

January 26, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

In the Matter of

Docket No. 52-008

Dominion Nuclear North Anna, LLC

(Early Site Permit for North Anna ESP Site)

**PETITIONERS' OPPOSITION TO
DOMINION NUCLEAR'S APPLICATION FOR
NEW ADJUDICATORY PROCESS**

Petitioners, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, and Public Citizen hereby respond to Applicant's Motion to Apply New Adjudicatory Process (January 16, 2004) (hereinafter "Applicant's Motion"). Applicant, Dominion Nuclear North Anna, LLC (hereinafter "Dominion"), seeks the Commission's approval to apply the Nuclear Regulatory Commission's ("NRC's" or "Commission's") newly promulgated Part 2 regulations to this proceeding. Final Rule, Changes to Adjudicatory Process, 69 Fed. Reg. 2,182 (January 14, 2004).

Under the rule, the new Part 2 provisions are not scheduled to go into effect until mid-February. As noted by Dominion, the Commission was not required to delay the effectiveness of the rule. Petitioners believe that due to the breadth and austerity of the new rules, it was fair for the Commission to provide a 30-day period before the rule went into effect. Applicants have given no particular reason to impose the new schedule, other than they believe the rule is an improvement over the former rule. Clearly, the Commission believed the same thing when it provided the 30-day grace period.

Petitioners believe that the Commission should honor the schedule for making the rule effective that it set in the Federal Register notice.

Moreover, Petitioners do not believe that following the new rule will make the North Anna Early Site Permit proceeding more effective and efficient. Petitioners are unaware of any other Early Site Permit cases that have been litigated previously. Given the novelty of the proceeding and the potential complexity of the issues that have been raised by Petitioners regarding the relationship between reactor design and the site, alternatives to the proposal, cumulative impacts between the existing facility and prospective facilities, and site redress, Petitioners believe that a formal hearing will be a more effective and efficient means of resolving the parties' disputes.

Respectfully submitted,

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