

June 30, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

_____)	
In the Matter of)	Docket Nos. 52-017
Virginia Electric and Power Company)	
d/b/a Dominion Virginia Power and)	
Old Dominion Electric Cooperative)	
North Anna Unit 3)	ASLBP No. 08-863-01-COL
Combined License)	
_____)	

**REPLY OF THE BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE
TO ASLBP ORDER TENTATIVELY SCHEDULING TELECONFERENCE
FOR ORAL ARGUMENT**

Pursuant to the Atomic Safety and Licensing Board Panel's Order of June 11, 2008 regarding the above captioned matter, the Blue Ridge Environmental Defense League hereby files the requested reply.

The Representative of the Blue Ridge Environmental Defense League at oral argument will be Louis A. Zeller.

Regarding the oral argument, the Petitioner hereby registers its objection to the use of teleconferencing in this matter and proposes an alternative.

First, only one additional telephone line has been made available by the ASLBP for the purpose of auditing the oral argument. Petitioners have many directly affected members in the Charlottesville-Louisa County area where Dominion-Virginia Power's proposed North Anna Unit 3 would be located. Many of them desire to attend the proceeding and would be prevented from doing so if the Board's June 11th Order is

allowed to stand. Also, other members of the affected public would be prevented from attending including local officials, electric utility customers and representatives of the media.

Second, The Blue Ridge Environmental Defense League's representative in this matter, Louis A. Zeller, has a hearing impairment which would limit his ability to follow a telephone proceeding. Mr. Zeller wears hearing aids on a daily basis. A telephone conference for oral argument may unfairly prevent him from providing adequate responses to any questions raised by the ASLBP judges during the session and from providing adequate rebuttals to oral arguments by Dominion and the NRC Staff. 42 U.S.C. section 12182

Third, Petitioner believes that the establishment of oral argument via teleconference is contrary to 10 CFR 2 Rules of Practice. Commission Rules of Practice at 10 CFR § 2.328 *Hearings to be public* states, "Except as may be requested under section 181 of the Act, all hearings will be public unless otherwise ordered by the Commission." The subject matter of the oral argument does not involve restricted data, defense information or safeguards information. Therefore, the ASLBP's order limiting the number of telephone lines for auditing oral arguments *prima facie* limits public participation.

Finally, if the order stands the ASLBP would be establishing a precedent with potential consequences far beyond the immediate licensing case. This will be the first oral argument for a combined construction and operation license (COL) under the rules as amended in 1989. As the ASLB's first such commercial nuclear power plant license proceeding, the appearance of openness in this matter will be as important as its

substance. The Commission's Public Affairs Office states that "Building and maintaining public trust is critical to carrying out NRC's mission. To be an effective steward for nuclear safety, the public must have confidence in NRC's regulatory actions. One of the ways that NRC earns the public's trust is by disseminating information so that the public can participate effectively in the regulatory process and can make informed decisions about agency activities."¹ Public confidence in the integrity of the Commission's regulatory process and any licensing decisions which may follow would be undermined by the precedent of oral arguments via teleconference.

A June 9th call from an ASLB law clerk to the Blue Ridge Environmental Defense League office requested our availability for a conference call with the judges. No one communicated to me that the call would be for the purpose of hearing oral arguments.

The Blue Ridge Environmental Defense League hereby requests that a face-to-face oral argument in this matter be scheduled at a courthouse in the vicinity of the North Anna Power Station at the convenience of all parties.

Respectfully submitted,

A handwritten signature in black ink that reads "Louis A. Zeller". The signature is written in a cursive style and is followed by a horizontal line.

Louis A. Zeller
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¹ <http://www.nrc.gov/about-nrc/public-affairs.html>

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In the Matter of)	Docket Nos. 52-017
Dominion Virginia Power)	
North Anna Unit 3)	ASLBP No. 08-863-01-COL
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CERTIFICATE OF SERVICE

I hereby certify that copies of the June 30, 2008

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was served on the following persons via Electronic Information Exchange this 30th day of June, 2008.

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_____/signed electronically/_____
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