12, 2004).

In light of the foregoing, please take notice that a hearing will be conducted in this contested proceeding. This hearing will be governed by the hearing procedures set forth in 10 C.F.R. Part 2, Subparts C and L, 10 C.F.R. §§ 2.300-2.390, 2.1200-2.1213. Further, in accordance with the December 2003 notice regarding the Dominion ESP application, 68 Fed. Reg. at 69,489 and 10 C.F.R. § 52.21, the Licensing Board will:

- (1) consider whether the issuance of an ESP will be inimical to the common defense and security or to the health and safety of the public (Safety Issue 1);
- (2) determine whether, taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having characteristics that fall within the parameters for the site, can be constructed and operated without undue risk to the health and safety of the public (Safety Issue 2); and
- (3) consider whether, in accordance with the requirements of subpart A of 10 C.F.R. Part 51, the ESP should be issued as proposed.

Additionally, in accord with the December 2003 notice, the Board will:

(1) determine whether the requirements of sections 102(2)(A), ©, and (E) of the National Environmental Policy Act of 1969 and 10 C.F.R. Part 51, Subpart A, have been complied with in the proceeding;

(2) independently consider the final balance among conflicting factors contained in the record of proceeding with a view to determining the appropriate action to be taken; and

(3) determine, after considering reasonable alternatives, whether a license should be issued, denied, or appropriately conditioned to protect environmental values.

During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 C.F.R. § 2.331, may hold additional prehearing conferences pursuant to 10 C.F.R. § 2.329, and may conduct evidentiary hearings in accordance with 10 C.F.R. §§ 2.327-2.328, 2.1206-2.1208. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC web site, [www.nrc.gov](http://www.nrc.gov).

Additionally, as provided in 10 C.F.R. § 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement. Limited appearance statements, which are placed in the docket for the hearing, provide 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](mailto: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 Alex S. Karlin  
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: [gpb@nrc.gov](mailto:gpb@nrc.gov)

At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the proposed Dominion site. Notice of any oral limited appearance sessions will be published in the Federal Register and/or made available to the public at the NRC PDR and on the NRC website, [www.nrc.gov](http://www.nrc.gov).

Documents relating to this proceeding are available for public inspection at the Commission's PDR or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html) (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in

ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY<sup>\*</sup>  
AND LICENSING BOARD

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Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 31, 2004

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\* Copies of this notice of hearing were sent this date by Internet e-mail transmission to counsel for (1) applicant DNNA; (2) the North Anna Intervenors; and (3) the NRC staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING (APPLICATION FOR EARLY SITE PERMIT) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Alex S. Karlin, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Paul B. Abramson  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Robert M. Weisman, Esq.  
Margaret J. Bupp, Esq.  
Brooke D. Poole, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Diane Curran, Esq.  
Harmon, Curran, Spielberg,  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

David R. Lewis, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037

Lillian M. Cuoco, Esq.  
Senior Counsel  
Dominion Resources Services, Inc.  
Rope Ferry Road  
Waterford, CT 06385

Docket No. 52-008-ESP  
LB NOTICE OF HEARING (APPLICATION FOR  
EARLY SITE PERMIT)

Paul Gunter, Director  
Reactor Watchdog Project  
Nuclear Information and Resource Service  
1424 16<sup>th</sup> St., NW, Suite 404  
Washington, DC 20036

Michele Boyd  
Public Citizen  
215 Pennsylvania Ave., SE  
Washington, DC 20003

Richard A. Parrish, Esq.  
Southern Environmental Law Center  
201 West Main Street  
Charlottesville, VA 22902

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 31<sup>st</sup> day of August 2004