

RAS 9116

DOCKETED 01/06/05

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

SERVED 01/06/05

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

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

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

January 6, 2005

Order

(Approving Settlement and Dismissal of Contention EC 3.3.4)

On December 29, 2004, the Blue Ridge Environmental Defense League, the Nuclear Information and Resources Service, and Public Citizen, and Dominion Nuclear North Anna, LLC, with the NRC Staff's support and consent, moved for an order approving settlement and dismissal of Contention EC 3.3.4, "Failure to Provide Adequate Consideration of the No-Action Alternative." In accordance with 10 C.F.R. § 2.338(g), the Parties forwarded the settlement agreement and a proposed order.

Consistent with Commission policy to encourage resolution of contested issues in licensing proceedings through settlement, we find dismissal in the public interest. Pursuant to our authority under 10 C.F.R. § 2.338(i), we grant the motion and dismiss Contention EC 3.3.4.

Dismissal of this contention supersedes the obligation of the Board's Order of August 31, 2004, to preserve and maintain privileged documents specific to Contentions EC 3.3.4.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 6, 2005

¹Copies of this order were sent this date by Internet e-mail transmission to counsel for each of the parties to this proceeding and to the NRC staff.

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (APPROVING SETTLEMENT AND DISMISSAL OF CONTENTION EC 3.3.4) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 52-008-ESP
LB ORDER (APPROVING SETTLEMENT AND
DISMISSAL OF CONTENTION EC 3.3.4)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 6th day of January 2005