

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RAS 9303

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 02/10/05

SERVED 02/10/05

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

February 10, 2005

ORDER

(Granting Dominion's Motion for Reconsideration)

On January 31, 2005, Dominion Nuclear North Anna, LLC (Dominion) filed a motion requesting that the Board reconsider the portion of the January 19, 2005 Initial Scheduling Order that established a June 15, 2005 deadline for a request for a Subpart G proceeding.<sup>1</sup> The Staff and the Intervenors, the Blue Ridge Environmental Defense League, the Nuclear Information and Resources Service, and Public Citizen, do not oppose Dominion's Motion.<sup>2</sup>

The Board construes the non-opposition of the Intervenors as a waiver of any further rights they may have to request a Subpart G proceeding on contention EC 3.3.2.<sup>3</sup> On this basis, the Board grants Dominion's motion and hereby deletes sections II.1.c and d. of the

---

<sup>1</sup>Dominion's Motion for Reconsideration of Initial Scheduling Order, Or in the Alternative, For Certification (Jan. 31, 2005).

<sup>2</sup>Intervenors' Response to Dominion's Motion for Reconsideration (Feb. 7, 2005); NRC Staff Answer Supporting Dominion's Motion for Reconsideration of Initial Scheduling Order, Or, in the Alternative, For Certification (February 10, 2005).

<sup>3</sup>See Entergy Nuclear Vermont Yankee LLC & Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), LBP-04-31, 60 NRC \_\_ (slip op. at 18) (Dec. 16, 2004).

Initial Scheduling Order.<sup>4</sup> Given that the timing of cross-examination requests and motions in limine are already covered by sections II.1.g and h, respectively, of the Scheduling Order, there is no need to replace section II.1.d with the text proposed by Dominion in its motion.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>5</sup>

*/RA/*

---

Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 10, 2005

---

<sup>4</sup> Section II.1.c of the Initial Scheduling Order is now moot because it served only as a triggering event for section II.1.d. The normal rules governing the disclosure of witnesses will now apply.

<sup>5</sup> Copies of this order 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 ORDER (GRANTING DOMINION'S MOTION FOR RECONSIDERATION) 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  
Thomas S. Elleman  
ASLBP  
5207 Creedmoor Rd., Unit 101  
Raleigh, NC 27612-6303

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

Robert M. Weisman, 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.  
Robert B. Haemer, 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 ORDER (GRANTING DOMINION'S MOTION  
FOR RECONSIDERATION)

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

Jonathan M. Rund, Esq.  
Law Clerk  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

[Original signed by Evangeline S. Ngbea]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of February 2005