

RAS 12823

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

DOCKETED 01/04/07

SERVED 01/04/07

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 4, 2007

ADDENDUM TO SECOND REVISED SCHEDULING ORDER

Attached hereto is the Appendix A that was referred to in Sections II.4.e and II.5 in the Second Revised Scheduling Order issued today.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 4, 2007

¹ Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) Dominion and (2) the NRC Staff.

ATTACHMENT A

In the Matter of
DOMINION NUCLEAR NORTH ANNA, LLC
(Early Site Permit for North Anna ESP Site)

SIX FUNDAMENTAL QUESTIONS THAT ESP BOARD MUST ANSWER IN AN UNCONTESTED MANDATORY PROCEEDING

The following are the six questions that a Board must answer when handling an uncontested proceeding for an early site permit. These are sometimes referred to as the "mandatory findings." These findings are required by (a) the notice that the Commission published in the Federal Register when it issued the Notice of Hearing, see 68 Fed. Reg. 67,489 (Dec. 2, 2003) regarding Dominion North Anna, (b) NRC regulations, including 10 C.F.R. §§ 2.104(b) and 51.105(a)(1)-(3), and (c) the Commission's response to certified questions in Exelon Generation Company, LLC (Early Site Permit for Clinton ESP Site), CLI-05-17, 62 NRC 5 (2005).

1. Safety Issue 1: The Director of NRR is obligated to propose a finding as to whether issuance of the ESP will be inimical to the common defense and security or to the health and safety of the public.

The Board must decide whether the application and the record of the proceeding contain sufficient information, and the review of application by the NRC Staff has been adequate to support a finding that the issuance of the ESP will NOT be inimical to the common defense and security or to the health and safety of the public.

2. Safety Issue 2: The Director of NRR is obligated to propose a finding as to whether, taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having the characteristics that fall within the parameters for the site, can be constructed without undue risk to the health and safety of the public.

The Board must decide whether the application and the record of the proceeding contain sufficient information, and the review of application by the NRC Staff has been adequate to support a finding that, taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having the characteristics that fall within the parameters for the site, can be constructed without undue risk to the health and safety of the public.

3. NEPA Issue: The Director of NRR is obligated to propose a finding as to whether, in accordance with the requirements of subpart A of 10 C.F.R. Part 51, the ESP should be issued as proposed.

The Board must decide whether the review conducted by the Commission pursuant to NEPA has been adequate.

4. NEPA Baseline Issue 1: The Board must decide whether the requirements of Section 102(2)(A), (C), and (E) of NEPA and Subpart A of 10 C.F.R. Part 51 have been complied within the proceeding.
5. NEPA Baseline Issue 2: The Board must independently consider the final balance among the conflicting factors contained in the record of the proceeding and must determine the appropriate action to be taken.
6. NEPA Baseline Issue 3: The Board must determine, after considering reasonable alternatives, whether the ESP should be issued, denied, or appropriately conditioned to protect environmental values.

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 ADDENDUM TO SECOND REVISED SCHEDULING ORDER 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.
Patrick A. Moulding, 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.
Timothy J. V. Walsh, Esq.
Pillsbury Winthrop 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 ADDENDUM TO SECOND REVISED SCHEDULING ORDER

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

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

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

Margaret Parish, 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 4th day of January 2007