



Dominion

Pamela F. Faggert
Vice President and Chief Environmental Officer
5000 Dominion Boulevard, Glen Allen, VA 23060
Phone: 804-273-3467

November 20, 2003

Ms. Ellie Irons
Program Manager
Office of Environmental Impact Review
Virginia Department of Environmental Quality
629 East Main Street, 6th Floor
Richmond, VA 23219

**Re: Federal Consistency Certification under the Coastal Zone Management Act
Virginia Coastal Resources Management Program
Surry Independent Spent Fuel Storage Installation –
License Renewal Application**

Dear Ms. Irons:

In recent conversations between you and Mr. Tony Banks of Dominion regarding various federal licensing actions for its Virginia nuclear power facilities, it was agreed that Virginia Coastal Resources Management Program (VCP) consistency certification for the Surry Independent Spent Fuel Storage Installation (ISFSI) License Renewal Application would be satisfied with the Surry Power Station concurrence letter received from you, dated February 20, 2002 (enclosed). This letter was included as a part of the Nuclear Regulatory Commission's (NRC) NUREG-1437 Supplement 6, the Generic Environmental Impact Statement for License Renewal of Nuclear Plants for Surry Power Station, published November 2002.

Because of this previous certification, of which the ISFSI was included on the site layout and in description of site facilities, and the fact that continued operation of the ISFSI will result in no changes that would affect Virginia's coastal zone, Dominion believes the necessary requirements would be met for an expeditious review. Enclosed for your review and concurrence is the consistency certification for the Surry ISFSI.

We respectfully request your concurrence within 30 days, which will assist the NRC's review of the Surry ISFSI License Renewal Application.

If you have any comments or questions regarding this request, please contact Jud White at (804) 273-2948 or Tony Banks at (804) 273-2170.

Sincerely,


Pamela F. Faggert

Enclosures

cc: Michael Murphy - VDEQ
Mary Jane Ross-Lee - NRC
~~Stephanie P. Bush-Goddard - NRC~~

LMSSOT



COMMONWEALTH of VIRGINIA

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February 20, 2002

J. W. White, Ph.D.
Manager, Water and Waste Programs
Dominion Virginia Power Company
5000 Dominion Boulevard
Glen Allen, Virginia 23060

RE: Surry Power Station License Renewal: Application by Dominion Virginia Power Company to U.S. Nuclear Regulatory Commission for Renewed Operating License
Federal Consistency Certification under the Coastal Zone Management Act
DEQ-01-186F

Dear Dr. White:

This letter responds to your September 27, 2001 letter requesting the Department of Environmental Quality's concurrence with the federal consistency certification for renewal of the Dominion Virginia Power Company's operating license for the Surry Power station. The Department of Environmental Quality is responsible for coordinating Virginia's review of federal consistency certifications and responding to applicants for federal approval on behalf of the Commonwealth. The following agencies and planning district commission took part in this review:

Department of Environmental Quality
Department of Conservation
Department of Health
Marine Resources Commission
Chesapeake Bay Local Assistance Department
Crater Planning District Commission.

In addition, Surry County was invited to comment.

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Project Description

Dominion Virginia Power submitted information for this review in the form of two documents. One, submitted with the initial letter, is called "Appendix E, Environmental Report" (cited hereinafter as "Appendix E"). The other is entitled "Federal Consistency Certification for Surry Power Station License Renewal" and is dated October 26, 2001 (cited hereinafter as "Certification").

Dominion Virginia Power owns and operates the Surry Power Station, a nuclear electric generating station located on the James River in Surry County. The plant is situated at the river just south of Hog Island Wildlife Management Area (Appendix E, page E-11, figure E-2). The plant consists of two nuclear reactors and associated steam turbines that generate approximately 1,600 megawatts of electricity. The Unit 1 license is to expire on May 25, 2012, while the Unit 2 license will expire on January 29, 2013. Both licenses have terms of 20 years, and are to be renewed for new 20-year terms. (Appendix E, page E-3). The Company expects Surry Power Station operations during the new license term to be a continuation of present operations (Appendix E, page E-2).

Federal Consistency Analysis

The Virginia Coastal Resources Management Program (VCP) is comprised of a network of programs administered by several agencies. In order to be consistent with the VCP, the applicant for federal licensing must obtain all the applicable permits and approvals listed under the Enforceable Programs of the VCP prior to commencing the project. Based on the commitments provided in the Consistency Certification that Dominion Virginia Power will obtain and comply with all approvals from agencies administering the applicable Enforceable Programs (Certification, page 1; Appendix E, page E-2) and comments submitted by agencies administering the Enforceable Programs, the Department of Environmental Quality concurs with the finding that the license renewal and continued operation of the Surry Power Station is consistent with Virginia's Coastal Resources Management Program.

This discussion analyzes the continued operation of the project under the license renewal in light of the Enforceable Programs of the Virginia Coastal Management Program.

1. Subaqueous Lands Management. The Marine Resources Commission indicates no objection to the renewal of the Nuclear Regulatory Commission (NRC) license for this project, provided that the applicant adheres to existing activities permitted by the Commission and/or submits appropriate permit applications for any new activities

Appendix E

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affecting State-owned subaqueous lands. According to the Certification, the applicant has no plans for any activity under the license renewal that would require a permit from the Commission (page 13, Table 2, item b).

2. Coastal Lands Management. According to the Chesapeake Bay Local Assistance Department, the proposed license renewal is not subject to any requirements under the Chesapeake Bay Preservation Act because the license renewal would allow continued operations without new construction or redevelopment.

3. Wetlands Management. According to DEQ's Piedmont Regional Office, renewal of the NRC license for this project will not affect the existing Virginia Water Protection Permit covering the project, as long as the project stays in compliance with the requirements of the permit. According to DEQ's Virginia Water Protection Program, activities under the license renewal will not affect wetlands.

4. Point Source Water Pollution. According to DEQ's Piedmont Regional Office, renewal of the NRC license for this project will not affect the existing Virginia Pollutant Discharge Elimination System Permit covering the project, as long as the project stays in compliance with the requirements of the permit. According to DEQ's Virginia Water Protection Program, activities under the license renewal will not affect surface waters.

5. Air Pollution Control. According to DEQ's Piedmont Regional Office, renewal of the NRC license for this project will not affect the existing air permits covering the project, as long as the project stays in compliance with the requirements of these permits.

6. Other Enforceable Programs. As the Certification indicates, the remaining Enforceable Programs of the Virginia Coastal Resources Management Program do not apply to the renewal of the NRC license for the Surry Power Station. Specifically, the Fisheries Management Program, including the State Tributyltin Regulatory Program, is not applicable to continued operation of the Surry Power Station. Neither are the Dunes Management Program, the Non-point Source Pollution Control (Erosion and Sediment Control) Program, or the Shoreline Sanitation Program.

Environmental Impacts and Mitigation

1. Natural Heritage and Wildlife Resources. "Natural heritage resources" are defined as the habitat of rare, threatened, or endangered species of plants and animals, unique or exemplary natural communities, and significant geologic formations, according to the Department of Conservation and Recreation. That Department indicates that

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natural heritage resources have not been documented as present in the vicinity of the project. In addition, the Department of Conservation and Recreation represents the Department of Agriculture and Consumer Services in commenting on state-listed endangered plant and insect species that might be affected by a project. The continued operation of the Surry Power Station will not affect protected plant or insect species.

2. Recreation Resources. Continued operation of the Surry Power Station will not adversely affect any existing or planned recreational facilities. Nor will it affect streams on the National Park Service Nationwide Inventory, Final List of Rivers or potential Virginia Scenic Rivers. The project will not affect any Virginia Byways.

3. Solid and Hazardous Waste Management. The DEQ's Waste Division, Office of Remedial Programs did a cursory review of its data files and found that the Surry Power Station is listed as a small-quantity generator of hazardous waste, subject to the provisions of Title 40, Code of Federal Regulations, Part 262 (and related provisions in Parts 264, 265, and 268), which are adopted by reference in the Virginia Hazardous Waste Management Regulations. The most recent DEQ inspection of the North Anna Power Station took place in May 1999; the inspection revealed that the Station was in compliance with all the requirements applicable to small-quantity generators.

4. Radiological Health Considerations. According to the Department of Health's Radiological Health Program, the Department of Health provides independent verification of this facility's environmental monitoring program for radiological releases. The Department of Health implemented its environmental monitoring program during the pre-operational stage of the facility; the program continues to the present day. There is no indication, in the published annual reports of the monitoring program, of any releases of radiation affecting the environment in the history of the program.

In addition, the applicant has been supportive of the efforts of state and local governments in maintaining an effective State Emergency Response Plan in case of radiological emergencies at the power plant. The Nuclear Regulatory Commission license includes a condition requiring certification of the Plan by the Federal Emergency Management Agency (FEMA); FEMA has certified the Plan.

Appendix E

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Thank you for the opportunity to comment on this federal consistency certification.

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Impact Review

Enclosures

cc: Derral Jones, DCR
Leslie P. Foldesi, VDH
Thomas D. Modena, DEQ-DWPC-ORP
K.S. Narasimhan, DEQ-DAPC-ODA
Mark S. Alling, DEQ-PRO
Brenda K. Winn, DEQ-VWPP
M. R. Habibi, DEQ-PRO
Tony Watkinson, MRC
Catherine M. Harold, CBLAD
Dennis K. Morris, Crater PDC
Terry D. Lewis, Surry County
Andy Kugler, U.S. NRC

**FEDERAL CONSISTENCY CERTIFICATION FOR
SURRY POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION
LICENSE RENEWAL**

The Federal Coastal Zone Management Act (16 USC 1451 et seq.) imposes requirements on an applicant for a Federal license to conduct an activity that could affect a state's coastal zone. The Act requires the applicant to certify to the licensing agency that the proposed activity would be consistent with the state's federally approved coastal zone management program. The Act also requires that the applicant provide to the state a copy of the certification statement and requires that the state, at the earliest practicable time, notify the federal agency and the applicant whether the state concurs or objects to the consistency certification. See 16 USC 1456(c)(3)(A).

The National Oceanic and Atmospheric Administration has promulgated implementing regulations that indicate that the certification requirement is applicable to renewal of federal licenses for activities not previously reviewed by the state [15 CFR 930.51(b)(1)]. The Commonwealth of Virginia has a federally approved coastal zone management program described below. Dominion is applying to the U. S. Nuclear Regulatory Commission (NRC) for renewal of the operating license for the Surry Power Station (SPS) Independent Spent Fuel Storage Installation (ISFSI), in Surry County, Virginia.

CONSISTENCY CERTIFICATION

Dominion has determined that NRC renewal of the SPS ISFSI license to operate would comply with the federally approved Virginia Coastal Resources Management Program. Dominion expects SPS ISFSI operations during the license renewal term to be a continuation of current operations as described below, with no changes that would affect Virginia's coastal zone.

NECESSARY DATA AND INFORMATION

Proposed Action

The Surry Power Station ISFSI is located on the Surry Power Station site, in Surry County, Virginia. The site is on the Gravel Neck peninsula, on the south side of the James River, approximately 25 upstream of the Chesapeake Bay. The Virginia Department of Environmental Quality lists Surry County as part of the Virginia coastal zone (Ref. 2). Figures 1 and 2 show the SPS site 50-mile and 6-mile regions, respectively, and Figure 3 shows the site layout.

Spent nuclear fuel removed from the Surry Power Station spent fuel pool is stored in dry casks on concrete pads at the ISFSI. The ISFSI is approximately 15 acres and currently comprises two concrete pads surrounded by security fencing and perimeter fencing. It is licensed for a third pad, which would be constructed when the second pad is full. Each pad is designed to hold 28 spent fuel casks. Each cask holds between 21 and 32 spent fuel assemblies. The U.S. Department of Energy (DOE) is responsible for the disposal of the spent fuel in a geologic repository.

The proposed action is to renew the operating license of the ISFSI for an additional 40 years which would provide time after the shutdown of the reactors to remove all the fuel from the facility to the geologic repository.

The only utility provided to the ISFSI is electric power for security lights, monitoring instruments, and general use. Potable water, fire protection water, sewage treatment, steam, ventilation, air supply systems, and chemical storage are not required at the ISFSI. It is manned intermittently,

**FEDERAL CONSISTENCY CERTIFICATION FOR
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to monitor cask integrity, and to emplace casks. The ISFSI does not have a permanent workforce, but Surry Power Station employees are assigned ISFSI responsibilities as part of their job.

Other than the NRC operating license, the ISFSI requires no licenses, permits or authorizations.

Environmental Impacts

The following paragraphs describe the environmental impacts from operating the Surry Power Station ISFSI for 40 years beyond the current license term. For facilities such as the SPS ISFSI that are located in the coastal zone, impacts would affect the coastal zone.

No impacts would occur to surface water hydrology or use, aquatic ecology, groundwater quality or use, air quality, land use, or socioeconomics.

Environmental Impacts that could affect the coastal zone and Dominion's conclusions regarding those impacts are listed below:

- **Surface water quality**

This issue addresses the effects of construction of one or two additional concrete storage pads on the water quality of the wetlands at Hog Island Wildlife Management Area and in the James River. Dominion constructs storage pads as they are needed. One and possibly two additional pads likely will be needed during the license term. The pads will be constructed within an industrial area on previously disturbed soil. The ISFSI is approximately 1 mile from the bluffs overlooking the Hog Island Wildlife Management Area, and from the bluffs of the James River. There is little slope at the ISFSI, but there is a ravine immediately west of the facility. Dominion uses sediment and erosion control best management practices and adheres to Surry County building permit requirements. All runoff from the ISFSI is caught in a percolation basin. There is no discharge from the facility to any surface water. Dominion concludes that impacts to water quality from construction will be small.

- **Threatened or endangered species**

This issue address effects that ISFSI operations could have on species that are listed under federal law as threatened or endangered. Two such species could occur on the SPS site. Dominion environmental studies and environmental protection programs have identified no adverse impacts to such species and Dominion's consultation with the cognizant Federal agency has identified no impacts of concern. Dominion concludes that impacts to these species are small during current operations and it has no plans that would change this conclusion for the license renewal term.

- **Human health**

- **Radiation Dose** – This issue addresses the dose to workers and the public from the ISFSI. Because this strictly human-health issue does not directly or indirectly affect natural resources of concern within the Coastal Zone Management Act definition of

**FEDERAL CONSISTENCY CERTIFICATION FOR
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"coastal zone" [16 USC 1453(1)], Dominion concludes that the issue is not subject to the certification requirement.

- **Historic and Archaeological Resources**

This issue address impacts that license renewal activities could have on resources of historic or archaeological significance. One and possibly two additional pads likely will be needed during the license term. The pads will be constructed within an industrial area on previously disturbed soil. A recent survey of the ISFSI area determined that it has no potential for undiscovered archaeological or cultural resources (Mullin 2001). If placement of the additional pads requires that the perimeter fence be moved, Dominion would follow its procedures for activities that disturb the soil. Included in the procedures are steps to take when a previously unknown artifact is discovered. Dominion concludes that impacts to historic or archaeological resources would be small. Dominion consultation with the State Historic Preservation Officer has identified no issues of concern.

- **Postulated accidents**

Accidents were evaluated in the Safety Analysis Report done for the ISFSI. An incredible accident would result in a general population dose well below the dose the population receives from background radiation. Dominion concludes that impacts from accidents would be small.

State Program

Like many states, Virginia's coastal zone management program is a "networked" program, which means that it is based on a variety of existing Commonwealth authorities rather than a single law and set of regulations. The U. S. Department of Commerce and the Virginia Department of Environmental Quality have published programmatic documentation of the Virginia program (Ref. 4), called Virginia's Coastal Resources Management Program. The Virginia Department of Environmental Quality administers the program and has identified enforceable regulatory authorities that comprise the program (Ref. 5).

Findings

1. Dominion has determined that all environmental impacts from the operation of the ISFSI are small, and would remain small through the license renewal term.
2. As best assessed, Dominion is in compliance with Virginia licensing and permitting requirements.
3. Dominion's license renewal and continued operation of the Surry Power Station ISFSI would be consistent with the enforceable provisions of the Virginia Coastal Zone Management Program.

**FEDERAL CONSISTENCY CERTIFICATION FOR
SURRY POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION
LICENSE RENEWAL**

STATE NOTIFICATION

By this certification that the Surry Power Station ISFSI license renewal is consistent with Virginia's Coastal Zone Management Program, the Commonwealth of Virginia is notified that it has 3 months from receipt of this letter and accompanying information in which to concur or object with Dominion's certification. However, pursuant to 15 CFR 930.63(b), if the Commonwealth of Virginia has not issued a decision within 3 months following the commencement of state agency review, it shall notify the contacts listed below of the status of the matter and the basis for further delay. The Commonwealth's concurrence, objection, or notification of review status shall be sent to:

TBD
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Tony Banks
Dominion Generation
Innsbrook Technical Center
5000 Dominion Blvd
Glen Allen, VA 23060

REFERENCES

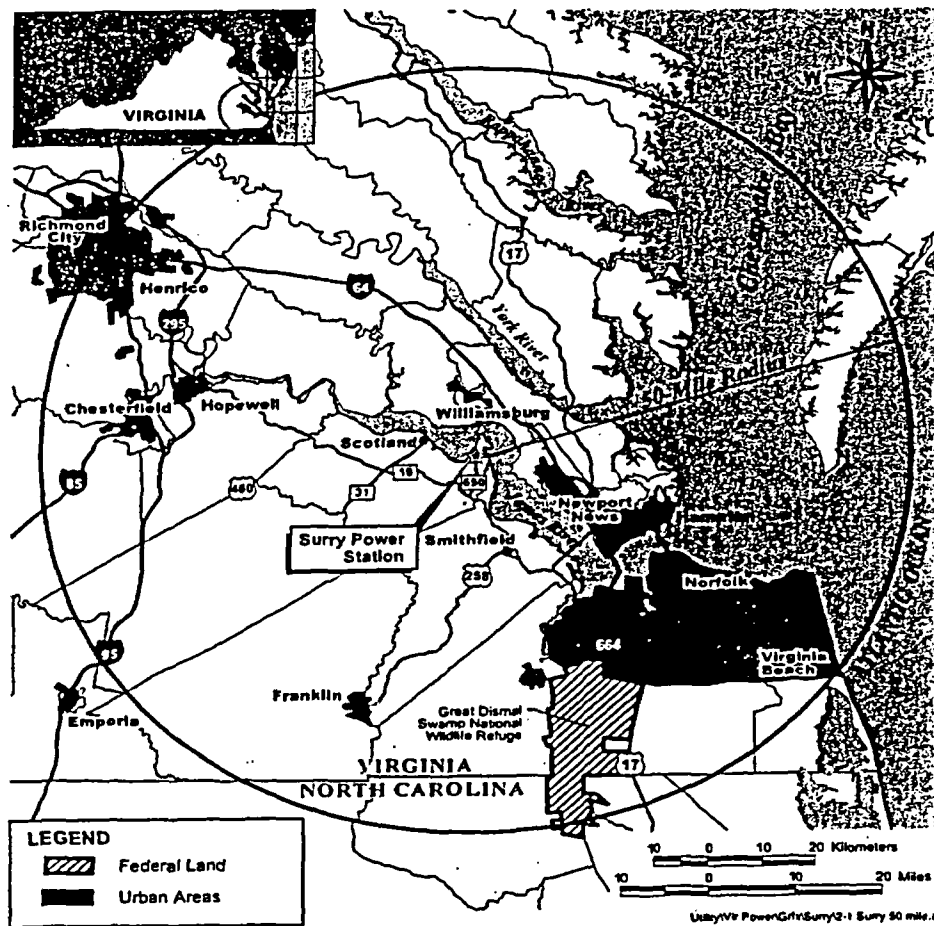
1. *Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues.* U. S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation. Office Instruction No. LIC-203. June 21, 2001.
2. *Virginia Coastal Program; Our Coastal Zone; Virginia's Coastal Environment.* Virginia Department of Environmental Quality. Available online at <http://www.deq.state.va.us/coastal/thezone.html>. Access October 17, 2001.
3. *Generic Environmental Impact Statement for License Renewal of Nuclear Plants.* U. S. Nuclear Regulatory Commission. May 1996.
4. *Virginia Coastal Resources Management Program Final Environmental Impact Statement.* U. S. Department of Commerce and Council on the Environment and Commonwealth of Virginia. July 1985, reprinted April 1999.
5. *Enforceable Regulatory Programs Comprising Virginia's Coastal Resources Management Program.* Commonwealth of Virginia, Department of Environmental Quality. Undated. Transmitted as Attachment of Letter, E. L. Irons, Virginia Department of Environmental Quality, to J. W. White, Dominion Virginia Power Co., October 11, 2001.

ATTACHMENTS

- Figure 1 50-Mile Vicinity Map
- Figure 2 6-Mile Vicinity Map
- Figure 3 Site Layout
- Table 1 Compliance With Enforceable Regulatory Programs Comprising Virginia's Coastal Resources Management Program

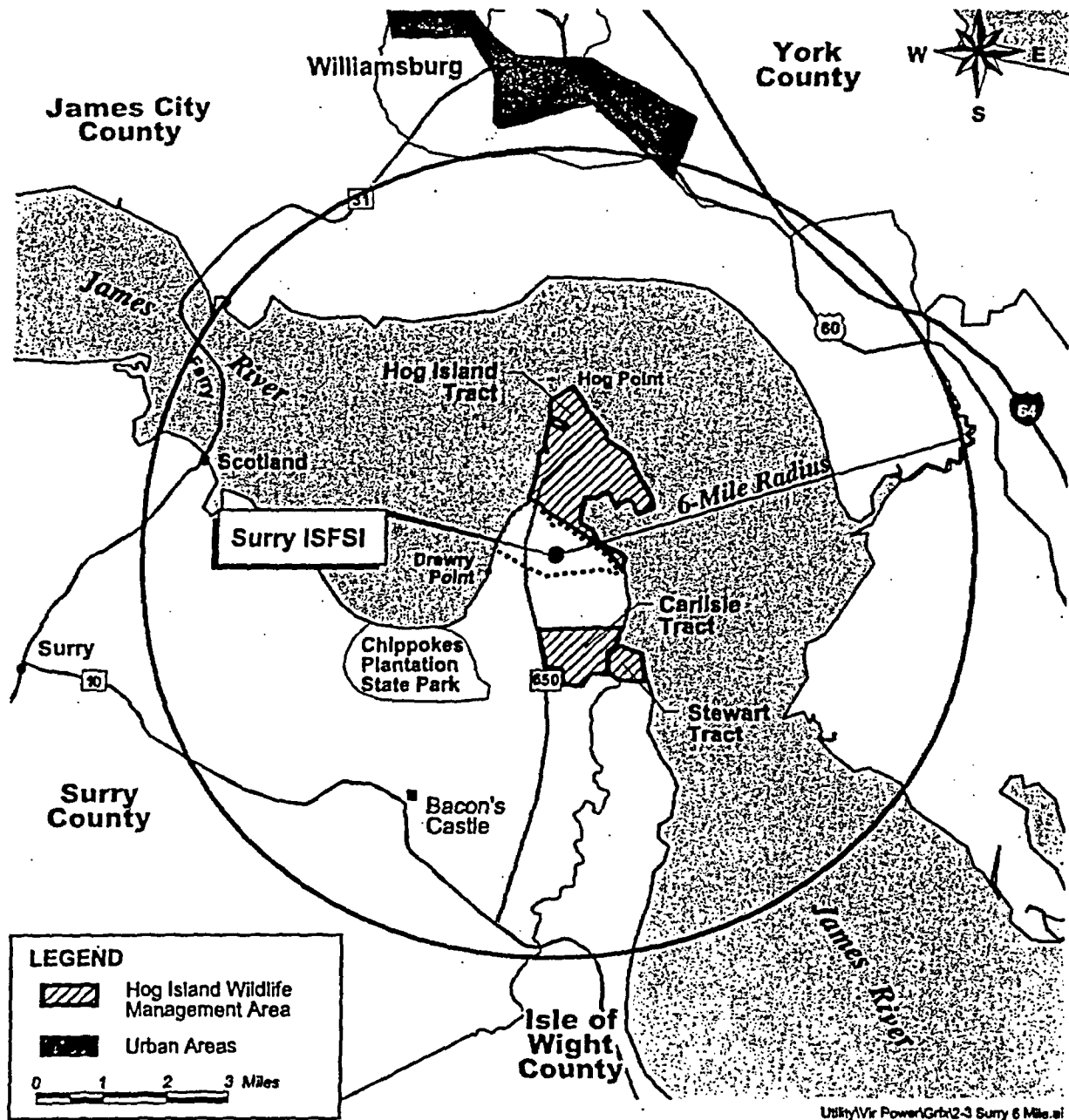
FEDERAL CONSISTENCY CERTIFICATION FOR SURRY POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION LICENSE RENEWAL

Figure 1
50-Mile Vicinity Map



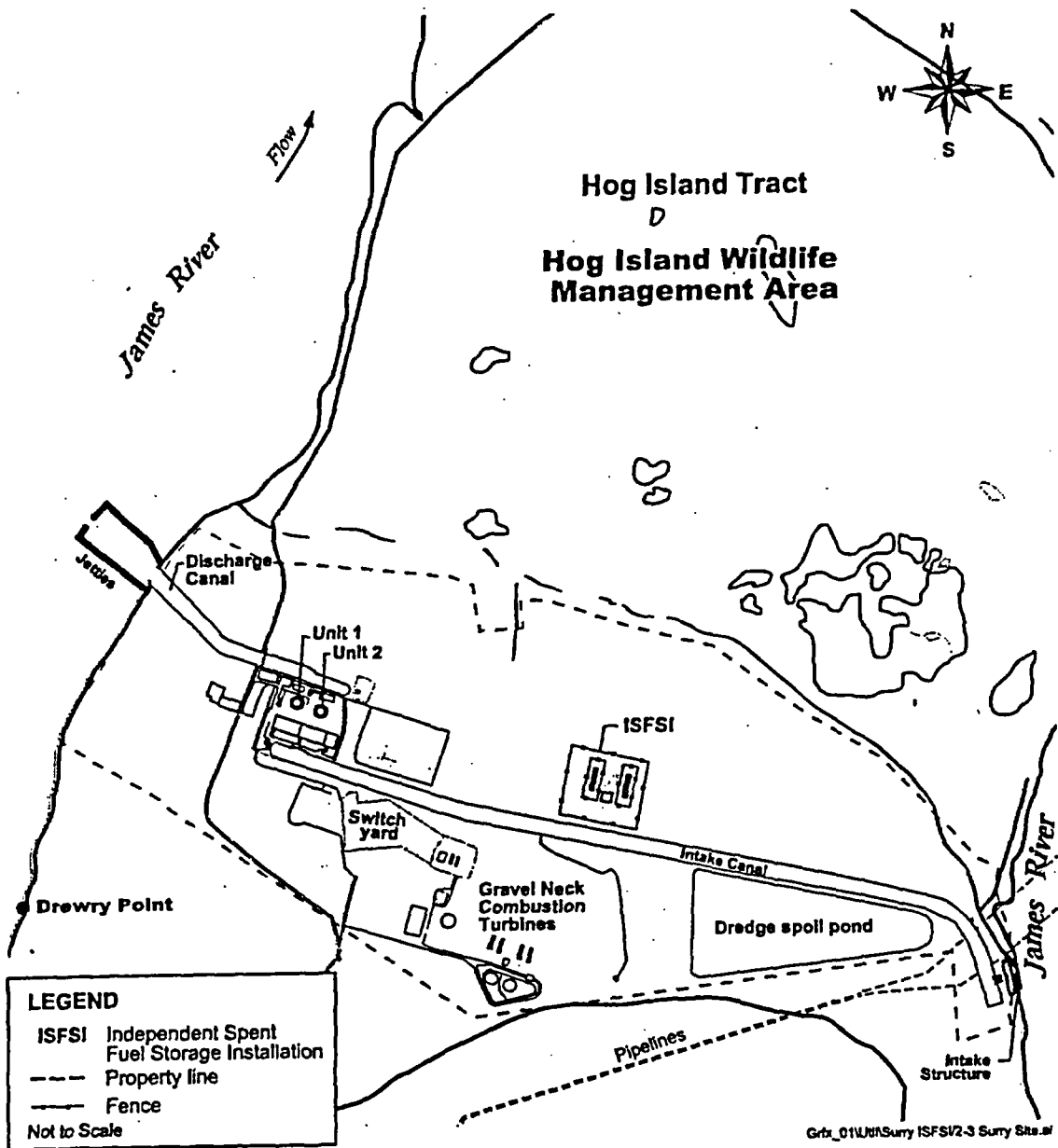
**FEDERAL CONSISTENCY CERTIFICATION FOR
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**Figure 2
 6-Mile Vicinity Map**



**FEDERAL CONSISTENCY CERTIFICATION FOR
 SURRY POWER STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION
 LICENSE RENEWAL**

**Figure 3
 Site Layout**



**FEDERAL CONSISTENCY CERTIFICATION FOR
SURRY POWER STATION LICENSE RENEWAL**

**Table 1
Compliance With Enforceable Regulatory Programs Comprising
Virginia's Coastal Resources Management Program**

Item	Topic and Virginia Code Citation	Compliance Status
Fisheries Management		
a.1.	§28.2-200 to §28.2-713 §29.1-100 to §29.1-570	This applies to activities that Dominion has not undertaken at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: recreational and commercial fishing, oystering, claming, and crabbing, scientific collecting, hunting, fishing, trapping, dealing in furs, and falconry.
a.2	§3.1-249.59 to §3.1-249.62	This applies to an activity that Dominion has not undertaken at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: use of marine anti-fouling paint containing tributyltin.
Subaqueous Lands Management		
b.	§28.2-1200 to §28.2-1213	This applies to an activity that Dominion has not undertaken at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: use of state-owned bottomlands.
Wetlands Management		
c.1	§28.2-1301 to §28.2-1320	This applies to activity that Dominion has not undertaken at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: wetlands development.
c.2	§62.1-44.15:5 Water Quality Certification pursuant to Section 401 of the Clean Water Act	This applies to activities that Dominion has no plans to undertake during the license renewal term: excavating in, filling, flooding, and significantly altering wetlands.
Dunes Management		
d.	§28.2-1400 though §28.2-1420	This applies to activity that Dominion has not undertaken at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: development in coastal dunes.

**FEDERAL CONSISTENCY CERTIFICATION FOR
SURRY POWER STATION LICENSE RENEWAL**

**Table 1
Compliance With Enforceable Regulatory Programs Comprising
Virginia's Coastal Resources Management Program, Continued**

Item	Topic and Virginia Code Citation	Compliance Status
Non-Point Source Pollution Control		
e.1	§10.1-560 et seq.	TBD
e.2	§10.1-2100 through §10.— 2114 and 9 VAC10-20 et seq.	See Item i, below
e.3	§10.1-2100 through §10.— 2114 and 9 VAC10-20 et seq.	See Item i, below
Point Source Pollution Control		
f.1	§62.1-44.15	The SPS ISFSI has no discharges. Dominion has no plans for license renewal activity that would require a National Pollutant Elimination System Discharge permit.
f.2	§62.1-44.15:5 Water Quality Certification pursuant to Section 401 of the Clean Water Act	See Item c.2, above.
Shoreline Sanitation		
g.	§32.1-164 to §32.1-165	This applies to activities that Dominion does not undertake at the SPS ISFSI and for which Dominion has no plans to undertake during the license renewal term: operation of septic tanks and land disposal of sewerage.
Air Pollution Control		
h.	§10-1.1300 to §10.1-1320	The SPS ISFSI has no air emission source. Construction activities would be minimal and would have a small impact on the air quality.

**FEDERAL CONSISTENCY CERTIFICATION FOR
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**Table 1
Compliance With Enforceable Regulatory Programs Comprising
Virginia's Coastal Resources Management Program, Continued**

Item	Topic and Virginia Code Citation	Compliance Status
Chesapeake Bay Preservation Act		
i.	§10-1.2100 to §10-1.2114 9 VAC10-20 et seq.	<p>The Commonwealth establishes criteria for delineating Chesapeake Bay Preservation Areas (CBPAs) and performance criteria for use of land within such areas. Local governments establish compliant programs, the focus being on controlling non-point-source pollution.</p> <p>If, in the future, SPS initiated activity that would be subject to CBPA requirements, Dominion would ensure compliance.</p>

SPS = Surry Power Station
VAC = Virginia Administrative Code
§ = Section