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In the Matter of)
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DOMINION VIRGINIA POWER)
)
(Combined License Application)
for North Anna Unit 3))
_____)

Docket No. 52-017

ORDER

This matter is before the Commission on a “Motion Requesting an Amended Deadline to Petition for Leave to Intervene, Submit Hearing Requests and Contentions and Request for Expedited Consideration” filed by the Blue Ridge Environmental Defense League (“BREDL”), dated April 28, 2008. BREDL argues that the NRC should extend the deadline for the filing of petitions for leave to intervene until 60 days after April 18, 2008, which is the date the NRC published a Supplement to the Notice of Hearing and Opportunity for Leave to Intervene, because this Notice provided citations, not included in the initial Notice, to the dockets for the North Anna Early Site Permit (“ESP”) and the Economic Simplified Boiling Water Reactor (“ESBWR”) design certification rulemaking. 73 Fed. Reg. 21,162 (“Supplemental Notice”).

The NRC published the Supplemental Notice as a convenience for the public. All of the documents cited in the Supplemental Notice were readily available to the public at the time of the initial Notice of Hearing and Opportunity for Leave to Intervene. 73 Fed. Reg. 12,760 (March 10, 2008) (“Initial Notice”). The Initial Notice provided citations to the NRC website and ADAMS number for the combined license application. The cover letter in the combined license application provides specific information on both the ESP and ESBWR documents, and there are links to both sets of documents on the website.

Petitioners also argue that more time is needed to file contentions because of the demands of participating in the ongoing environmental impact statement scoping process and

because specified SECY papers are not publicly available. Neither of these arguments is persuasive. The combined operating license application was publicly available nearly three months before the Initial Notice was published; notice of its availability and the ADAMS accession number was published in the *Federal Register* on December 12, 2007.

72 Fed. Reg. 70,619. Thus, when the May 9 contention-filing deadline arrives, BREDL and others interested in the North Anna proceeding will have had nearly five months to formulate contentions. Contentions must be based on the application and related applicant documents, not SECY papers. The SECY papers BREDL specifies as a reason for postponing the contention-filing deadline transmitted draft orders for the Commission's consideration. Such SECY papers and draft Commission orders are pre-decisional, deliberative process documents and are not made public.

For the foregoing reasons, BREDL's motion is denied. This Order is issued pursuant to my authority under 10 C.F.R. §§ 2.346(a) and (b).

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of May, 2008.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Dominion Virginia Power) Docket No. 52-017-COL
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(Combined License, North Anna, Unit 3))
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing (COMMISSION ORDER DATED MAY 1, 2008) have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

Kathryn L. Winsberg, Esq.
Robert W. Weisman, Esq.
Renee V. Holmes, Esq.
Sara E. Brock, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: Kathryn.winsberg@nrc.gov;
Robert.weisman@nrc.gov; renee.holmes@nrc.gov;
sara.brock@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Louis A. Zeller
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629
E-mail: BREDL@skybest.com

David R. Lewis, Esq.
Counsel for Dominion
Maria Webb, Paralegal
Pillsbury Winthrop Shaw Pittman, LLP
2300 N. Street, N.W.
Washington, DC 20037-1128

Lillian M. Cuoco
Senior Counsel
Dominion Resources Services, Inc.
120 Tredgar Street, RS-2
Richmond, VA 23219
E-mail: Lillian.Cuoco@dom.com

E-mail: David.Lewis@pillsbury.com
Maria.webb@pillsburylaw.com

[Original signed by C.M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1st day of May 2008