

**From:** <Margaret\_Bennett@dom.com>  
**To:** <jxc9@nrc.gov>  
**Date:** 10/6/05 3:03PM  
**Subject:** 05-498 North Anna Early Site Permit Application Response to Supplemental Request for Additional Information

(See attached file: 05-498\_Ltr&Att.pdf)

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October 6, 2005

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555

Serial No. 05-498  
ESP/JDH  
Docket No. 52-008

**DOMINION NUCLEAR NORTH ANNA, LLC**  
**NORTH ANNA EARLY SITE PERMIT APPLICATION**  
**RESPONSE TO SUPPLEMENTAL REQUEST FOR ADDITIONAL INFORMATION**

On July 20, 2005, the NRC requested additional information to support its ongoing review of the environmental portion of the North Anna Early Site Permit application. Our response to the supplemental RAI on the subject of permitting is provided in the enclosure. No revision to the North Anna ESP application is required as a result of this response.

If you have any questions or require additional information, please contact Mr. Tony Banks at 804-273-2170.

Very truly yours,

Eugene S. Grecheck  
Vice President-Nuclear Support Services

Enclosure: Response to Supplemental RAI dated July 20, 2005

Commitments made in this letter: None

cc: U. S. Nuclear Regulatory Commission, Region II  
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COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by Eugene S. Grecheck, who is Vice President, Nuclear Support Services, of Dominion Nuclear North Anna, LLC. He has affirmed before me that he is duly authorized to execute and file the foregoing document on behalf of Dominion Nuclear North Anna, LLC, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 6<sup>th</sup> day of October, 2005.

My Commission expires: August 31, 2008

Margaret A. Bennett  
Notary Public

(SEAL)

**Enclosure**

**Response to July 20, 2005 NRC Supplemental Request  
for Additional Information related to Permits**

## **RAI on Permits (July 20, 2005)**

Table 1.2-1 of the Environmental Report (ER) sets forth a list of authorizations, permits, and certifications potentially required by Federal, state, regional, local, and affected Native American tribal agencies for activities related to the construction and operation of any new units at the proposed early site permit (ESP) site. Included among these are certifications pursuant to Section 401 of the Federal Water Pollution Control Act and Section 307I of the Coastal Zone Management Act (CZMA). In ER Section 1.2, Dominion states that none of the listed approvals is needed to support the application for or issuance of an ESP.

Dominion's application includes a site redress plan. Certain site preparation and limited construction activities that would be authorized pursuant to 10 CFR 52.25(a) and 50.10(e)(1), if the ESP is issued, would require, among other approvals, a Section 401 certification from the Virginia Department of Environmental Quality (VDEQ). In addition, on March 23, 2005, Dominion transmitted to the NRC the March 21, 2005, consistency certification submitted to VDEQ for concurrence or objection. Please provide the status of these certifications.

## **Response**

### Coastal Zone Management Act

On June 17, 2005, VDEQ advised Dominion that its review process was ongoing and that, in accordance with Federal Consistency Regulations, its response to Dominion would be provided no later than September 22, 2005. On September 16, 2005, Dominion requested a 45-day extension. The additional time was requested in order to clarify understandings between Dominion and VDEQ regarding the scope of the certification. On September 20, 2005, VDEQ granted the extension.

### Section 401 of Federal Water Pollution Control Act

A certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) is not appropriate at this time because a specific scope and schedule for pre-construction activities and determination of specific activities that would result in a discharge have not been established. To address the timing of this certification, the ESP should include a condition prohibiting Dominion from conducting any pre-construction activity that would result in a discharge into navigable waters without first submitting to the NRC a Virginia Water Protection Permit (which under Virginia's State Water Control Law constitutes the certification required under FWPCA § 401) or a determination by VDEQ that no certification is required. This condition would make it clear that the ESP does not constitute a license or permit to conduct any activity resulting in a discharge, and therefore, a 401 certification would not be required for issuance of the ESP.

**Application Revision**

None