

March 22, 2005

MEMORANDUM TO: Andrew J. Kugler, Section Chief
Environmental Section
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Jack Cushing, Senior Project Manager */RA/*
Environmental Section
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: TRIP REPORT - JANUARY 19, 2005, VISIT WITH COMMONWEALTH
OF VIRGINIA REGARDING THE EARLY SITE PERMIT AT THE
NORTH ANNA POWER STATION

This report summarizes the drop-in visit by the NRC with officials from the Commonwealth of Virginia in Richmond, VA. The purpose of the visit was to discuss the ongoing early site permit (ESP) review for the North Anna ESP site. Attachment 1 is a list of attendees, Attachment 2 contains the slides presented, and Attachment 3 is the report prepared by PNNL on the Lake Anna Water Budget model for the North Anna ESP review. The purpose of the visit was to brief the officials from the Virginia Department of Environmental Quality (VDEQ), the Virginia Department of Game and Inland Fisheries (VDGIF) and the Virginia Department of Historic Resources, on the environmental review with a particular emphasis on water use and water quality, answer their questions, and to invite them to our public meeting, which was initially scheduled for the evening of January 19, 2005, at the Louisa County Middle School. The public meeting was canceled due to inclement weather and was held on the evening of February 17, 2005. The VDGIF staff was not available to attend the January 19, 2005, meeting with the Commonwealth of Virginia.

Ms. Ellie Irons from VDEQ coordinated the meeting. The topics discussed in the meeting included:

- Actions allowed under an ESP
- How an ESP is used in a combined license (COL) application
- Licensing schedule
- Preliminary conclusions reached in the draft environmental impact statement (DEIS)
- Detailed discussion on water budget modeling and impacts on Lake Anna

Actions allowed under an ESP

An ESP is a site suitability review. The staff evaluates if the site is suitable for the construction and operation of a two unit nuclear power plant. A unit for evaluation purposes is 4300 megawatts-thermal (Mwt). An ESP does not give Dominion permission to build or operate a nuclear power plant. In order to actually build and operate a plant, Dominion would have to submit an application for a construction permit and operating license or a COL, and the staff would have to perform a separate safety and environmental review. Dominion can conduct site preparation activities and limited construction activities under the ESP, provided the staff finds that the applicant's site redress plan would not result in any significant adverse impacts that could not be redressed. The staff made that preliminary conclusion in its DEIS. The purpose of the site redress plan is to address the situation in the event that site preparation activities are conducted but the plant is never built. In that circumstance the site redress plan would be activated to return the ESP site to an environmentally stable and aesthetically acceptable condition suitable for future alternative use that conforms with local zoning laws, thus minimizing the long-term environmental impacts. Some of the preparatory activities allowed are construction of access roads and support facilities. However, no construction of components important to nuclear safety is allowed under an ESP.

How an ESP is used in a combined license application

One of the ways in which Dominion might go about requesting permission to build a new plant would be to reference a previously approved reactor design and a previously approved early site permit. Dominion's request for an ESP is the first of its kind. If the ESP is approved, Dominion could someday request a COL, referencing the ESP and a certified standard design. In that case, technical issues that were resolved for the certified design and siting issues that were resolved for the ESP would be considered resolved for the combined license. However, a COL would require another safety and environmental review. A COL for construction and operation of a nuclear power plant is, in accordance with 10 CFR Part 51, a major Federal action requiring an EIS. If Dominion applies for a COL, the NRC will consider any significant environmental issues not considered during the ESP review, including need for power and alternative energy sources. The NRC will also consider whether there is any new and significant information on matters considered in the EIS prepared for the ESP. The COL EIS will rely on the EIS that was prepared for the ESP (i.e., the COL EIS would tier off the ESP EIS).

The Coastal Zone Management Act (CZMA) requires certification by the State before the NRC can take its Federal action. This certification by the State applies to both the ESP and the combined license. If the NRC approved a combined license, the applicant could then construct the plant. The NRC would monitor the construction and verify key attributes before the plant was allowed to operate.

Dominion is exploring the COL process under funding from the Department of Energy. The NRC is not aware of any decision by Dominion to submit an application for a combined license.

Schedule

Draft EIS Issued	December 10, 2004
Public Comment Period Ends	March 1, 2005
Final EIS	August 2005
Hearing Decision	February 2006
Commission Decision	June 2006

Draft EIS Preliminary Conclusions

The staff's preliminary recommendation is that the ESP should be issued. In addition, in making its preliminary recommendation, the staff has concluded that none of the alternative sites is environmentally preferable or obviously superior. Finally, the staff has preliminarily concluded that the site preparation and preliminary construction activities allowed by Title 10 Code of the *Federal Regulations* Part 50.10(e)(1) (10 CFR 50.10(e)(1)) will not result in any significant adverse environmental impact that cannot be redressed.

Water Budget Modeling and Impacts on Lake Anna

Mr. Lance Vail, the hydrologist from Pacific Northwest National Laboratory (PNNL), presented the water budget model approach and results. Some clarifying questions were asked and answered. In response to a question by Mr. Tom Faha from VDEQ, Mr. Vail stated that the model may underestimate the natural evaporation from the lake due to the limitation of the meteorological data, but that this underestimation is insignificant and that other conservative assumptions still make the overall assessment conservative. He explained that postulated Unit 3 would use a once-through cooling system and postulated Unit 4 would use a dry cooling system. A dry cooling system would not be expected to affect Lake Anna. During normal years precipitation is adequate to maintain the lake level except during July, August and September when lake levels are expected to decline. However, lake level is not expected to drop below 248 ft with Units 1, 2 and 3 operating. During a severe drought like the one from October 2001 through December 2002, the lake level would drop below 248 ft and releases from the dam would be reduced to 20 CFS. The lake level would return to normal once the drought ended.

Modeling estimated that the addition of Unit 3 would increase the time the lake level is less than 248 ft (and releases would be at 20 CFS), from about 6 - 12 percent during a severe drought.

Based on the results of the staff's independent water budget model showing that supply normally exceeds demand, the staff has concluded that the water supply provided by Lake Anna is adequate to meet plant and current downstream water demands except during periods of severe drought. Operation of a postulated Unit 3 would increase the duration of periods during drought conditions when the Lake Level Contingency Plan would be applied.

Discussion of Water Impacts

The NRC stated that the purpose of the NRC's EIS is to disclose the impacts associated with the ESP. In the DEIS, the NRC and PNNL evaluated and disclosed the impact on Lake Anna and its aquatic life. In the area of water use, the NRC does not have the regulatory authority under the Clean Water Act to decide how the water is used in the Commonwealth of Virginia. This authority has been delegated by the United States Environmental Protection Agency to the Commonwealth of Virginia. The staff hoped that the analysis in the DEIS and the attached water budget report would be of assistance to the State officials in their review of Dominion's request for certification under the CZMA.

The state and the staff discussed the Clean Water Act and the Virginia Pollution Discharge Elimination System (VPDES) and 401 certification and how it would apply to an ESP.

Mr. Joe Hassell from VDEQ mentioned that he would have liked the draft EIS to have addressed the environmental conditions that existed prior to the creation of Lake Anna. The NRC stated that the proposed Federal Action was a site suitability review. Whether or not the ESP is approved, the dam and Lake Anna will remain. Therefore, the NRC staff stated the conditions that existed prior to the construction of the dam and the creation of Lake Anna would have no bearing on the review and are beyond the scope of the review.

The staff considers this visit a successful public outreach that demonstrated the staff's commitment to openness.

Docket No.: 52-008

Enclosures:

1. List of Attendees
2. Slides presented during visit
3. Report on the North Anna Early Site Permit Water Budget Model (Lake WBT) for Lake Anna

cc w/enclosures: See next page

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cc w/enclosures: See next page

DISTRIBUTION:

P.T. Kuo B. Zalcman M. Scott J. Cushing
W. Beckner A. Kugler A. Williamson M. Parkhurst, PNNL
R/F

Adams accession nos.: Memo w/Att. 1: **ML050810234**, (2) Att. 2, Slides, dtd, Jan. 19, 2005:
ML050400266, (3) Rpt. on the No. Anna Early Site Permit Water Budget: **ML050400293**, (4) Pkg:
ML050810272

Document name: E:\Filenet\ML050810234.wpd

OFFICE	PM:RLEP	LA:RLEP	OGC (NLO w/comments)	SC:RLEP
NAME	J. Cushing	M. Jenkins	B. Poole	A. Kugler
DATE	3/21/05	3/8/05	3/15/05	3/22/05

**LIST OF ATTENDEES AT THE VISIT WITH COMMONWEALTH OF VIRGINIA
AT THE NORTH ANNA POWER STATION
REGARDING THE EARLY SITE PERMIT**

JANUARY 19, 2005,

Participants

Affiliations

Andrew Kugler	U.S. Nuclear Regulatory Commission (NRC)
Michael Masnik	NRC
Jack Cushing	NRC
Ellie Irons	Commonwealth of Virginia
Charlie Ellis	Commonwealth of Virginia
Kotur Narasimhan	Commonwealth of Virginia
Joe Hassel	Commonwealth of Virginia
Alli Baird	Commonwealth of Virginia
Thomas Faha	Commonwealth of Virginia
Roger Kirchen	Commonwealth of Virginia
Rachelle Garwood	Commonwealth of Virginia
Mary Ann Parkhurst	Pacific Northwest National Laboratory (PNNL)
Lance Vail	PNNL
Duane Neitzel	PNNL
Beverly Miller	PNNL

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

cc:

Mr. David A. Christian
Senior Vice President and Chief Nuclear
Officer
Dominion Resources Services, Inc.
Innsbrook Technical Center
5000 Dominion Blvd.
Glen Allen, VA 23060-6711

Ms. Lillian M. Cuoco, Esq.
Senior Counsel
Dominion Resources Services, Inc.
Rope Ferry Road
Building 475, 5th Floor
Waterford, CT 06385

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

Mr. David R. Lewis
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

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

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. 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. 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 16th Street, NW, Suite 404
Washington, DC 20036

Mr. Adrian Heymer
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
Morgan Lewis
1111 Pennsylvania Avenue
Washington, DC 20004

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 2 -

cc:

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
Division of Nuclear Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Mr. Glenn H. Archinoff
AECL Technologies
481 North Frederick Avenue
Suite 405
Gaithersburg, MD. 20877

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Brendan Hoffman
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. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Dr. Jack W. Roe
Vice President
Advanced Technologies & Laboratories
International, Inc.
20010 Century Boulevard, Suite 500
Germantown, MD 20874

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

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

Ms. Vanessa E. Quinn, Chief
Radiological Emergency Preparedness
Section
Department of Homeland Security/FEMA
500 C Street, SW
Washington, DC 20472

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 3 -

cc:

Mr. Michael M. Cline, State Coordinator
Virginia Department of Emergency
Management
10501 Trade Court
Richmond, Virginia 23236-3713

Mr. Jim Debiec
Director - Power Production
Old Dominion Electric Cooperative
4201 Dominion Blvd
Glen Allen, VA 23060

Mr. Thomas Mundy
Director, Project Development
Exelon Generation
200 Exelon Way, KSA3-N
Kennett Square, PA 19348

Ms. Joanne Tetrault
Librarian
Louisa County Public Library
881 Davis Highway
Mineral, VA 23117

Ms. Abhaya Thiele
406 Key West Drive
Charlottesville, VA 22911

Mr. J. Randall Wheeler
Spotsylvania County Administrator
P.O. Box 99
Spotsylvania Courthouse
Spotsylvania, VA 22553

Mr. Ted Coberly
Orange County Administrator
P.O. Box 111
Orange, VA 22690

Mr. Jerald S. Holm
Framatome ANP, Inc.
3315 Old Forest Road
P.O. Box 10935
Lynchburg, VA 24506-0935

Ms. Kathryn Sutton, Esq.
Morgan, Lewis & Bocklus, LLP
111 Pennsylvania Avenue, NW
Washington, DC 20004

External E-mail

David_Christian@dom.com
Eugene_Grecheck@dom.com
Jack_Davis@dom.com
Marvin_Smith@dom.com
Joseph_Hegner@dom.com
Lillian_Cuoco@dom.com
David_Sommers@dom.com
Vicki_Hull@dom.com
Margaret_Bennett@dom.com
david.lewis@shawpittman.com
gzinke@entergy.com
jerald.holm@framatome-anp.com
mwetterhahn@winston.com
whorin@winston.com
mwetterhahn@winston.com
whorin@winston.com
gcesare@enercon.com
eddie.grant@exeloncorp.com

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

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

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

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 4 -

cc:

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

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 Blvd.
Glen Allen, VA 23060

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

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

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

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

Dr. Ethel Eaton, Manager
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Mr. David W. Sutherland
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

Mr. Troy B. Tignor, CZA
Zoning Administrator
County of Spotsylvania
P.O. Box 220
Spotsylvania, VA 22553

Mr. R. Christian Eudailey, Director
Department of Fire, Rescue, and
Emergency Services
County of Spotsylvania
P.O. Box 818
Spotsylvania, VA 22553

Ms. Karen Mayne, Supervisor
Virginia Field Office
U.S. Fish and Wildlife Service
6669 Short Lane
Gloucester, VA 23061

Mr. Michael Murphy
Virginia Dept. of Environmental Quality
P.O. Box 10009
Richmond, VA 23240-0009

Ms. Ellie Irons
Virginia Dept. of Environmental Quality
629 E. Main Street, Room 631
Richmond, VA 23219

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 5 -

cc:

Mr. Tom Faha
Virginia Dept. of Environmental Quality
Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193

Mr. Edwin Keller, Mayor
Town of Mineral
P.O. Box 316
102 East First Street
Mineral, VA 23117

Mr. Bill Borduin
Lake Anna Civic Association
637 Bear Castle Drive
Bumpass, VA 23024

Mr. C. Edward Kube, Jr.
Orange County Administrator
P.O. Box 111
Orange, VA 22960

Mr. R. Duff Green
Orange County Emergency Manager
P.O. Box 111
Orange, VA 22960

Spotsylvania County Administrator
P.O. Box 99
Spotsylvania, VA 22553-0099

Mr. Richard Goss
Planning Director
County of Spotsylvania
P.O. Box 876
Spotsylvania, VA 22553

Bill Murphey
449 Lakeway Road
Mineral, VA 23117

John A. Hoyt
320 Bear Castle Drive
Bumpass, VA 23024

Marione Cobb
138 Twin Oaks Road
Louisa, VA 23093

Olivia Ryan
Valere Real Estate
9942 Kentucky Springs Road
Mineral, VA 23117

Brianne Boylan
138 Twin Oaks Road
Louisa, VA 23093

Sam Forrest
1800 Rock Quarry Road
Louisa, VA 23093

Carrie E. Girstantas, M.E.
Department of Systems Engineering
University of Virginia
1111 Sherwood Avenue
Charlottesville, VA 22903

Carrie E. Girstantas
415 W. Green Springs Road
Gordonsville, VA 22942

Louis Zeller
BREDL
P.O. Box 88
Glendale Springs, NC 28629

Amzic Sullivan
9443 Dyke Road
Dyke, VA 22935

Terry M. Jones
P.O. Box 95
Louisa, VA 23093

Dan Holmes
Piedmont Environmental Council
P.O. Box 266
Orange, VA 22960

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 6 -

cc:

Ernest Reed
Living Education Center for Ecology and
the Arts
P.O. Box 2612
Charlottesville, VA 22902

Alexis Zeigler
912 Woodfolk Drive
Charlottesville, VA 22902

Brian Buckley
Catholic Worker
16560 Louisa Road
Trevilians, VA 23170

Donal Day
Piedmont Alliance for Safe Energy
151 Buckingham Circle
Charlottesville, VA 22903

Jon Kessler
1125 Little High Street
Charlottesville, VA 22902

Irene Luck
The Central Virginian
P.O. Box 464
Louisa, VA 23093

Bill Maher
203 Hazelton Court
Mullica Hill, NJ 08062

Renee Edwards
755 Bohannon Road
Bumpass, VA 23024

Casey Herndon
Living Education Center for Ecology and
the Arts
2422 Jefferson Park Avenue
Charlottesville, VA 22903

Tony Banks
Dominion
5000 Dominion Blvd.
Glen Allen, VA 23060

Bob Arment
408 Lakeway Road
Mineral, VA 23117

Robert H. Meier
26 Lizzie Lane
Bumpass, VA 23024

Tom Wilcox
VA Dept. of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230

Jean Moss Holland
254 Moss Lane
Bumpass, VA 23024

Rusty Dennen
The FreeLance-Star
616 Amelia Street
Fredericksburg, VA 22401

Maggie McIlvaine
P.O. Box 364
Keswick, VA 22947

Lawrence Katz
218 Tara Woods Drive
Bumpass, VA 23024

Howard West
138 Rhett Butler Drive
Bumpass, VA 23024

Jim Peck
139 Rhett Butler Drive
Bumpass, VA 23024

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 7 -

cc:

Marilyn Root
Lake Anna Observer
191 Lakewood Landing Drive
Bumpass, VA 23024

Jana Cutlip
Green Party of Virginia
P. O. Box 161
Batesville, VA 22924

Richard Zuercker
Dominion
5000 Dominion Blvd.
Glen Allen, VA 23060

Dwight Baker
Cumberland Consulting
68 Perkins Road
Cartersville, VA 23027

Gary Voelker
Lake Anna Civic Association
11708 Jonas Adolph Lane
Bumpass, VA 23024

Dick Clark
President, Oakridge Civic Assn.
11679 Mavennel Road
Fairfax Station, VA 22039

Pat and Ed Mitchell
9626 Fredericks Hall Road
Mineral, VA 23117

Louis Zeller
BREDL
P. O. Box 88
Glendale Spring, NC 28629

Steven Boretos
5116 Ridge Road
Spotsylvania, VA 23117

Eric Sheffield
Rockbridge Greens
1 South river Road
Buena Vista, VA 24416

Karen Patterson
Tetra Tech NUS
900 Trail Ridge Road
Aiken, SC 29803

Asa Vegodsky
108 Eastbrook Ct
Charlottesville, VA 22901

Mike Duffey
Dominion
16119 Goshen Road
Montpelier, VA 23192

Richard Ball
4022 Downing Street
Annanchale, VA 22003

Kristina Cruise
newsdesk@nbc29.com

Ken Remmers
Waterside Prop. On Assoc.
2301 Waterside Drive
Bumpass, VA 23024

Aviv Goldsmith
6147 Hickory Ridge Road
Spotsylvania, VA 22553

Rena Martin-Erick
People Alliance
138 Twin Oaks Road, #D-4
Louisa, VA 23093

Ms Jean Cargile
2525 Harrington Rd
Gordonsville, VA 22942

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 8 -

cc:

George Waksmvnski
United Electrical Union
140 Sherwood Drive
Waynesboro, VA 22980

Ron Mickens
Dominion
8908 Leeds Ct
Fredericksburg, VA 22408

Lisa Shell
North American-Young Generation Nuclear
5000 Dominion Blvd.
Glen Allen, VA 23060

Steve Seitz
AREVA
100 Dean Road
East Lyme, CT 06333

Arjun Makhijani
IEER
6935 Laurel Ave, Suite 201
Takoma Park, MD 20912

Ray Ganthner
AREVA, Framatome ANP, Inc.
3315 Old Forest Road
P. O. Box 10935
Lynchburg, VA 24506-0935

Scott Peterson
Nuclear Energy Institute
1776 Eye Street NW, Suite 400
Washington, DC 20006

John Daily
ITRON
19261 Bowles Knobb Drive
Rockville, VA 23146

Brian Smith
Nuclear Energy Institute
1776 Eye Street NW, Suite 400
Washington, DC 20006

Norris McDonald
AAEA
9903 Caltor Lane
Ft. Washington, MD 20744

Page Kemp
Dominion NAPS
171 Kents Mill Road
Louisa, VA 23093

Richard L. Baker
Bechtel Power Corporation
5275 Westview Drive
Frederick, MD 21703-8306

Ron Mickens
Dominion
8908 Leeds Ct.
Fredericksburg, VA 22408

Fred Salmons
IVOE
3801 Jefferson Davis Highway
Richmond, VA 23223

Sid Kere
Dominion
sid_kere@dom.com

Stephen Mazurkrewicz
Framatome ANP, Inc.
129 Melinda Drive
Lynchburg, VA 24502

Michael Pinlon
Dominion VA Power
2570 Manstead Court
Richmond, VA

Edna H. Musser
NAPS, Retired
6224 Frederick Hall Road
Mineral, VA 23117-4305

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 9 -

cc:

Sama Bilbawgleon
NA-YGN
billbaoleon@yahoo.com

Yasenta Sengerni
405 Altamont Cir.
Charlottesville, VA

Rebecca D. Kepler
NA-YGN
4902 Evelyn Byrd Road
Richmond, VA 23225

Shawn Goodman
P. O. Box 2669
Spotsylvania, VA 22553

Ryan Dunn
507 E. Franklin Street
Richmond, VA

Walt Michelski
145 Jerdone Island Drive
Bumpass, VA 23024

Ed and Pat Mitchell
6408 Matthew Lane
Mineral, VA 23117

Roy Butler
87 Bear Castle Drive
Bumpass, VA 23024

Erich W. Dreye
566 Kellon Drive
Louisa, VA 23043

Nick Howard
3864 Three Chopt. Road
Glen Spring, VA 23065

Jean Hiatt
1534 Rugby Avenue
Charlottesville, VA 22903

Rob Pates
310 Brentwood Road
Charlottesville, VA 22901

Benjamin T. Brown
3687 Turnpike Road
Lexington, VA 24450

Yasenta Sengerni
405 Altamont Circle
Charlottesville, VA

Robert Gibson
P. O. Box 160
Louisa, VA 26093

Karen A. McMahon
15104 Cedar Lane
Orange, VA 22960-9108

Carolyn Kardan
1889 Wilmington Road
Palmyre, VA 22963

M. C. MaMahon
15104 Cedar Lane
Orange, VA 22960-9108

Eric Gvacyalny
8308 Whistlor Road
Richmond, VA 23227

Sophie Gutner
P. O. Box 4646
Glen Allen, VA 23058

Addison Hall
10267 Aynhoe Ct
Mechanicsville, VA 23116

Deborah Pinion
2570 Wanstead Ct
Richmond, VA 23238

NORTH ANNA EARLY SITE PERMIT
SERVICE LIST

- 10 -

cc:

Suzanie Michels
600 Northwood
Culle, VA 22902

Deborah Bors
138 Twin Oaks Road
Louisa, VA 23093

Todd Flowers
4013 Stuart Ave
Richmond, VA 23060

Ray Turyel
87 Sandy Point Drive
Bumpass, VA 23024

Fred Gruber
59. S. Lakeshore Drive
Louisa, VA 23093-5700

Jacob Hosen
1206-B Jamestown Road
Williamsburg, VA 23185

Robert Singleterry
617 Todd Trail
Newport News, VA 23602

Julie Curry
P. O. Box 141
Batesville, VA 22924

Tyla Maheson
4896 Burnham Road
Richmond, VA 23234

Heather W. Peck
760 Lexington Avenue
Charlottesville, VA 22902

Virginia Rornyak
6861 Castleberry Ct.
Crozet, VA 22932

Barbara Crawford
139 Cedar Hill Trail
Mineral, VA 23117

Jay R. Bolon
318 Lois Lane
Mineral, VA 23117

Richard L. Geddes
807 Big Pine Road
North Augusta, SC 29841

Rebecca Faris
3378 Cotswold Lane
Keswick, VA 22947

Ben Slone
2052 Maidens Road
Maidens, VA 23102

James A. Bryan
P. O. Box 30
Batesville, VA 222924