

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of

VIRGINIA ELECTRIC AND POWER
COMPANY

(North Anna Power Station, Units 1 and 2)

Docket Nos. 50-338-SLR and 50-339-SLR

ASLBP No. 21-970-01-SLR-01

January 19, 2021

MEMORANDUM AND ORDER
(Initial Prehearing Conference Scheduling
and Procedures)

In this 10 C.F.R. Part 50 subsequent license renewal proceeding, the Licensing Board will conduct a videoconference oral argument regarding the issues of whether an adequate showing has been made to obtain a 10 C.F.R. § 2.335 waiver and contention admissibility. To assist in scheduling this initial prehearing conference, the Board is requesting information from the participants to this proceeding (i.e., applicant Virginia Electric and Power Co., Inc. (VEPCO), the NRC Staff, and Beyond Nuclear, Sierra Club, and Alliance for Progressive Virginia (collectively Petitioners)), as described below. In addition, the Board sets forth below an outline of the procedures that will govern the argument.

A. Prehearing Conference Schedule

The Board would like to conduct this oral argument during the weeks of January 25 or February 1, 2021. The Board anticipates the argument will last no more than 2 hours in length. We thus propose to hold the session on one of the dates/times specified below:

Thursday, January 28, 2021, beginning at 3:30 p.m. ET;

Friday, January 29, 2021, beginning at 2:00 p.m. ET;

Monday, February 1, 2021, beginning at either 10:00 a.m. or 2:00 p.m. ET;

Tuesday, February 2, 2021, beginning at 2:00 p.m. ET;

Wednesday, February 3, 2021, beginning at 2:00 p.m. ET;

Thursday, February 4, 2021, beginning at 2:00 p.m. ET; or

Friday, February 5, 2021, beginning at 2:00 p.m. ET.

The Board requests that on or before noon ET on Friday, January 22, 2021, one representative of the participants to this proceeding send an e-mail to Board law clerk Molly Mattison (Molly.Mattison@nrc.gov), with a copy to the other participants, listing at least two agreed dates and times during which all the participants will be available for this prehearing conference. That e-mail also should provide for each of the three participants (i.e., Petitioners, NRC Staff, and VEPCO) the name of the single counsel that will be making a presentation on behalf of that participant.*

* Given the limited scope of the issues before the Board and the time allotted to each of the three participants for argument, the Board does not anticipate hearing from more than one counsel for each participant. Those counsel would also be the only participant representatives given WebEx video access to the argument per section B below, with all other counsel and participant representatives being afforded access to the argument via a listen-only telephone connection. The Board recognizes, however, that because of COVID-19 pandemic-related protocols and other circumstances, a participant's counsel may not be in the presence of those individuals who might be able to provide information that would help frame the most accurate response to a Board inquiry, particularly regarding technical matters. If a participant believes it needs video access to the argument for more than one representative, by the Friday deadline cited above it should provide a separate e-mail to the Board's law clerk, with a copy to all other

B. Conducting the Initial Prehearing Conference

The argument will be conducted virtually using the Cisco WebEx web conferencing platform. Prior to the conference, the Board's Information Technology staff will conduct a test with the parties to identify and mitigate any technical issues that might arise during the status conference. The test session schedule will be established once the oral argument date is set. Also, after the date for the prehearing conference is established, the Board's law clerk will contact the participants' counsel by e-mail to provide the requisite information to join the Cisco WebEx status conference, as well as information regarding access to listen-only telephone lines for others wanting to hear the conference, including interested members of the public and the press.

The primary purpose of this oral argument is to allow the Board to ask questions and obtain answers concerning the issues of the sufficiency of the Petitioners' waiver showing and contention admissibility presented by the participants' pleadings. Petitioners shall have 30 minutes to present its arguments on all issues, with the NRC Staff and VEPCO each allotted 20 minutes to respond. Petitioners may reserve up to 10 minutes of its prescribed time for rebuttal. No other rebuttal will be permitted.

In general, in their oral presentations participants' counsel should not merely repeat arguments presented in their written filings. Instead, they should focus on (1) identifying the principal points in controversy and the information that supports or rebuts their legal and/or factual claims regarding those matters; and (2) responding to the Board's questions. And because the argument is not an evidentiary hearing, the participants should not attempt to

participants, that identifies the additional individual(s) who should be given video access and explains why such access is necessary (as opposed to making arrangements that will allow counsel to consult promptly with other knowledgeable individuals in formulating a response to a Board question).

introduce evidence during the argument. Consequently, material that has not already been cited in the participants' pleadings before the Board should not be used.

Although the participants' counsel will be appearing remotely, the Board encourages all those taking part in the oral argument to conduct themselves as if in a hearing room setting, including seeking to minimize outside noise and interruptions while the conference is ongoing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

G. Paul Bollwerk, III, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 19, 2021

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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(North Anna Power Station)	
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Initial Prehearing Conference Scheduling and Procedures)** have been served upon the following persons by Electronic Information Exchange.

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North Anna Power Station (Units 1 and 2)
Docket Nos. 50-338 and 50-339-SLR

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 19th day of January 2021.