

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of)
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)

**MOTION TO AMEND CONTENTION OUT OF TIME
AND MOTION TO RE-OPEN THE RECORD
BY BEYOND NUCLEAR, SIERRA CLUB,
AND ALLIANCE FOR PROGRESSIVE VIRGINIA**

I. INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.309(c) and 2.326, Beyond Nuclear, Inc.; the Sierra Club, Inc.; and Alliance for a Progressive Virginia, Inc. (hereinafter “Petitioners/Appellants”) hereby submit to the Secretary of the U.S. Nuclear Regulatory Commission (“NRC”) a motion to amend the basis statement of their single contention in this proceeding for review of Virginia Electric Power Co’s (“VEPCO’s”) application for subsequent license renewal (“SLR”) for the North Anna nuclear power plant, Units 1 and 2. Petitioners/Appellants seek to amend their contention to address the significance of a new statement by the NRC Staff in the Draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 7, Second Renewal Regarding Subsequent License Renewal for North Anna Power Station Units 1 and 2 (August 2021) (“Draft SGEIS”). In addition, because the record of this proceeding is now closed, Petitioners/Appellants move to re-open the record.

This pleading is organized as follows: Section II presents factual and procedural background. Section III presents Petitioners/Appellants’ amended contention. Section IV presents Petitioners/Appellants’ motion to amend the contention’s basis statement. Section V presents Petitioners/Appellants’ motion to re-open the record. Section VI presents

Petitioners/Appellants' demonstration of representational standing to re-open the record. And Section VII presents Petitioners' conclusion.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. VEPCO's SLR Application and Petitioners/Appellants' Hearing Request

This proceeding began in the fall of 2020, with NRC's publication of a hearing notice on VEPCO's SLR application.¹ On December 14, 2020, Petitioners/Appellants submitted a Hearing Request, contending that VEPCO violated the National Environmental Policy Act ("NEPA") and NRC implementing regulations by failing to address, in its SLR application, the environmental significance of a beyond-design-basis earthquake that occurred in 2011 less than ten miles from the reactors, in Mineral, Virginia (the "Mineral Earthquake").² As contended by Petitioners/Appellants, by exceeding the seismic design limit for the reactors, the Mineral Earthquake fatally undermined previous NRC generic environmental findings, relied on by VEPCO in its SLR application, that the environmental impacts of operating North Anna Units 1 and 2 are small because the reactors will operate within their design bases. The full text of the contention stated as follows:

Dominion's Environmental Report fails to satisfy NEPA or NRC implementing regulations 10 C.F.R. §§ 51.53(c)(2) and 51.45(a), because it does not address the environmental impacts of operating North Anna Units 1 and 2 during the extended SLR term under the significant risk of an earthquake that exceeds the design basis for the reactors. The significance of the environmental risk posed by earthquakes to North Anna was conclusively demonstrated by a 2011 earthquake whose epicenter was a short distance from the two reactors and whose ground motion exceeded the design basis levels for both reactors. By exceeding the reactors' design basis, the earthquake disproved the assumption underlying the NRC's issuance of operating licenses in 1978 (for Unit 1) and 1980 (for Unit 2) and renewal of those licenses 2003, that the reactors could be operated

¹ 85 Fed. Reg. 65,438 (Oct. 15, 2020)

² Hearing Request and Petition to Intervene by [named Appellants] and Petition for Waiver of 10 C.F.R. §§ 51.53(c)(3)(i), 51.71(d), and 51.95(c)(1) to Allow Consideration of Category 1 NEPA Issues at 13-30 (Dec. 14, 2020) ("Hearing Request").

safely and without significant adverse environmental impacts because their SSCs were built to a design basis of sufficient rigor to protect against likely earthquakes. Because that assumption has been proven wrong, a new Environmental Impact Statement must be created that analyzes this additional, proven risk.

While the NRC approved restart of the reactors after their post-earthquake shutdown, an operability determination for purposes of enforcing NRC standards is distinct from the review of environmental impacts that must be conducted in the SLR licensing decision that is now before the NRC. Dominion must fully comply with 10 C.F.R. §§ 51.53(c)(2) and 51.45(a) by addressing the probability and consequences of accidents caused or contributed to by earthquakes during a second license renewal term.

The analysis in the Environmental Report should include a discussion of the cumulative effects of operation during the SLR term, including the effects of earthquakes on SSCs whose ability to prevent or mitigate earthquake effects may be compromised by the long-term aging effects. Aging problems associated with SSCs, including reactor pressure vessel embrittlement, irradiation-assisted stress corrosion cracking of reactor internals, concrete structures and containment degradation, and electrical cable qualification and condition assessment, were identified in SECY-14-0016, Memorandum from Mark A. Satorius, NRC Executive Director of Operations, to NRC Commissioners, re: Ongoing Staff Activities to Assess Regulatory Considerations for Power Reactor Subsequent License Renewal at 1 (Jan. 31, 2014) (ML14050A306) and the NRC's five-volume Expanded Materials Degradation Assessment (EMDA), NUREG/CR-7153 (Oct. 2014) ("EMDA Report").³

Petitioners/Appellants also sought a waiver of NRC regulations that arguably bar their Hearing Request.⁴

B. ASLB Decision Denying Admission of Petitioners/Appellants' Single Contention

On March 21, 2021, after reviewing the pleadings and conducting an oral argument, the Atomic Safety and Licensing Board ("ASLB") issued LBP-21-04, denying admission of Petitioners/Appellants' contention and their waiver petition, on the ground, *inter alia*, that the Mineral Earthquake did not present "special circumstances" or a "significant" environmental issue, because "any plant can experience such a happenstance."⁵ According to the ASLB:

³ *Id.* at 13-14.

⁴ *Id.* at 30-36 ("Waiver Petition").

⁵ *Virginia Elec. Power Co.* (North Anna Power Station, Units 1 and 2), LBP-21-04, _ N.R.C. _, slip op. at 22 and 25 ("LBP-21-04").

In this regard, the 2013 [Revised License Renewal GEIS, NUREG-1437, Rev. 1] determined the environmental effects of seismically induced severe accidents using calculations from fourteen nuclear power units, which required the assumption that beyond DBEs are possible. *See* Revised GEIS Appendices at E-18 to -19 (tables E-4 and E-5). It thus is evident that the potential for a beyond DBE is not unique to North Anna, but an essential assumption associated with the design and licensing of all nuclear power plants.⁶

Because no other parties had sought a hearing, the ASLB terminated the proceeding.⁷

C. Petitioners' Appeal of LBP-21-04

Petitioners/Appellants appealed LBP-21-04 on April 28, 2021.⁸ In their brief,

Petitioners/Appellants strongly disputed the ASLB's characterization of the Mineral Earthquake:

To describe as a "happenstance" an earthquake that exceeded the North Anna design basis is utterly inconsistent with the NRC's regulatory premise for allowing North Anna to operate in the first place. In both its initial licensing decision and its 2003 license renewal decision for the North Anna reactors, the NRC founded both its Atomic Energy Act-based "no undue risk" finding and its NEPA-based "no significant impacts" finding on the assumption that the design basis for the reactors anticipated the most serious earthquake that would occur in the region. And the rigor of the design approved by NRC was based on the assumption that an earthquake having the severity of the "historic" 1875 earthquake would happen only once during the reactors' operating life. Those assumptions have now been undermined by the Mineral Earthquake. In the NRC's regulatory scheme, the occurrence of an earthquake that exceeds the bounds of a reactor's original design is not a chance event, but a profound challenge to the underpinning of the public assurances of safety and environmental protection made by the agency in its regulatory regime.⁹

The Commission has yet to rule on Petitioners/Appellants' appeal, and thus the legal validity of the ASLB's ruling remains in dispute.

⁶ *Id.*, slip op. at 22-23.

⁷ *Id.*, slip op. at 36.

⁸ Notice of Appeal of LBP-21-04 by Beyond Nuclear, Sierra Club, and Alliance for Progressive Virginia; Brief on Appeal of LBP-21-04 by Beyond Nuclear, Sierra Club, and Alliance for Progressive Virginia. ("Appeal Brief"). Petitioners/Appellants filed a corrected brief on April 28, 2021.

⁹ Appeal Brief at 22-23.

D. NRC Staff’s Issuance of Draft SGEIS

In late August 2021, the NRC issued a Draft SGEIS for the North Anna SLR application.

In its discussion of “Design-Basis Accidents” (Section F.1.1), the Draft SEIS states that:

Design-basis accidents are postulated accidents that a nuclear facility must be designed and built to withstand without loss to the systems, structures, and components necessary to ensure public health and safety. Planning for design-basis accidents ensures that the proposed plant can withstand normal transients (e.g., rapid changes in the reactor coolant system temperature or pressure, or rapid changes in reactor power), as well as a broad spectrum of postulated accidents without undue hazard to the health and safety of the public. *Many of these design-basis accidents may occur, but are unlikely to occur, even once during the life of the plant;* nevertheless, carefully evaluating each design-basis accident is crucial to establishing the design basis for the preventive and mitigative safety systems of the proposed nuclear power plant. Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, “Domestic Licensing of Production and Utilization Facilities,” and 10 CFR Part 100, “Reactor Site Criteria,” describe the NRC’s acceptance criteria for design-basis accidents.¹⁰

The SGEIS is the first iteration of the License Renewal GEIS in which the NRC Staff has made that design-basis accidents “may occur” during the life of a nuclear reactor, *i.e.*, they are expected to occur.¹¹ Furthermore, as discussed in Section III.B below, that assertion is wrong.

Thus, Petitioners/Appellants now seek to amend the basis of their contention.

III. CONTENTION: AMENDED BASIS STATEMENT

Like Dominion’s Environmental Report, the Draft Supplemental GEIS fails to satisfy NEPA or NRC implementing regulations 10 C.F.R. §§ 51.53(c)(2) and 51.45(a), because it does not address the environmental impacts of operating North Anna Units 1 and 2 during the

¹⁰ *Id.* at F-1 – F-2 (emphasis added).

¹¹ No such assertion can be found in the NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants (May 1996) (ML040690705, ML040690738) (“1996 License Renewal GEIS”); NUREG-1437, Supp. 7, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 7 Regarding North Anna Power Station, Units 1 and 2 (Nov. 2002) (ML1023380542) (2002 North Anna SGEIS for Initial License Renewal”); or NUREG-1437, Rev. 1 (June 2013) (ML13106A241) (“2013 Revised License Renewal GEIS”)

extended SLR term under the significant risk of an earthquake that exceeds the design basis for the reactors. Thus, Petitioners/Appellants do not change their contention other than to now confirm that the Draft Supplemental GEIS has not changed the deficiencies in the Environmental Report that were identified in Petitioners/Appellants' contention.

However, in Section III.B below, Petitioners amend the basis statement of their contention to address a new assertion, which did not appear in the Environmental Report but now appears in the Draft Supplemental GEIS: that the NRC expects design-basis accidents to occur during the life of a reactor. The Staff does not present this as a new idea, but rather inserts it, without comment, into the familiar prose of the License Renewal GEIS regarding the NRC's reliance on the design basis of nuclear reactors to ensure that their environmental impacts will be insignificant – as if it were always there. This subterfuge appears designed to buttress the ASLB's characterization of design-basis accidents as “happenstance” and justify VEPCO's and the Staff's utter failure to address the environmental significance for North Anna of the occurrence of the Mineral Earthquakes.

As discussed in Petitioners/Appellants Amended Basis Statement, however, the NRC has never stated, in either the context of NEPA or its Atomic Energy Act-based regulatory scheme, that it expects design-basis accidents to occur. And indeed, that notion violates that NRC's most basic principles of reactor design under the Atomic Energy Act. Therefore, Petitioners/Appellants seek to amend the basis statement to contest the legal validity of the Staff's assertion.

A. Statement of Contention

As discussed above, Petitioners/Appellants do not change their contention other than to now confirm that the Draft Supplemental GEIS has not changed the deficiencies in the Environmental Report that were identified in Petitioners/Appellants' contention.

B. Amended Basis Statement

In LBP-21-04, the ASLB described the 2011 Mineral Earthquake as a "happenstance" and stated it is "evident that the potential for a beyond DBE is not unique to North Anna, but an essential assumption associated with the design and licensing of all nuclear power plants."¹² Consistent with the ASLB's holding, the Draft SEIS for North Anna License Renewal contains the statement that "[m]any of these design-basis accidents may occur, but are unlikely to occur, even once during the life of the plant."¹³

The Staff's statement suggests that in licensing nuclear reactors, the NRC anticipates that a design-basis accident – such as a design-basis earthquake – may occur more than once at a single reactor, without raising safety or environmental concerns. But this assertion is inconsistent with the NRC's basic principles of nuclear reactor licensing and regulation, as reflected in NRC Staff guidance documents. The NRC's Standard Review Plan, for example, makes clear that the NRC does not anticipate that a design-basis accident will occur at all. "Postulated accidents" (*i.e.*, design basis accidents) are defined as "unanticipated occurrences (*i.e.*, they are postulated but *not expected to occur during the life of the nuclear power plant.*").¹⁴ In contrast, "Anticipated

¹² LBP-21-04, slip op. at 22-23.

¹³ *Id.* at F-1 – F-2 (emphasis added).

¹⁴ NUREG-0800, Standard Review Plan at 15.0-3 (Rev. 3, March 2007) (emphasis added). The Standard Review Plan defines "design-basis accidents" as "Postulated accidents that are used to set design criteria and limits for the design and sizing of safety-related systems and components." *Id.* at 15.0-14.

Operational Occurrences” or “AOOs” “are those conditions of normal operation that are expected to occur one or more times during the life of the nuclear power plant.”¹⁵ A license application must include a categorization of events as “either an AOO or a postulated accident.”¹⁶ As required by the Standard Review Plan, VEPCO categorized the design-basis earthquake as a postulated accident, stating that it “took what was found to be the largest reported shock in the Piedmont Province and postulated its occurrence in the vicinity of the site.”¹⁷

The ASLB, in characterizing the Mineral Earthquake as “happenstance,” confused design basis accidents with anticipated operational occurrences. For instance, the ASLB correctly observed that 10 C.F.R. Part 100 § V(a)(2) provides that “a facility’s OBE [operating basis earthquake] may be exceeded without causing a severe accident, directing in such a circumstance the actions that must be completed prior to resuming operation after such an incident.”¹⁸ While an OBE may occur more than once without causing a severe accident, that is not the case for a design-basis earthquake (“DBE”, also known as a Safe Shutdown Earthquake (“SSE”)). The value of an OBE “typically” is only half the value of the DBE or SSE, and this is also the case for North Anna Units 1 and 2.¹⁹ Thus, North Anna was not licensed to experience more than one earthquake that met or exceeded its design basis. *Id.*

¹⁵ *Id.* at 15.0-2.

¹⁶ *Id.* at 15.0-8.

¹⁷ UFSAR at 2C-2. *See also id.* at 2C-7, stating that “[w]e do not feel that events larger than those postulated in our original report are probable for this portion of the Virginia Piedmont.”

¹⁸ *Id.*

¹⁹ *See* NUREG/CR-7230, Seismic Design Standards and Computational Methods in the United States and Japan” at 25 (May 2017) (ML17131A127)). The Updated Final Safety Analysis Report (“UFSAR”) for North Anna Units 1 and 2 represents that Class I piping systems are

Thus, the SGEIS' assertion that "many" design basis accidents can be expected to occur is inconsistent with the NRC's regulatory scheme. As discussed above in Section III.A, it is also inconsistent with the design basis accident analyses in all previous iterations of the License Renewal GEIS.

Finally, the Staff's attempt to quietly insert a new and unlawful analytical concept into its description of a well-established and longstanding environmental analysis, as if it had always been there, must be rejected because it lacks the transparency and scientific integrity required by NEPA. *Hughes River Watershed Conservancy v. Agriculture Dept.*, 81 F.3d 437, 446 (4th Cir. 1996) (rejecting environmental analysis based on "misleading" assumptions); *Calvert Cliffs Coordinating Committee v. AEC*, 449 F.2d 1109, 1115 (D.C. Cir. 1971) (requiring "good faith consideration of environmental factors").

C. Demonstration that the Amended Basis Statement is Within the Scope of the Proceeding

The Amended Basis Statement is within the scope of the SLR proceeding for North Anna Units 1 and 2 because it supports Petitioners/Appellants' claims seeking compliance by VEPCO and the NRC NEPA and NRC implementing regulations.

D. Demonstration that the Amended Basis Statement is Material to the Findings NRC Must Make to Renew Dominion's Operating License

The Amended Basis Statement is material to the findings NRC must make regarding the environmental impacts of re-licensing North Anna Units 1 and 2 for a second renewed license term, because it supports Petitioners/Appellants' challenge to the adequacy of Dominion's Environmental Report to support those findings.

qualified to withstand "a total of five operational-basis earthquake (OBE) (one-half safe-shutdown earthquake) and one design-basis earthquake (DBE)." *Id.* at 3.7-35.

IV. MOTION TO FILE AMENDED BASIS STATEMENT AFTER THE DEADLINE FOR INITIAL HEARING REQUESTS

Petitioners/Appellants respectfully submit that this motion satisfies the three requirements of 10 C.F.R. § 2.309(c)(1) for establishing good cause to submit a contention after the initial deadline for filing hearing requests. First, the information on which the Amended Basis Statement relies “was not previously available” because the contents of the Draft SEIS were unknown until it was published by the NRC in August. 10 C.F.R. § 2.309(c)(1)(i).

Second, as discussed in the Amended Basis Statement, the information upon which the amendment to the contentions is based is “materially different” from the information that was previously available in VEPCO’s Environmental Report or in any other environmental document related to VECO’s SLR application. 10 C.F.R. § 2.309(c)(1)(ii). The statement that the NRC expects “many” design-basis accidents to occur does not appear in the Environmental Report, the 1996 License Renewal GEIS, the 2013 Revised License Renewal GEIS, or the 2002 SGEIS for North Anna. In fact, that is one of the key points of the Amended Basis Statement.

Finally, this motion has been submitted in a “timely fashion based on the availability of the subsequent information,” *i.e.*, within 30 days of receiving the Draft SGEIS from the NRC. 10 C.F.R. § 2.309(c)(1)(iii). *See also Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc.* (Vermont Yankee Nuclear Power Station), LBP-07-15, 66 N.R.C. 261, 266 n.11 (2007) (finding that timeliness of contentions depends on “the facts and circumstances of each situation” and noting the general application of a 30-day period by many licensing board panels).²⁰

²⁰ Petitioners/Appellants received a copy of the SGEIS for North Anna on August 30, 2021, under cover of an e-mail from Scheera Whitaker of the NRC.

V. MOTION TO RE-OPEN THE RECORD

NRC regulations require that a motion to reopen the record must be timely; it must address a “significant safety or environmental issue;” and it must “demonstrate that a materially different result would be or would have been likely had the newly proffered evidence been considered initially.” 10 C.F.R. § 2.326(a). A motion to reopen also must be “accompanied by affidavits that set forth the factual and/or technical bases” for the movant’s claim to have satisfied those criteria. 10 C.F.R. § 2.326(b). Petitioners/Appellants satisfy all of these standards.

First, as discussed in Section IV above, this motion is timely under 10 C.F.R. § 2.326(a)(1), because it is being submitted within a reasonable period (*i.e.*, 30 days) of receiving the Draft SGEIS, the subject of Petitioners/Appellants’ Amended Basis Statement.

Second, pursuant to 10 C.F.R. § 2.326(a)(2), the Amended Basis Statement raises a significant environmental issue, because it challenges the legal validity of the NRC’s key rationale for refusing to address the environmental significance of the 2011 Mineral Earthquake for the proposed second renewal of the operating licenses for Units 1 and 2. The Amended Basis Statement also raises a significant environmental issue by challenging a self-serving attempt by the NRC Staff to rewrite the NRC’s well-established environmental analysis, inserting a whole new conceptual analytical approach that is neither consistent with the previous versions of the License Renewal GEIS or with the NRC’s Atomic Energy Act-based regulatory regime for licensing of nuclear reactors. The NRC should ensure the integrity of its well-established programs for safety and environmental reviews are not undermined by the Staff’s actions in this proceeding.

Furthermore, consideration by the Commission of Petitioners/Appellants’ Amended Basis Statement is likely to have a “materially different result” (10 C.F.R. § 2.326(a)(3)), because it

will prevent the Commission from relying on a legally erroneous rationale to excuse the Staff from conducting a complete and thorough evaluation of the environmental significance of the Mineral Earthquake for the continued operation of North Anna Units 1 and 2 in an extended license term.

Finally, pursuant to 10 C.F.R. 2.326(b), by submitting this motion, undersigned counsel certifies, under penalty of perjury, that the factual statements in this motion are true and correct to the best of her knowledge, and the legal conclusions are based on her best understanding of applicable regulations and judicial precedents as they apply to the Draft SGEIS for North Anna SLR. Undersigned counsel further certifies that she is competent to make these representations as Petitioners/Appellants' attorney.

VI. DEMONSTRATION OF STANDING TO RE-OPEN THIS PROCEEDING

Pursuant to 10 C.F.R. § 2.309(d), Petitioners/Appellants hereby demonstrate their representational standing to seek a re-opened hearing on the North Anna SLR application on behalf of their members. Petitioners/Appellants respectfully submit that the general legal requirements for establishment of representational standing in NRC proceedings remain the same as recited in their Hearing Request, and thus will not be repeated here.

A. Standing of Beyond Nuclear

Beyond Nuclear is a nonprofit, nonpartisan membership organization that aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abolish both to protect public health and safety, prevent environmental harms, and safeguard our future. Beyond Nuclear advocates for an end to the production of nuclear waste and for securing the existing reactor waste in hardened on-site storage until it can be permanently disposed of in a safe, sound, and suitable underground repository. For more than fourteen years,

Beyond Nuclear has worked toward its mission by regularly intervening in NRC licensing, relicensing, and other proceedings related to nuclear safety matters.

Beyond Nuclear's representational standing to participate in this proceeding is demonstrated by the attached declarations of its members: Second Declaration of Erica Gray (Sept. 21, 2021) (Attachment 2) and Second Declaration of Jerry Rosenthal (Sept. 20, 2021) (Attachment 2).

B. Standing of the Sierra Club

Founded in 1892, the Sierra Club is a national environmental organization with 3.8 million members across the United States. The purposes of the Sierra Club are to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

The Sierra Club's representational standing to participate in this proceeding is demonstrated by the attached declarations of its members: Second Declaration of Barbara J. Cruickshank (Sept. 20, 2021) (Attachment 3); Second Declaration of John A. Cruickshank (Sept. 20, 2021) (Attachment 4); Second Declaration of William J. Johnson (Sept. 21, 2021) (Attachment 5); Second Declaration of Steven Carter-Lovejoy (Sept. 20, 2021) (Attachment 6); and Declaration of Donna Shaunesy (Sept. 20, 2021) (Attachment 7).

C. Standing of Alliance for a Progressive Virginia

Alliance for a Progressive Virginia is an all-volunteer, not-for-profit organization, whose goal is to educate and influence the public, the media and elected officials at the local, state and national levels about important issues of the day. APV is guided in this mission by the basic, common sense progressive values of economic fairness, social justice, and good government.

APV's representational standing to participate in this proceeding is demonstrated by the attached Second Declaration of Scott Price (Sept. 28, 2021) (Attachment 8).

VII. CONCLUSION

For the foregoing reasons, Petitioners/Appellants have demonstrated good cause for the filing of their Amended Basis Statement after the original deadline for hearing requests. In addition, they have satisfied the NRC's standard for re-opening this proceeding to consider the Amended Basis Statement. Accordingly, their motions should be granted.

Respectfully submitted,

 /signed electronically by/

Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

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240-393-9285

dcurran@harmoncurran.com

September 29, 2021

CERTIFICATE OF COUNSEL PURSUANT TO 10 C.F.R. § 2.323(b)

I certify that on September 27, 2021, I contacted counsel for VEPCO and the NRC Staff in a sincere effort to resolve the issues raised in Petitioners/Appellants' Motion to Re-open the Record. (Consultation was not required for the motion to file the Amended Basis Statement after the initial deadline for hearing requests). Counsel for both VEPCO and the Staff stated that they did not believe the proposed filing is justified, and that they intend to respond.

 /signed electronically by/

Diane Curran

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North Anna Power Station, Units 1 and 2)
_____)

CERTIFICATE OF SERVICE

I certify that on September 29, 2021, I posted MOTION TO AMEND CONTENTION OUT OF TIME AND MOTION TO RE-OPEN THE RECORD BY BEYOND NUCLEAR, SIERRA CLUB, AND ALLIANCE FOR PROGRESSIVE VIRGINIA and ATTACHMENTS 1 THROUGH 8 on the NRC's Electronic Information Exchange.

/signed electronically by/
Diane Curran

ATTACHMENT 1

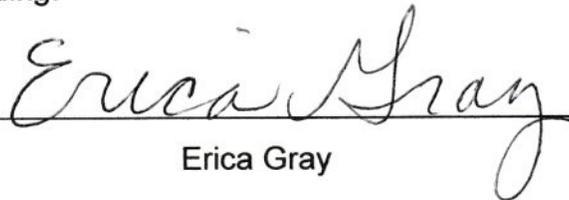
**UNITED STATES OF AMERICA
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Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)
_____)

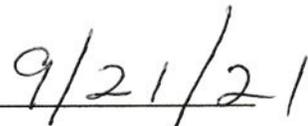
SECOND DECLARATION OF ERICA GRAY

Under penalty of perjury, Erica Gray declares as follows:

- 1) My name is Erica Gray. I am a member of Beyond Nuclear.
- 2) I live at 406 Glendale Drive, Henrico, VA 23229.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Beyond Nuclear to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Beyond Nuclear to represent my interests in this proceeding.



Erica Gray



Date

ATTACHMENT 2

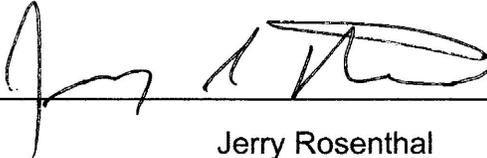
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_____)

SECOND DECLARATION OF JERRY ROSENTHAL

Under penalty of perjury, Jerry Rosenthal declares as follows:

- 1) My name is Jerry Rosenthal. I am a member of Beyond Nuclear.
- 2) I have two properties located in the vicinity of the North Anna nuclear power station where one property is located at 877 Holland Creek Road, Louisa, VA 23093 and my principal residency is at 1213 Belleview Avenue, Charlottesville, VA 22091.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Beyond Nuclear to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Beyond Nuclear to represent my interests in this proceeding.



Jerry Rosenthal

20 SEPT 2021
Date

ATTACHMENT 3

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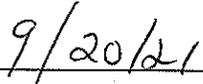
SECOND DECLARATION OF BARBARA J. CRUICKSHANK

Under penalty of perjury, Barbara J. Cruickshank declares as follows:

- 1) My name is Barabara J. Cruickshank. I am a member of Sierra Club.
- 2) I live at 1003 Birdwood Road, Charlottesville, VA 22903.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Sierra Club to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Sierra Club to represent my interests in this proceeding.



Signature



Date

ATTACHMENT 4

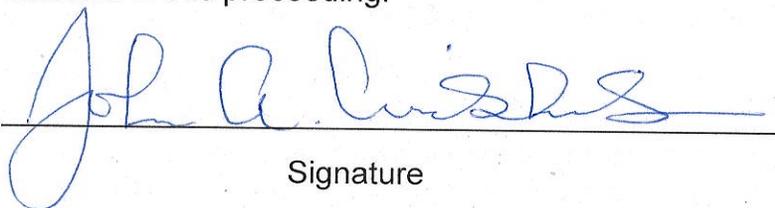
**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY**

In the Matter of)
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)
_____)

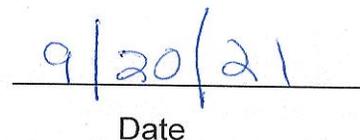
SECOND DECLARATION OF JOHN A. CRUICKSHANK

Under penalty of perjury, John A. Cruickshank declares as follows:

- 1) My name is John A. Cruickshank. I am a member of Sierra Club.
- 2) I live at 1003 Birdwood Road, Charlottesville, VA 22903.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Sierra Club to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Sierra Club to represent my interests in this proceeding.



Signature



Date

ATTACHMENT 5

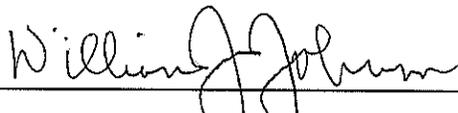
**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY**

In the Matter of)
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)
_____)

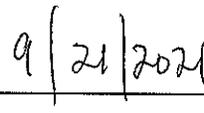
SECOND DECLARATION OF WILLIAM J. JOHNSON

Under penalty of perjury, William J. Johnson declares as follows:

- 1) My name is William J. Johnson. I am a member of Sierra Club.
- 2) I live at 40 Winsome Lane, Fredericksburg, VA 22406.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage, potentially making parts of the Eastern seaboard uninhabitable, including the Nation's Capital. Last, there is no safe way to store nuclear waste for 100,000 years on top of an geological fault that recently had a unexpectedly strong earthquake.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Sierra Club to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Sierra Club to represent my interests in this proceeding.



Signature



Date

ATTACHMENT 6

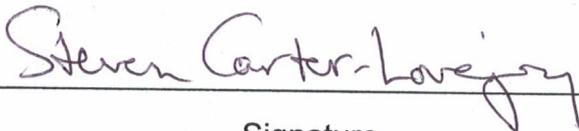
**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
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In the Matter of)
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)
_____)

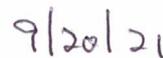
SECOND DECLARATION OF STEVEN CARTER-LOVEJOY

Under penalty of perjury, Steven Carter-Lovejoy declares as follows:

- 1) My name is Steven Carter-Lovejoy. I am a member of Sierra Club.
- 2) I live at 604 West 19th Street, Richmond, VA.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Sierra Club to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Sierra Club to represent my interests in this proceeding.



Signature



Date

ATTACHMENT 7

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY**

In the Matter of)
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2)
_____)

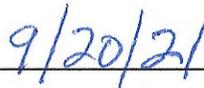
SECOND DECLARATION OF DONNA SHAUNESSEY

Under penalty of perjury, Donna Shaunesey declares as follows:

- 1) My name is Donna Shaunesey. I am a member of Sierra Club.
- 2) I live at 1003 Birdwood Road, Charlottesville, VA 22903.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized Sierra Club to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Sierra Club to represent my interests in this proceeding.



Signature



Date

ATTACHMENT 8

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY**

_____))
In the Matter of))
Virginia Electric Power Co.) Docket Nos. 50-338/339 SLR
North Anna Power Station Units 1 & 2))
_____))

SECOND DECLARATION OF SCOTT PRICE

Under penalty of perjury, Scott Price declares as follows:

- 1) My name is Scott Price. I am both a member and Public Policy Director of the Alliance for a Progressive Virginia.
- 2) I live at 2602 Grove Avenue #10, Richmond, Virginia 23220.
- 3) My home is located within the 50-mile emergency planning zone (EPZ) of the North Anna Nuclear Power Station, for which Virginia Electric Power Company has submitted an application to the US Nuclear Regulatory Commission for the Subsequent License Renewal of its operating license. Both North Anna units have previously received a 20-year license extension on their original 40-year operating licenses, which now expire in 2038 and 2040, respectively.
- 4) Based on the historical experience of nuclear power stations, I believe that these facilities are inherently dangerous. Continued operations of North Anna Nuclear Power Station Units 1 and 2 for an additional 20 years beyond 2038 and 2040 could cause a severe nuclear accident in the reactor(s) and/or irradiated fuel storage pool(s) thereby causing death, injury, illness, dislocation, and economic damage to me and my family. It could also cause devastating environmental damage.
- 5) I believe that Virginia Electric Power Company's application to extend operations of North Anna Units 1 and 2 from 60 to 80 years is inadequate to reasonably assure the protection of my health, safety and the environment. Therefore, when this proceeding began in 2020, I authorized the Alliance for a Progressive Virginia to represent my interests in this proceeding. By this declaration, I confirm that I continue to authorize Alliance for a Progressive Virginia to represent my interests in this proceeding.



Scott Price


Date