

FAX**DEPARTMENT OF ENVIRONMENTAL QUALITY****DIVISION OF ENVIRONMENTAL ENHANCEMENT
OFFICE OF ENVIRONMENTAL IMPACT REVIEW**

TO:

office:
CD:Jack Cushing
NRC

FAX:

(301) 415-2002

RE:

NRC Early Site Permit - Dominion
North Anna

DATE:

6/17/05

FROM: Charles H. Eills III

Dept of Environmental Quality

Div. of Environmental Enhancement

Environmental Impact Review

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COMMENTS:

Jack -FYI.Charles

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COMMONWEALTH of VIRGINIA

W. Taylor Murphy, Jr.
Secretary of Natural Resources

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June 17, 2005

Ms. Pamela F. Faggert
Vice-President and Chief Environmental Officer
Dominion Virginia Power Co./Dominion Nuclear North Anna, LLC.
5000 Dominion Boulevard
Glen Allen, Virginia 23060

RE: Federal Consistency Certification for North Anna Early Site Permit
DEQ-05-079F: Status of Review

Dear Ms. Faggert:

The Department of Environmental Quality ("DEQ") is responsible for coordinating Virginia's review of federal consistency certifications submitted pursuant to the Coastal Zone Management Act of 1972 and to the Virginia Coastal Resources Management Program. Pursuant to the Act, all activities located within Virginia's designated coastal management area that require a federal permit, license, or approval must be consistent with the Virginia Coastal Resources Management Program (VCP). The VCP is comprised of a network of enforceable policies administered by several agencies. Accordingly, DEQ is coordinating the review of this project with agencies administering the enforceable policies of the VCP.

This is an interim status report on our review of the federal consistency certification as prescribed by the Federal Consistency Regulations that implement the Coastal Zone Management Act (see "Review Procedures," item 1, below).

Status of this Review

Based on the comments of reviewing agencies, DEQ's Office of Environmental Impact Review has prepared a draft response to the federal consistency certification. This response is under review. If you desire copies of the comments of reviewing agencies that we have received thus far, please feel free to contact me (telephone 698-4325 or e-mail elirons@deq.virginia.gov) or

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Charlie Ellis of this Office (telephone 698-4488 or e-mail
chellis@deq.virginia.gov).

Under the Federal Consistency Regulations, we must provide our concurrence with or objection to the federal consistency certification within six months from our receipt of the certification or at the earliest practicable time, whichever occurs first (see 15 CFR Part 930, section 930.62(a)). Accordingly, our response must be delivered to Dominion not later than September 22, 2005.

Project Description

Dominion Nuclear North Anna, LLC ("applicant" or "Dominion") has applied to the Nuclear Regulatory Commission for an Early Site Permit at the North Anna Power Station site at Lake Anna. The proposed site for two new nuclear power units is in Louisa County near Mineral, on the existing North Anna Power Station site which is on a peninsula on the southern shore of Lake Anna about 5 miles upstream from the North Anna Dam. Dominion is considering adding the new units to the two that are in place. Cooling water for the third unit would be drawn from the Lake; the fourth unit would use dry cooling towers (Draft EIS, pages 1-5 and 1-6, section 1.2). Three additional sites are considered in the Draft EIS: one is at Dominion's Surry Power Station in Surry County, Virginia; a second is at a U.S. Department of Energy site in Ohio; and a third site is at a Department of Energy site in South Carolina (Draft EIS, page 1.6, section 1.4; see also Chapter 8). (The federal consistency certification does not address alternative sites.) The Nuclear Regulatory Commission's Early Site Permit would, if issued, allow Dominion to "reserve" the site for as long as 20 years for a new nuclear power unit, and to undertake site preparation and preliminary construction activities (Draft EIS, page 1-1, section 1.1).

According to the federal consistency certification, site preparation and preliminary construction activities would include the following (pages 3-4):

- Long-term disturbance of approximately 130 acres, and short-term disturbance (for temporary facilities, laydown areas, etc.) of approximately 70 acres;
- Site preparation, including clearing, grading, construction of temporary access roads, and preparation of borrow areas;
- Excavation for facility structures;

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- Construction of temporary facilities including warehouses, shops, concrete mixing plants, utilities, docking and unloading facilities, and construction support buildings;
- Construction of cooling towers, intake and discharge structures, and circulating water lines as well as fire protection equipment, switchyard and other inter-connections, and microwave towers.

According to the recent Draft EIS, and based on Dominion's proposal to add two nuclear reactors to the site, NRC has defined "bounding plant parameters" within which a future site design would be developed. Dominion has not selected a specific plant design for the new units, but will work within the "plant parameter envelope" ("PPE") to develop the early site permit. The early site permit ("ESP") will include a site redress plan, if issued (Draft EIS, page 1-5, section 1.2).

Review Procedures

1. Mandate. On March 22, 2005, DEQ's Office of Environmental Impact Review received the federal consistency certification prepared by Dominion Virginia Power Company (hereinafter "Dominion" or "the applicant") for the proposed North Anna Early Site Permit application to the Nuclear Regulatory Commission. Pursuant to the Federal Consistency Regulations implementing the Coastal Zone Management Act (Title 15, Code of Federal Regulations, Part 930, sub-part D (sections 930.50 through 930.66)), there is a six-month review period allowed to the State for review of federal consistency certifications (section 930.62(a)). If the review is not completed within three months, or June 22, 2005 in this case, the State must notify the applicant of the status of the review and the basis for further delay (section 930.62(b)). The federal agency considering a license or permit for the activity may not approve the permit application in the absence of the State's concurrence with the certification unless the concurrence is presumed, but irrespective of a state concurrence, the federal agency may deny approval of the application if that is its judgment (section 930.62(c)).

2. Agency Review Participation. The federal consistency certification update submitted in September 2004 has been reviewed by the following agencies and/or offices (starred offices (*) administer Enforceable Policies of the VCP):

Department of Environmental Quality:
Division of Water Resources*
Northern Virginia Regional Office*
Department of Game and Inland Fisheries*
Marine Resources Commission*

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Department of Historic Resources
Thomas Jefferson Planning District Commission
Spotsylvania County
Town of Mineral.

This selection of agencies and entities reflects those that have commented previously and those that have some legal responsibility for the natural resources or public resources potentially affected by the project.

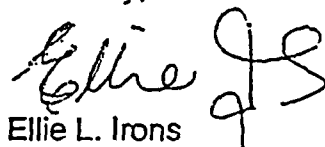
3. Public Participation.

(a) *Authority.* The Federal Consistency Regulations require the State, in conducting its review of a federal consistency certification, to ensure timely public notice of the proposed activity and allow the State to hold one or more public hearings. In combination, these actions are calculated to reasonably inform the public, obtain sufficient comment, and allow development of a decision on the matter (15 CFR Part 930, section 930.61).

(b) *This Review.* In accordance with 15 CFR Part 930, section 930.42 which addresses public participation, DEQ published a public notice concerning this review on its web site from April 15 through May 2, 2005. No comments were received.

. I hope this information is helpful to you.

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Impact Review

cc: (next page)

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cc: Jack Cushing, NRC

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