

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

Before Administrative Judges:

Ronald M. Spritzer, Chairman  
Dr. Richard F. Cole  
Dr. Alice C. Mignerey

In the Matter of

VIRGINIA ELECTRIC and POWER COMPANY  
d/b/a DOMINION VIRGINIA POWER and OLD  
DOMINION ELECTRIC COOPERATIVE

(Combined License Application  
for North Anna Unit 3)

Docket No. 52-017-COL

ASLBP No. 08-863-01-COL

March 22, 2010

ORDER

(Updating Schedule Governing Proceeding)

On September 10, 2008, the Board issued a scheduling order that defined dates to manage the schedule in this proceeding.<sup>1</sup> Based on agreements among the parties, the Order mandated that motions for summary disposition of (now-dismissed) Contention 1 “be filed no later than 30 days after issuance of the SER with Open Items ([then] scheduled for April 2009).”<sup>2</sup> Additionally, the Order required that “[w]ritten direct testimony on Contention One (if not resolved by summary disposition) should be filed no later than 30 days after the NRC Staff issues its Advanced SER with no open items ([then] scheduled for March 2010).”<sup>3</sup>

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<sup>1</sup> Licensing Board Order (Establishing Schedule to Govern Further Proceedings) (Sept. 10, 2008) [hereinafter Initial Scheduling Order].

<sup>2</sup> Id. at 1.

<sup>3</sup> Id. at 2.

The SER with Open Items was apparently issued in August of 2009 and the Advanced SER with no Open Items is expected to be issued in September 2010.<sup>4</sup> Since Contention 1 was dismissed as moot,<sup>5</sup> and Contention 10 has been admitted in part<sup>6</sup> and is the only currently admitted contention, the Board concluded it should update the September 10, 2008 Initial Scheduling Order to reflect both the current status of the NRC Staff's review of the North Anna Combined License Application and the fact that Contention 1 is no longer at issue in this proceeding.

Accordingly, the following schedule shall supplement the Initial Scheduling Order and govern further proceedings in this litigation:

(a) Motions for Summary Disposition should be filed no later than 30 days after the NRC Staff issues its Advanced SER with no Open Items (currently scheduled for September 2010).

(b) Written direct testimony on Contention 10 (if not resolved by summary disposition) should be filed no later than 90 days after the NRC Staff issues its Advanced SER with no Open Items.

(c) An evidentiary hearing on Contention 10, if necessary, will begin no later than 30 days after the direct testimony is filed.

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<sup>4</sup> See U.S. Nuclear Regulatory Commission, Application Review Schedule for the Combined License Application for North Anna, Unit 3, <http://www.nrc.gov/reactors/new-reactors/col/north-anna/review-schedule.html> (last visited Mar. 18, 2010) (noting that the SER with Open Items (including revision 1 of the COLA) was issued on August 7, 2009, and that the Advanced SER with no open items is expected to be issued in September 2010).

<sup>5</sup> Licensing Board Order (Dismissing Contention 1 as Moot) (Aug. 19, 2009).

<sup>6</sup> LBP-09-27, 70 NRC \_\_\_ (slip op.) (Nov. 25, 2009).

For filings not covered by the deadlines listed above, see the reference to the Model Milestones of 10 C.F.R. Part 2, App. B, in the Initial Scheduling Order.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

***/RA/ A. J. Baratta for***

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Ronald M. Spritzer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 22, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
Virginia Electric and Power Company d/b/a )  
Dominion Virginia Power (DVP or Dominion) ) Docket No. 52-017-COL  
and Old Dominion Electric Cooperative (ODEC) )  
 )  
(North Anna Nuclear Power Station, Unit 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (UPDATING SCHEDULE GOVERNING PROCEEDING) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 52-017-COL  
ORDER (UPDATING SCHEDULE GOVERNING PROCEEDING)

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[Original signed by Christine M. Pierpoint]  
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Dated at Rockville, Maryland  
this 22<sup>nd</sup> day of March 2010