

**From:** Michael Scott  
**To:** ghoskins\_99@yahoo.com  
**Date:** Wed, Jul 16, 2003 2:59 PM  
**Subject:** RESPONSE OF NUCLEAR REGULATORY COMMISSION TO PAUL GUNTER

Dear Mr. Hoskins:

Attached is the NRC's response letter to questions raised by Paul Gunter of the Nuclear Information and Resource Service regarding the prospective North Anna early site permit application. The attached file is of the pdf format. If you have difficulty opening the file, I would be happy to fax or mail you a hard copy if you will send me the appropriate address information.

If you find that the letter to Mr. Gunter does not address questions you had at the April 2003 public meeting in Mineral or if you have other questions, please do not hesitate to contact me at (301) 415-1421.

Sincerely,

Michael L (Mike) Scott  
Project Manager  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Phone (301) 415-1421

**Mail Envelope Properties (3F15A08D.B6E : 4 : 19783)**

**Subject:** RESPONSE OF NUCLEAR REGULATORY COMMISSION TO  
PAUL GUNTER  
**Creation Date:** Wed, Jul 16, 2003 2:59 PM  
**From:** Michael Scott  
**Created By:** MLS3@nrc.gov

Recipients	Action	Date & Time
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ML0313601790.pdf	17977	Wednesday, July 16, 2003 2:43 PM
MESSAGE	1641	Wednesday, July 16, 2003 2:59 PM

**Options**  
**Auto Delete:** No  
**Expiration Date:** None  
**Notify Recipients:** No  
**Priority:** Standard  
**Reply Requested:** No  
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**Concealed Subject:** No  
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July 8, 2003

Mr. Paul Gunter, Director  
Reactor Watchdog Project  
Nuclear Information and Resource Service  
1424 16<sup>th</sup> Street NW, Suite 404  
Washington, DC 20036

SUBJECT: RESPONSE TO YOUR LETTER DATED APRIL 2, 2003, REGARDING THE  
EARLY SITE PERMIT APPLICATION REVIEW PROCESS FOR NORTH ANNA  
NUCLEAR POWER STATION

Dear Mr. Gunter:

This letter responds to the three questions raised in your letter of April 2, 2003 to Michael Scott and Andrew Kugler of the U.S. Nuclear Regulatory Commission (NRC) staff regarding the early site permit (ESP) application review process for North Anna Nuclear Power Station.

Question 1:

Under what conditions can the public raise concerns/contentions in the ESP Environmental Review regarding the environmental impact from the potentially limitless and indefinite expansion of the Independent Spent Fuel Storage Installation as the result of the construction and operation of an unknown number of new nuclear units given any new, significant or conflicting information affecting the Commission findings in the Final First Nuclear Waste Confidence Decision as issued on August 31, 1984, the Final Second Waste Confidence Decision of September 18, 1990, and the "Status Report on the Review of the Waste Confidence Decision" of December 6, 1999?

Response:

The Commission understands that the proposal of Dominion Energy, Inc., the prospective applicant for an ESP at the North Anna site, envisions construction of no more than about 2400 megawatts (electric) of additional nuclear capacity at the site. Because of the need for an ESP applicant to provide bounding analyses in support of its application, any ESP application will, in substance, reflect a limited number of reactors. Accordingly, Dominion's proposal would not involve limitless and indefinite expansion of spent fuel storage requirements. Nevertheless, the Commission has codified its generic determination that:

spent fuel generated in any reactor can be stored safely and without significant environmental impacts for at least 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor at its spent fuel storage basin or at either onsite or offsite independent spent fuel storage installations. Further, the Commission believes there is reasonable assurance that at least one mined geologic repository will be available within the first quarter of the twenty-first century, and sufficient repository capacity will be available within 30 years beyond the licensed life for operation of any reactor to

dispose of the commercial high-level waste and spent fuel originating in such reactor and generated up to that time.

10 CFR §51.23(a) (2003). The rule is supported by the Commission's Waste Confidence Decision and its subsequent reviews. *See* Requirements for Licensee Actions Regarding the Disposition of Spent Fuel upon Expiration of Reactor Operating Licenses, 49 Fed. Reg. 34,688 (1984) (codified at 10 CFR §51.23); Waste Confidence Decision Review, 55 Fed. Reg. 38,474 (1990); Waste Confidence Decision Review: Status, 64 Fed. Reg. 68,005 (1999). In light of the rule, the Commission's underlying decision and the subsequent reviews and findings, a contention challenging 10 CFR §51.23 would generally be inadmissible.

Question 2:

Where in the ESP Application process are public concerns and contentions addressed regarding the potential socioeconomic impacts from security issues arising out of expanded nuclear power plant operations on Lake Anna?

Response:

The staff expects that socioeconomic impacts associated with a proposed new nuclear power plant (including those associated with security measures) will be addressed in the environmental report accompanying the ESP application and will be reviewed as part of the NRC's evaluation of environmental impacts in accordance with 10 CFR Part 51. The NRC staff will perform an independent evaluation as part of the staff's consideration of an ESP application. During this process, there are three opportunities for members of the public to provide information on their concerns: first, the public may participate in the scoping process for the NRC staff's development of an environmental impact statement; second, after the completion of the staff's draft environmental impact statement, the public will have at least 45 days to submit comments to the NRC staff for consideration; and third, if a member of the public requests and is admitted as a party in the ESP licensing hearing they may seek to raise a contention for consideration at the hearing.

Question 3:

By whose authority can the public's access to Lake Anna be restricted as the result of elevated security codes? What Memorandums of Agreement (MOA) or Memorandums of Understanding (MOU) with Dominion Energy with which authorities currently exist for restricting public access to Lake Anna under elevated security codes?

Response:

The Commonwealth of Virginia has the authority to restrict usage of Lake Anna as necessary to ensure public health and safety. We are not aware that any memoranda of understanding with Virginia Electric and Power Company (VEPCO), the licensee for the North Anna Power Station, are required to exercise that authority. Dominion Energy, Inc., the prospective applicant for an ESP, and VEPCO are both subsidiaries of Dominion Resources, Inc.

P. Gunter

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If you have any questions regarding this letter, please contact Michael Scott at (301) 415-1421.

Sincerely,

*/RA/*

James E. Lyons, Director  
New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation

Project No. 719

cc: See next page

P. Gunter

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If you have any questions regarding this letter, please contact Michael Scott at (301) 415-1421.

Sincerely,

/RA/

James E. Lyons, Director  
New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation

Project No. 719

cc: See next page

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OFFICE	NRR/NRLPO	NRR/NRLPO*	NRR/RLEP	NSIR*	NMSS/DWM*
NAME	MLScott	MGamberoni	JTappert	VOrdaz	JSchlueter
DATE	7/3/03	5/19/03	7/03/03	5/27/03	5/22/03
OFFICE	NMSS/SFPO*	OGC	NRR/NRLPO		
NAME	JMonninger	RWeisman	JLyons		
DATE	5/27/03	7/7/03	7/7/03		

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MScott

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RidsNrrAdip (R. Borchardt)

RidsOgcRp

NRLPO Group

## NORTH ANNA EARLY SITE PERMIT SERVICE LIST

Mr. David A. Christian  
Senior Vice President and Chief Nuclear  
Officer  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. Joseph D. Hegner  
Lead Engineer - Licensing  
Dominion Generation  
Early Site Permitting Project  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Mr. C. Lee Lintecum  
County Administrator  
Louisa County  
P.O. Box 160  
Louisa, Virginia 23093

Ms. Lillian M. Cuoco, Esq.  
Senior Nuclear Counsel  
Dominion Nuclear Connecticut, Inc.  
Millstone Power Station  
Building 475, 5th floor  
Rope Ferry Road  
Rt. 156  
Waterford, Connecticut 06385

Dr. W. T. Lough  
Virginia State Corporation Commission  
Division of Energy Regulation  
P. O. Box 1197  
Richmond, Virginia 23209

Director  
Nuclear Licensing & Operations Support  
Virginia Electric Power Company  
Innsbrook Technical Center  
5000 Dominion Blvd.  
Glen Allen, Virginia 23060-6711

Office of the Attorney General  
Commonwealth of Virginia  
900 East Main Street  
Richmond, Virginia 23219

Senior Resident Inspector  
North Anna Power Station  
U. S. Nuclear Regulatory Commission  
1024 Haley Drive  
Mineral, Virginia 23117

Mr. David A. Heacock  
Site Vice President  
Virginia Electric and Power Company  
North Anna Power Station  
P. O. Box 402  
Mineral, Virginia 23117-0402

Mr. Robert B. Strobe, M.D., M.P.H.  
State Health Commissioner  
Office of the Commissioner  
Virginia Department of Health  
P. O. Box 2448  
Richmond, Virginia 23218

Mr. Marvin L. Smith  
Project Manager  
North Anna Early Site Permit Project  
Dominion Energy, Inc.  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Mr. Eugene S Grecheck  
Vice President - Nuclear Support Services  
Dominion Energy, Inc.  
5000 Dominion Boulevard  
Glen Allen, Virginia 23060

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Mr. Paul Gunter  
Director of the Reactor Watchdog Project  
Nuclear Information & Resource Service  
1424 16<sup>th</sup> Street, NW, Suite 404  
Washington, DC 20036



## NORTH ANNA EARLY SITE PERMIT SERVICE LIST

Mr. Ron Simard  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Thomas P. Miller  
U.S. Department of Energy  
Headquarters - Germantown  
19901 Germantown Road  
Germantown, MD 20874-1290

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Ms. Patricia Campbell  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

Mr. James F. Mallay, Director  
Regulatory Affairs  
FRAMATOME, ANP  
3315 Old Forest Road  
Lynchburg, VA 24501

Mr. Ernie H. Kennedy  
Vice President New Plants  
Nuclear Plant Projects  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Dr. Regis A. Matzie  
Senior Vice President and  
Chief Technology Officer  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Mr. Gary Wright, Manager  
Office of Nuclear Facility Safety  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Mr. Vince Langman  
Licensing Manager  
Atomic Energy of Canada Limited  
2251 Speakman Drive  
Mississauga, Ontario  
Canada L5K 1B2

Mr. David Ritter  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Tom Clements  
6703 Guide Avenue  
Takoma Park, MD 20912

Mr. Edwin Lyman  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Mr. Jack W. Roe  
SCIENTECH, INC.  
910 Clopper Road  
Gaithersburg, MD 20878

Dr. Gail H. Marcus  
U.S. Department of Energy  
Room 5A-143  
1000 Independence Ave., SW  
Washington, DC 20585

Mr. Charles Brinkman  
Westinghouse Electric Co.  
Washington Operations  
12300 Twinbrook Pkwy., Suite 330  
Rockville, MD 20852

## NORTH ANNA EARLY SITE PERMIT SERVICE LIST

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Dr. Glenn R. George  
PA Consulting Group  
130 Potter Street  
Haddonfield, NJ 08033

Mr. Arthur R. Woods  
Enercon Services, Inc.  
500 TownPark Lane  
Kennesaw, GA 30144