

EDO Principal Correspondence Control

FROM: DUE: 05/03/06

EDO CONTROL: G20060385  
DOC DT: 04/07/06  
FINAL REPLY:

Representative Eric Cantor

TO:

Rathbun, OCA

FOR SIGNATURE OF : \*\* GRN \*\*

CRC NO: 06-0183

Reyes, EDO

DESC:

ROUTING:

North Anna - Additional Information  
(Harry Ruth)

Reyes  
Virgilio  
Kane  
Silber  
Dean  
Cyr/Burns  
Travers, RII  
Zimmerman, NSIR  
Schmidt, OCA

DATE: 04/11/06

ASSIGNED TO: CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20060001.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Apr 11, 2006 16:42*

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**PAPER NUMBER:** LTR-06-0183 **LOGGING DATE:** 04/11/2006  
**ACTION OFFICE:** EDO

**AUTHOR:** REP Eric Cantor  
**AFFILIATION:** CONG  
**ADDRESSEE:** Dennis Rathbun  
**SUBJECT:** Friends of Lake Anna request for additional assistance regarding North Anna power plant

**ACTION:** Signature of EDO  
**DISTRIBUTION:** OCA to Ack

**LETTER DATE:** 04/07/2006  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

**NOTES:**

**FILE LOCATION:** ADAMS

**DATE DUE:** 05/03/2006 **DATE SIGNED:**

EDO --G20060385

Apr-07-2006 14:58

From-

T-852 P.002/011 F-129

ERIC CANTOR  
7TH DISTRICT, VIRGINIA

WASHINGTON OFFICE:  
320 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20516  
(202) 225-2815  
FAX: (202) 225-0011

CHIEF DEPUTY MAJORITY WHIP

COMMITTEE:

WAYS AND MEANS

SUBCOMMITTEES:

SELECT REVENUE MEASURES

OVERSIGHT

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4607

April 7, 2006

RICHMOND OFFICE:  
5040 SADLER PLACE, SUITE 110  
GLEN ALLEN, VA 23060  
(804) 747-4073  
FAX: (804) 747-5308

CULPEPER OFFICE:  
763 MADISON ROAD, SUITE 207  
CULPEPER, VA 22701  
(540) 826-8900  
FAX: (540) 826-8964

<http://cantor.house.gov>

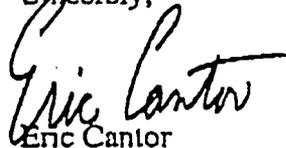
Mr. Dennis Rathbun  
Director, Office of Congressional Affairs  
Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Rathbun:

My constituent, Harry Ruth, who represents the Friends of Lake Anna, contacted me again regarding ongoing concerns with the Nuclear Regulatory Commission. I am hopeful that you may be of additional assistance. I recently received a response from Luis A. Reyes, Executive Director for Operations of the NRC, regarding this matter. I have enclosed that response, as well as all of the additional information that we have received from my constituent on this particular case for your review.

If you or a member of your staff could look into this matter and provide an additional response, I would be most grateful. Should you require any additional information, please do not hesitate to contact me or my District Representative Lindsay Pickral in my Richmond office at (804) 747-4073. In reply, please send correspondence to my Richmond office at 5040 Sadler Place, Suite 110, Glen Allen, Virginia 23060.

Sincerely,

  
Eric Cantor  
Member of Congress

EC:lm

**Pickral, Lindsay**

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**From:** Harry Ruth [HC.RUTH@LOUISA.NET]  
**Sent:** Thursday, March 23, 2006 3:30 PM  
**To:** Pickral, Lindsay  
**Cc:** Elle Irons (VDEQ); Delegate Bill Janis; Delegate Chris Peace; Senator Ryan McDougle; Senator R. Edward Houck  
**Subject:** Lake Anna nuclear plant NRC processing request for help.  
**Attachments:** U.S.Senators & House Rep (Eric Cantor) - Help re NRC Response dtd 1 Mar 06 - 23Mar06.doc

Dear Representative Cantor,

Thanks for your March 9, 2006 letter re the Nuclear Regulatory Commission (NRC) response to our October 28, 2005 letter.

We are happy that Dominion has listened to many of our concerns and have changed the cooling system for the proposed Unit 3 nuclear reactor, which negated some of the issues raised in our previous correspondence.

On behalf of the 2,650 persons represented by the Friends of Lake Anna, I am very disappointed in the NRC response to many of the issues we raised and request your intervention into the various NRC procedures.

We request your help to find adequate solutions to the five major concerns with the NRC processing that are identified in the attached letter.

Thank you in advance for your assistance. Please do not hesitate to call if I can provide any additional information.

Sincerely,

Harry Ruth  
for the Friends of Lake Anna  
C/O 230 Heather Drive, Bumpass, Va. 23024  
Phone 540-872-3632

3/27/2006

<b>FRIENDS OF LAKE ANNA, VIRGINIA</b>
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March 23, 2006

Representative Eric Cantor (7<sup>th</sup> District)  
 319 Cannon Building  
 Washington D.C. 20510 (via email – Lindsay.pickral@mail.house.gov)

Dear Representative Cantor,

Thank you for your letter of March 9, 2006 which included a March 1 letter from the Nuclear Regulatory Commission (NRC). We are happy that Dominion has listened to many of our concerns and have changed the cooling system for the proposed Unit 3 nuclear reactor, which negated some of the concerns raised in our previous correspondence. On behalf of the 2,650 persons represented by the Friends of Lake Anna, I am very disappointed in the NRC response to many of the issues we raised and request your intervention into various NRC procedures

I want to emphasize that our group is “not anti-nuclear”, nor do we have “not in my backyard sentiments”. We believe that the U.S. should become self-reliant for energy sources and not be dependent on foreign oil

It appears from the NRC response that they have no intention of paying any attention to the public's concerns and are only interested in doing business as usual. This approach appears to have antiquated procedures with no cross-checks between NRC departments or taking into consideration the latest data between the various reports they create prior to final publication. Specifically we need your help in the following areas:

1. The public should be involved in both the Safety Evaluation Report (SER), as well as the Environmental Impact Statement (EIS). The NRC does not provide for any public scrutiny of a draft Safety Evaluation Report prior to its issuance. *The public's safety should be the primary focus of any government agency.* The public's review of any safety projections is essential. The NRC statement admits they are basing decisions on 5 year old data and have not considered recent property development or world events in any of their decision making. The NRC's staff population increase projections for the North Anna site through 2065 are not anywhere in the ballpark, Louisa County is currently the 73<sup>rd</sup> fastest growing county in the country.

2. The NRC's statement that the ESP does not allow the construction of a new power plant is very misleading. The Executive Summary of the ESP describes the ESP as a “partial construction permit” Specifically, the NRC ESP defines that “preconstruction activities” to be built when the ESP is approved are excavation for facility structures, construction of service facilities (including railroad spurs, roadways, etc), construction of support facilities, warehouse & shop facilities, concrete mixing plants, support buildings, etc.). Logic say's once the train leaves the station with an approved ESP and EIS, it will be very hard to stop and the public's safety and environmental concerns may be left in the dust.

3. The NRC's staff irresponsible attitude to define almost all concerns throughout the EIS of the local public as “SMALL” (Environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource” simply is not true). *For example, we have narrow curvy two lane roads throughout the area, which would become major nightmares if 5,000 construction workers descended to the area or some type of disaster occurred. We currently have overcrowded schools.* Representative Cantor, we need your help to have these roads and schools improved at the same time that any ESP “preconstruction activities” occur. The federal government should assist with these efforts, so we all can have clean nuclear fuel and the local public does not suffer as a result.

**FRIENDS OF LAKE ANNA, VIRGINIA**

4. The NRC process should be changed to reflect the rationale in both of their EIS and ESP documents for the NRC decisions made in response to public, state, other federal government organizations or the applicants. Currently, they simply say the "NRC Staff concluded" etc.

5. The NRC's proposal to issue only supplements to the current EIS and SER will only add to the existing confusion. Since the design of the 3<sup>rd</sup> reactor has changed and the above items and previous concerns have not been addressed in the previous SER, EIS and ESP. It only makes sense to issue new documents and processes that responsibly address the above items and previous documented concerns/issues.

*Representative Cantor, thank you in advance for your assistance.* Please help with improving this current inefficiency in the NRC, so that the states, local population and energy companies can participate in a streamlined efficient coordinated process that let's the United States become prepared for the upcoming energy crisis, self-reliant for energy resources (including nuclear energy) and not dependent on foreign oil.

Do not hesitate to call if I can provide any additional information.

Sincerely,

Harry Ruth  
For the Friends of Lake Anna  
C/O 230 Heather Drive, Bumpass, Va. 23024  
Phone 540-872-3632

Attachment: Friends of Lake Anna, Virginia 24 Oct 05 letter to the NRC & VDEQ

CC: R. Edward Houck – Va Senate – 17<sup>th</sup> District via email – [ehouck@adelphia.net](mailto:ehouck@adelphia.net)  
Ryan McDougle – Va Senate – 4<sup>th</sup> District via email – [district04.sov.state.va.us](mailto:district04.sov.state.va.us)  
William Janis – Va House of Delegates (7<sup>th</sup> District) via email - [Del\\_Janis@house.state.va.us](mailto:Del_Janis@house.state.va.us)  
Christopher Peace – Va House of Delegates (97<sup>th</sup> District) via email – [Delcpeace@house.state.va.us](mailto:Delcpeace@house.state.va.us)  
Ellie Irons – VDEQ – via email – [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov)

**Pickral, Lindsay**

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**From:** Don and Carolyn Acree [cdacree@msn.com]  
**Sent:** Saturday, March 25, 2006 7:49 AM  
**To:** Pickral, Lindsay  
**Cc:** rintavbooks; Fred & Brenda Smith; Alison Cody; Rich & Gena Kunz; Bob Krasowski; Vicki Jonas; Bonnie and Ken Ammon; Tom and Jackie Maas; Jim & Debbie Blackwell; Angela & Matthew Eidson  
**Subject:** NRC processing of Dominion Power request for additional reactors at Lakeanna

Dear Mr. Cantor,

Please be advised that the March 23 letter to you from Harry Ruth and Friends of Lake Anna speaks for thousands of us here in Louisa County. We will be most grateful for your help.

Donald E. Acree  
Covenant Cove Property Owners Association  
109 Covenant Way  
Bumpass, Virginia 23024

**Pickral, Lindsay**

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**From:** Sandra Brockel [brockel@erols.com]  
**Sent:** Friday, March 24, 2006 2:20 PM  
**To:** Pickral, Lindsay  
**Cc:** 'Harry Ruth'  
**Subject:** support of requests from Friends of Lake Anna

Dear Congressman Cantor,  
As homeowners on Lake Anna, Louisa County and members of the Friends of Lake Anna, we wish to encourage you to continue your support of the requests that were made in a letter from Harry Ruth on behalf of the Friends of Lake Anna. We express our appreciation for your work with the group.  
Sandra and Tom Brockel



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 1, 2006

RECEIVED

MAR 29 2006

RICHMOND, VA

The Honorable Eric Cantor  
Member, U.S. House of Representatives  
5040 Sadler Place, Suite 110  
Glen Allen, VA 23060

Dear Congressman Cantor:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter of December 27, 2005. You enclosed letters dated October 24 and October 28, 2005, from your constituent, Mr. Harry Ruth, who represents the Friends of Lake Anna. Mr. Ruth had several concerns about the NRC's issuance of a safety evaluation report (SER) for an early site permit (ESP) application from Dominion Nuclear North Anna, LLC (Dominion, or the applicant) for their North Anna site. Mr. Ruth expressed concern over what he saw as a lack of coordination between different divisions within the NRC regarding the issuance of the SER and the draft environmental impact statement (EIS) for the North Anna ESP. He stated that the NRC did not engage the Commonwealth of Virginia or the public in the ESP process. Mr. Ruth also expressed his concern about the potential effect of additional power plants on lake temperature and level; about the adequacy of emergency preparedness, particularly what he saw as inattention to future population growth and the NRC's failure to learn from the lessons of two recent hurricanes; about site security; and about spent fuel storage.

I note at the outset that Dominion, on October 24, 2005, indicated that it would change its cooling system for proposed Unit 3. Dominion supplemented its application on January 13, 2006, and replaced the originally proposed once-through cooling system that is of concern to your constituents with a hybrid wet/dry cooling tower system. In a letter dated February 10, 2006, the NRC staff requested that Dominion provide additional information describing the proposed Unit 3 hybrid system for staff evaluation. Until the staff receives and evaluates that information, the staff will not be able to determine the effect of the hybrid system on the temperature and level of Lake Anna; consequently, there will be further NRC staff evaluation of the safety and environmental aspects of the supplemental application which the staff will document in an SER supplement and a supplement to the EIS.

By way of background, the purpose of an ESP is to make certain decisions on the physical suitability of a specific site for the construction of a nuclear power plant and to make certain decisions on the environmental impacts of construction and operation of such a plant. The ESP application and review process makes it possible to evaluate and resolve several safety and environmental issues related to siting before the applicant makes large commitments of resources. The ESP does not allow the construction of a new power plant; the activities that a licensee may be allowed to perform under an ESP are limited and reversible.

Rather than identifying a single specific design in its ESP application, Dominion chose to provide a "plant parameter envelope" (PPE) for NRC review. The PPE includes values of key reactor design parameters intended to bound multiple reactor designs, thus allowing an applicant for a combined license (COL) referencing any ESP that might be issued the flexibility to choose among the available designs. The NRC reviews design related issues in the context

The Honorable Eric Cantor

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of a COL application; in reviewing a COL application that references an ESP, the NRC ensures that siting decisions embodied in the ESP remain valid by verifying that the design chosen in the COL application falls within the bounds of the PPE.

Before issuing an ESP, the NRC must first prepare both an SER and an EIS. The purpose of the SER is to document the NRC staff's evaluation of site safety characteristics and emergency planning. In contrast, the purpose of the EIS is to document the staff's evaluation of the impact of the proposed action on the environment. The SER and the EIS evaluate different issues and are prepared in parallel. With respect to lake water issues, the evaluation in the SER is intended to determine only whether the water available at the site is sufficient to cool the reactor, given the proposed cooling system and other PPE values, and the severity of natural phenomena (e.g., flooding) to which the proposed reactor may be subjected. The environmental impacts of the reactor's water use are evaluated in the EIS. Together, the SER and the EIS form the basis for the staff's recommendation to the Commission on whether or not to issue an ESP. The SER was completed in June 2005. The EIS was originally scheduled to be issued in December 2005; however, due to the design change by the applicant described above, this date has been changed.

The NRC considers State and public input on the issuance of an ESP to be an important component of the review process. For this reason, State and public comments are allowed throughout the licensing review process. In particular, the NRC staff requested comments on the draft EIS. The public was informed of the various opportunities to participate in the ESP process during a pre-application meeting held in the vicinity of the North Anna site. The public has been and will continue to be given the opportunity to participate during open technical meetings on site safety review and during public meetings on site environmental review. The public was also given the chance to participate in the Advisory Committee on Reactor Safeguards (ACRS) meetings on the proposed ESP. The public will have a final opportunity for comment during the hearings that must be conducted before the issuance of any ESP.

Several of the concerns that Mr. Ruth raises deal with the impact that additional units at the North Anna site may have on the level and temperature of Lake Anna. The NRC staff evaluates these issues in the EIS. The Commonwealth of Virginia, Mr. Ruth, and others brought their concerns regarding these environmental issues to the attention of Dominion. Partly in response to the concerns raised by the Commonwealth of Virginia and the Friends of Lake Anna, Dominion revised part of its application for an ESP, as indicated above. The revised design is intended to reduce significantly the thermal effects of the proposed unit on the lake. The NRC staff intends to issue a supplemental draft EIS to address this design change, but must first evaluate it. The NRC will also issue a supplement to its SER to address the cooling system design change.

Regarding Mr. Ruth's concerns about emergency preparedness, the staff found that the road network surrounding the North Anna site, which includes the ESP site, can adequately accommodate anticipated traffic. This conclusion was based on the most recent evacuation time estimate (ETE) using U.S. Census 2000 data. The staff reviewed the North Anna ETE and found it to be acceptable in that it adequately identified and reflected the site's evacuation characteristics. Evacuation time estimates serve two purposes: they provide data which is used to develop specific evacuation plans, and they provide information which can be used by decision-makers in responding to an actual emergency. An ETE study does not attempt to

The Honorable Eric Cantor

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predict exact conditions during an evacuation; rather, it attempts to indicate the sensitivity of the analysis to a number of commonly occurring events.

The staff determined that population increases in the area would be gradual. The SER for the North Anna ESP acknowledges that as population increases improved roads may be necessary. In its ESP application, Dominion described the demographic environment of the North Anna site and included population predictions to the year 2065. The NRC staff reviewed this aspect of the application in its SER and concluded that the applicant had adequately represented the demographic environment. The ACRS reviewed the SER and agreed with the staff's conclusion. Please note that the purpose of the SER for the ESP is not to determine that emergency plans for all possible future contingencies have been made; rather, it is to determine whether or not the site characteristics could pose a significant impediment to the development of emergency plans. In the context of Dominion's application, the staff has also determined whether or not certain major features of emergency plans are acceptable.

Although the NRC is confident in the response capabilities of State and local officials, emergency preparedness is a dynamic process; therefore, we continue to seek information to enhance preparedness and the level of the response capability. We are evaluating the lessons from the recent hurricanes to determine how we can improve emergency preparedness and response. We are also conducting a thorough review of emergency preparedness regulations and guidance that will take into account the most current information available regarding human behavior in the event of an emergency. In coordination with other Federal agencies, as well as State and local governments, we are ensuring the safety, security, and emergency preparedness of nuclear power plants in the United States.

Regarding Mr. Ruth's concerns about site security, the ESP SER includes an NRC staff review to determine whether or not site characteristics are such that adequate security plans and measures could be developed, not to determine whether or not such plans are already in place for units that have not been built. The site's security plan and physical protection strategy must be reviewed and approved by the staff as part of any future COL application. If a COL is granted, before nuclear fuel is brought onsite for any potential nuclear reactor the NRC staff would then plan to inspect these physical security measures once implemented and would plan to conduct force-on-force testing prior to receipt of fuel onsite.

Regarding Mr. Ruth's concern about the storage of spent fuel, Virginia Electric and Power Company (VEPCO) received a specific license for an independent spent fuel storage installation (ISFSI) under Part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) for dry spent fuel storage at the North Anna Power Station in 1998. The NRC staff evaluated VEPCO's application for this license in accordance with Part 72 and documented its evaluation in an SER dated June 30, 1998. This license authorizes VEPCO, to receive, acquire, and possess the power reactor spent fuel and other radioactive materials associated with spent fuel storage as designated in the license and to deliver or transfer such material to persons authorized to receive it.

The ISFSI is licensed to accommodate spent fuel from North Anna Units 1 and 2. The 1998 SER states that the ISFSI, together with the spent fuel pool, has the capacity to accommodate all spent fuel generated by North Anna Units 1 and 2 during its currently licensed operating period. VEPCO may apply for renewal of the ISFSI license; this application would be subject to

The Honorable Eric Cantor

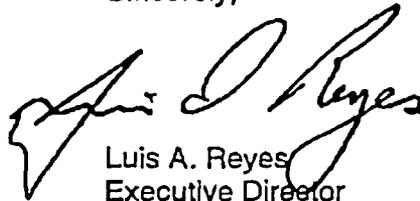
-4-

additional NRC review and approval. If additional units are built at the North Anna Power Station and the use of the current ISFSI is requested for spent fuel from these units, VEPCO will need to seek an amendment to its ISFSI license to allow the spent fuel from the new units and the amendment will be subject to NRC review and approval.

Before the NRC can issue an ESP, several regulatory tasks must be completed. These tasks are assigned to different divisions within the NRC staff who coordinate their efforts to develop the final product. The NRC continues to try to make the ESP process, and all Agency processes, as efficient and as open as possible. The NRC values public input throughout the review of an ESP application. The actions taken by Dominion following State and public comments regarding the potential impact of additional units on the temperature of Lake Anna show that such input can have a significant effect. The NRC welcomes continued input from all affected parties.

I trust that this letter addresses your constituent's concerns. If you have any other questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis A. Reyes". The signature is fluid and cursive, with a large initial "L" and "R".

Luis A. Reyes  
Executive Director  
for Operations