

June 10, 2009

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	Docket No. 52-017-COL
Dominion Virginia Power, et al.)	
)	ASLBP No. 08-863-01-COL
North Anna Power Station, Unit 3)	

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

Virginia Electric and Power Company, dba Dominion Virginia Power (“Dominion”), hereby answers Intervenor’s Motion to Submit New Contention (June 8, 2009). Intervenor Blue Ridge Environmental Defense League (“BREDL”) does not include its new contention with its motion.¹ Nor does BREDL indicate when such new contention would be filed. Consequently, it is not possible to determine from the motion whether the Commission’s standards in 10 C.F.R. § 2.309 for submittal of a new contention would be met.

While 10 C.F.R. § 2.323(a) can be construed as requiring any new contention to be filed within ten days of the circumstances from which it arises (in the absence of any alternative schedule established by the Board), Dominion will not object to the timeliness of a new contention if filed by June 16 (which amounts to 20 days after BREDL was provided the FSAR amendment), provided that BREDL’s contention is indeed based on previously unavailable information in that amendment. However, Dominion reserves the right to oppose the admission

¹ In Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3), CLI-09-05, 69 N.R.C. ___, slip op. (March 5, 2009), the Commission stated that its rules do not contemplate a “placeholder” motion to submit a new contention in the future, which the Commission characterized as tantamount to impermissible notice pleadings. Id. at 6.

of any new contention not meeting the applicable requirements in 10 C.F.R. § 2.309(c), (f)(1),
and (f)(2).

Respectfully Submitted,

/Signed electronically by David R. Lewis/

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Dated: June 10, 2009

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CERTIFICATE OF SERVICE

I hereby certify that “Dominion’s Answer to Intervenor’s Motion to Submit New Contention,” dated June 10, 2009, was provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding, this 10th day of June 2009.

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