

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____	)	
In the Matter of	)	Docket Nos. 52-017
Virginia Electric and Power Company	)	
d/b/a Dominion Virginia Power and	)	ASLBP No. 08-863-01-COL
Old Dominion Electric Cooperative	)	
North Anna Unit 3	)	November 18, 2008
Combined License	)	
_____	)	

**INTERVENOR’S REQUEST**

The Blue Ridge Environmental Defense League with its chapter Peoples Alliance for Clean Energy (“Intervenor”) hereby respectfully request that the Atomic Safety and Licensing Board consider the legal and factual issues regarding the pending design certification rulemaking for the Economic Simplified Boiling Water Reactors (ESBWR) and its impact on the extant proceeding. We believe that the lack of a final design certification presents the board with a dilemma: either (1) to require the rulemaking which provides the basis for the license to construct and operate to be completed before continuing the present proceeding or (2) to continue the licensing process for an application which lacks a firm foundation. A third path—which we believe is contrary to the law, jurisprudence and fairness—would be to limit the scope of issues which may be adjudicated during a license proceeding.

As you know, the Nuclear Regulatory Commission issued a policy statement which permits a parallel rulemaking process, separating reactor design issues from

construction and operation questions.<sup>1</sup> The problems with this policy have been put before the Nuclear Regulatory Commission in a petition filed November 3<sup>rd</sup> regarding a combined license application in Victoria County, Texas.<sup>2</sup> Both Dominion's North Anna Unit 3 and Exelon's Victoria County Units 1 and 2 are based on the ESBWR Revision 4. We would agree with the petitioners in the Victoria County case that the Commission's April 17<sup>th</sup> policy statement violates Atomic Energy Act Section 189a and 10 CFR Part 52.

Respectfully submitted,

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style and is followed by a horizontal line.

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<sup>1</sup> Conduct of New Reactor Licensing Proceedings; Final Policy Statement, 72 Fed. Reg. 20963 (April 17, 2008)

<sup>2</sup> Texans for a Sound Energy Policy's Petition to Hold Docketing Decision and/or Hearing Notice for Victoria Combined License Application in Abeyance Pending Completion of Rulemaking on Design Certification Application for Economically Simplified Boiling Water Reactor, November 3, 2008

November 18, 2008

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Dominion Virginia Power )	
North Anna Unit 3 )	ASLBP No. 08-863-01-COL
Combined License )	
_____ )	

**CERTIFICATE OF SERVICE**

**I hereby certify that copies of the November 18, 2008  
INTERVENOR'S REQUEST**

were served on the following persons via Electronic Information Exchange this 18<sup>th</sup> day of November, 2008.

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Signed in Glendale Springs,  
this day November 18, 2008

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style and is followed by a horizontal line.

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