

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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	)	June 8, 2009
Combined License	)	
_____	)	

**INTERVENOR’S MOTION TO SUBMIT NEW CONTENTION**

In accordance with 10 CFR § 2.309(f)(2) and 10 C.F.R. § 2.323, the Blue Ridge Environmental Defense League with its chapter Peoples Alliance for Clean Energy (“Intervenor”) hereby requests to submit a new or amended contention in the above captioned matter.

The new contention, hereinafter designated Contention Ten, would be based upon information which was not previously available to the Intervenor; specifically, Revision 2 of the Final Safety Analysis Report. This report was provided to Intervenor on May 27, 2009.

The information provided on May 27<sup>th</sup> is materially different from data available earlier. The original North Anna Unit 3 FSAR stated “The site does not utilize any temporary storage facilities to support plant operation.”<sup>1</sup> The corresponding section of the new FSAR states *inter alia*, “The Radwaste Building provides storage space sized to hold the total combined volume of packaged Class A, B, and C low-level waste estimated

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<sup>1</sup> North Anna 3, Combined License Application, Part 2: Final Safety Analysis Report, Revision 0 November 2007, 11.4.1 SWMS Design Bases

to be generated during six months of plant operations.”<sup>2</sup> A subsequent section of the Revision 2 FSAR regarding System Operation states “The Radwaste Building storage space can accommodate a minimum of ten years of Class B and C waste generated during plant operation, and three months of Class A waste.”<sup>3</sup> As you know, the ASLB previously determined that “Dominion’s plan for LLRW storage at the North Anna site is ‘material to the findings the NRC must make to support the action that is involved in the proceeding.’” See ASLB Memorandum and Order, August 15, 2008 at 24.

In light of this and other new information contained in Revision 2 and in the interest of a more complete record of decision in this matter, Intervenor wish to submit a new modified contention with supporting expert opinion regarding low-level radioactive waste management at the proposed North Anna Unit 3.

Intervenor is aware of a motion to dismiss admitted Contention One: Dominion Lacks Realistic Low-level Radioactive Waste Plan. However, the combined license application of Dominion-Virginia Power still lacks a realistic, specific low-level radioactive waste management plan in its Final Safety and Analysis Report. Therefore, we respectfully request to submit new amended Contention Ten.

#### Certificate of Counsel

I certify that on June 8, 2009, I contacted counsel for the Applicant David R. Lewis, at Pillsbury Winthrop Shaw Pittman LLP who offered no comment on this motion. On June 8<sup>th</sup> I also contacted counsel for the NRC Staff Sara B. Kirkwood who agreed that a new contention would be timely.

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<sup>2</sup> North Anna 3, Combined License Application, Part 2: Final Safety Analysis report, Revision 2 May 2009, 11.4.1 SWMS Design Bases

<sup>3</sup> *id.*, 11.4.2.2.4 Container Storage Subsystem

Respectfully submitted,

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style with a long horizontal line extending to the right.

Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88 Glendale Springs, NC 28629  
(336) 982-2691  
bredl@skybest.com  
June 8, 2009

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Docket Nos. 52-017

ASLBP No. 08-863-01-COL

**CERTIFICATE OF SERVICE**

**I hereby certify that copies of the June 8, 2009  
INTERVENOR'S MOTION TO SUBMIT NEW CONTENTION**

were served on the following persons via Electronic Information Exchange this 8<sup>th</sup> day of June, 2009.

Administrative Judge  
Ronald M. Spritzer, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: rms4@nrc.gov

Administrative Judge  
Alan S. Rosenthal, Esq.  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: rsnthl@comcast.net

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  
E-mail: rfc1@nrc.gov

Office of the Secretary  
ATTN: Rulemakings and Adjudication Staff  
Mail Stop 0-16C1  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: hearingdocket@nrc.gov,  
secy@nrc.gov

Administrative Judge  
Alice C. Mignerey  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3 F23  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: acm3@nrc.gov

Office of Commission Appellate  
Adjudication  
Mail Stop O-16 C1  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: ocaamail@nrc.gov

Sara B Kirkwood, Esq.  
Jody C. Martin, Esq.  
Office of the General Counsel  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: Sara.Kirkwood@nrc.gov,  
Jody.Marton@nrc.gov

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

North Carolina Utilities Commission  
Louis S. Watson, Jr.  
Senior Staff Attorney  
4325 Mail Service Center  
Raleigh, NC 27699-4325  
E-mail: swatson@ncuc.net

James Patrick Guy II, Esq.  
LeClair Ryan  
4201 Dominion Blvd., Suite 200  
Glen Allen, VA 23060  
E-mail: James.Guy@leclairryan.com

Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037-1128  
David R. Lewis, Esq.  
Counsel for Dominion  
E-mail: david.lewis@pillsbury.com  
Maria Webb, Paralegal  
E-mail: maria.webb@pillsburylaw.com

Signed in Glendale Springs  
this day, June 8, 2009

A handwritten signature in black ink, reading "Louis A. Zeller", followed by a horizontal line.

Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88  
Glendale Springs, NC 28629  
(336) 982-2691  
E-mail: BREDL@skybest.com