

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

October 20, 2011

ORDER

(Granting Consent Motion to Hold BREDL's New Contention in Abeyance)

On September 22, 2011, Petitioner Blue Ridge Environmental Defense League (BREDL) submitted a new contention (Contention 14) concerning the combined license application filed by Virginia Electric and Power Company d/b/a Dominion Virginia Power and Old Dominion Electric Cooperative (Dominion) to construct and operate a nuclear reactor, North Anna Unit 3, at the North Anna Power Station in Louisa County, Virginia.¹ Presently before the Licensing Board is a Consent Motion, filed by Dominion on behalf of all the parties, requesting the Board to hold BREDL's new contention in abeyance.²

¹ Request to Admit Intervenor's New Contention (September 22, 2011) [hereinafter New Contention].

² Consent Motion to Hold BREDL's New Contention in Abeyance (October 12, 2011) [hereinafter Consent Motion].

Contention 14 is based on the earthquake that occurred on August 23, 2011 in Mineral, Virginia.³ According to the Consent Motion, Dominion is currently assessing “whether any changes should be made to the Unit 3 application in light of the . . . earthquake.”⁴ Dominion anticipates completing its assessment in the third quarter of 2012.⁵

The Consent Motion provides that, upon Dominion’s submission of the results of its assessment to the parties and the Board, BREDL will have 30 days to amend its new contention “based on any new information arising on or after the August 23, 2011 earthquake.”⁶ With that understanding, and in light of the agreement of the parties, we grant the Consent Motion and will hold Contention 14 in abeyance.

The Board notes that, since the submission of the Consent Motion, Dominion and the NRC Staff have filed answers in opposition to BREDL’s new contention.⁷ In accordance with this Order, the Board will reserve ruling on Contention 14 until Dominion has communicated the results of its assessment, at which time BREDL may amend the contention or submit additional

³ New Contention at 1.

⁴ Consent Motion at 1.

⁵ Id.

⁶ Id.

⁷ Dominion Opposition to BREDL New Contention (October 17, 2011); Staff Answer to BREDL Contention 14 (October 17, 2011).

contentions within 30 days, and Dominion and the NRC Staff may amend their answers or file new answers.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

Ronald M. Spitzer
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 20, 2011

* A copy of this Order was sent this date by Internet e-mail transmission to counsel for (1) Dominion; (2) BREDL; and (3) the NRC staff.

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 Power Station, Unit 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Granting Consent Motion to Hold BREDL's New Contention in Abeyance) have been served upon the following persons by Electronic Information Exchange.

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DOCKET NO. 52-017-COL
ORDER (Granting Consent Motion to Hold BREDL's New Contention in Abeyance)

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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 20th day of October 2011