

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

July 13, 2010

ORDER

(Concerning the Schedule for Filing New Contentions based on Applicant's  
June 29, 2010 Revision to its License Application)

On November 26, 2007, Virginia Electric and Power Company d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative (Applicant or Dominion) filed a Combined License Application (COLA) to construct and operate an Economic Simplified Boiling Water Reactor (ESBWR) at the North Anna Power Station, pursuant to Subpart C of 10 C.F.R. Part 52.<sup>1</sup> On June 1, 2010, the NRC Staff notified the Board that the Applicant "would revise its Application to incorporate by reference the US-APWR [U.S. Advanced Pressurized Water

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<sup>1</sup> See Virginia Electric and Power Company, d/b/a Dominion Virginia Power, and Old Dominion Electric Cooperative; Correction to Notice of Hearing and Opportunity To Petition for Leave To Intervene on a Combined License for North Anna Unit 3, 73 Fed. Reg. 31,516 (June 2, 2008); Notice of Receipt and Availability of Application for a Combined License Dominion Virginia Power—North Anna Unit 3, 72 Fed. Reg. 70,619 (Dec. 12, 2007).

Reactor] design control document” in place of the ESBWR.<sup>2</sup> Intervenor, Blue Ridge Environmental Defense League (Intervenor or BREDL), filed Contention 11 on June 17, 2010, regarding “design certification and technology changes in Dominion’s proposed North Anna Unit 3 and the failure of the [NRC] licensing process to conform with applicable federal law.”<sup>3</sup> On June 29, 2010, the Applicant filed its revision to the COLA to reflect its selection of the US-APWR.<sup>4</sup>

On July 2, 2010, the NRC Staff submitted its response opposing admission of Contention 11.<sup>5</sup> In addition, the NRC Staff suggested that “the Board, pursuant to its authority under 10 C.F.R. § 2.319(g) and (k), issue a supplemental scheduling order in this proceeding to govern the submission of late-filed contentions or requests for late intervention arising from the new information in the Applicants’ revision to the Application.”<sup>6</sup> The Applicant submitted its response to Contention 11 on July 12, 2010, also opposing admission of the contention.<sup>7</sup> The Applicant agreed with the NRC Staff’s suggestion that the Board should issue a supplemental scheduling order.<sup>8</sup>

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<sup>2</sup> Letter from Robert M. Weisman, Counsel for the NRC Staff, to Atomic Safety and Licensing Board at 1 (June 1, 2010).

<sup>3</sup> Intervenor’s New Contention Eleven (June 17, 2010) at 1.

<sup>4</sup> See Letter from David R. Lewis, Counsel for Dominion, to Atomic Safety and Licensing Board at 1 (July 1, 2010).

<sup>5</sup> NRC Staff Answer to the Blue Ridge Environmental Defense League’s New Contention Eleven (July 2, 2010) at 1 [hereinafter NRC Staff Answer].

<sup>6</sup> Id. at 1.

<sup>7</sup> Dominion’s Opposition to BREDL’s New Contention 11 (July 12, 2010) at 1 [hereinafter Applicant’s Answer].

<sup>8</sup> Id. at 4 n.4.

The Board will rule on the admissibility of Contention 11 in a separate order. Nevertheless, in view of the NRC Staff's suggestion that the Board issue a supplemental scheduling order, the Board has decided to solicit suggestions from the parties at this time on an appropriate schedule for the filing of any new or amended contentions and/or new intervention petitions arising from Dominion's June 29, 2010 revision to its COLA. This will enable the Board to consider the Staff's suggestion concurrently with the question whether proposed Contention 11 should be admitted.

If the parties are able to come to an agreement concerning a proposed schedule, the Board prefers to receive a joint response. However, if the parties are unable to reach an accord, the Board will accept separate comments. All responses are due within ten (10) days of this Order, July 23, 2010. If the Board decides to issue a supplemental scheduling order, it expects to do so on or before the date of its ruling on the admissibility of proposed Contention 11.

The Board will not interpret any party's participation in the process described in the immediately preceding paragraph for the development of a supplemental scheduling order as waiving or limiting any argument in support of or in opposition to the admission of proposed Contention 11.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Ronald M. Spritzer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 13, 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 (Concerning the Schedule for Filing New Contentions Based on Applicant's June 29, 2010 Revision to its License Application)** have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 52-017-COL

**ORDER (Concerning the Schedule for Filing New Contentions Based on Applicant's June 29, 2010 Revision to its License Application)**

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[Original signed by Christine Pierpoint]  
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Dated at Rockville, Maryland  
this 13<sup>th</sup> day of July 2010