

**Miller, Beverly M**

---

**From:** Harry Ruth [HC.RUTH@LOUISA.NET]  
**Sent:** Monday, June 12, 2006 1:31 PM  
**To:** Jack Cushing (NRC); ltp1@NRC.GOV; dg-1145\_comments@NRC.GOV  
**Cc:** Senator R. Edward Houck; Senator Ryan McDougle; Delegate Robert Orrock, Sr (54th Dist).; Delegate Edward Scott (30th Dist); Delegate Chris Peace (97th Dist); Delegate Bill Janis (56th Dist); Representative Eric Cantor (7th District); Ellie Irons (VDEQ)  
**Subject:** Draft NRC reg guide for nuclear Construction & Operating Licenses.  
**Attachments:** VDEQ & NRC letter- Request for extension of VA Public comment time-12Jun06.doc

Dear Leslie Perkins and Jack Cushing (Nuclear Regulatory Commission)

On behalf of the 2,650 persons represented by the Friends of Lake Anna, we thank you for inviting us to participate in the draft regulatory guide DG-1145 for Nuclear Construction and Operating Licenses. We attached a recent letter re the Early Site Permit processing challenges that we have encountered.

One of the major challenges was that the NRC does not educate the public on the total process (exactly what federal, state & local departments are involved and who has what authority for different items) when it issues permits. It appears that the NRC departments do not attempt to get state and local officials involved in the total process, including participating in public hearings and provide integrated schedules for all participants. Our recent ESP experience also indicated that in some cases the Safety and Environmental Departments within the NRC did not seem to coordinate with each other. The safety folks did not have any public hearings or issue a draft safety document prior to publication. The public then assumes that all federal and state level departments are looking out for them, when indeed the NRC is limited by its own regulations, procedures and review schedules, and in some cases other federal and/or state laws on exactly what it will comment on. Only after much investigation by the public, can it determine exactly who is responsible for what and when are they responsible.

Although I cannot attend your public discussion on June 13 & 14, 2006 due to other commitments, I would appreciate it if you would focus on the above. Please insure that in all your processes for the New nuclear Construction and Operating Licenses that the public knows exactly what federal and state agencies, together with a point of contact, they should contact with concerns. *Please include our organization on all electronic notification of any website updates to the DG-1145.*

Also please insure that due to the complexity of a nuclear program that the public can easily get a paper copy of all applications and associated correspondence related to the Construction and Operating License that they request. We realize that the data may be available on the NRC website, however it is impossible and cost prohibitive for the average person to print out thousands of pages of technical data on a home computer printer. The Internal Revenue Service cheerfully provides a paper copy of anything related to its responsibilities and the Nuclear Regulatory Service should offer the same service.

It is also simply impossible for a person to review large amounts of technical data in a Construction and Operating License Applications or an Early Site Permit application on a single computer terminal. There are too many references made to particular pages, sections, etc. An average person highlights areas of concern, possibly putting paper clips, etc. on the pages so they can easily find the pertinent data in the future

Thank you in advance for considering our comments as you proceed with you NRC draft regulatory guide for the COL applications.

Sincerely,

6/16/2006

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

CC: U.S. Representative Eric Cantor (7th district) via email - [lindsay.pickral@mail.house.gov](mailto:lindsay.pickral@mail.house.gov)

6/16/2006

**Mail Envelope Properties** (44921B34.9FE : 24 : 23038)

**Subject:** Draft NRC reg guide for nuclear Construction & Operating Licenses.  
**Creation Date** 06/12/2006 4:30:45 PM  
**From:** "Harry Ruth" <HC.RUTH@LOUISA.NET>  
**Created By:** HC.RUTH@LOUISA.NET

**Recipients**

nrc.gov  
OWGWPO03.HQGWDO01  
JXC9 (Jack Cushing)

deq.virginia.gov  
elirons CC (Ellie Irons (VDEQ))

mail.house.gov  
lindsay.pickral CC (Representative Eric Cantor (7th District))

house.state.va.us  
Del\_Janis CC (Delegate Bill Janis (56th Dist))  
delcpeace CC (Delegate Chris Peace (97th Dist))  
delescott CC (Delegate Edward Scott (30th Dist))  
delborrock CC (Sr (54th Dist). Delegate Robert Orrock)

sov.state.va.us  
district04 CC (Senator Ryan McDougale)

adelphia.net  
ehouck CC (Senator R. Edward Houck)

nrc.gov  
OWGWPO02.HQGWDO01  
DG-1145\_Comments

nrc.gov  
TWGWPO03.HQGWDO01  
LTP1 (Leslie Perkins)

**Post Office**  
OWGWPO03.HQGWDO01

**Route**  
nrc.gov  
deq.virginia.gov  
mail.house.gov  
house.state.va.us

OWGWPO02.HQGWDO01  
TWGWPO03.HQGWDO01

sov.state.va.us  
adelphia.net  
nrc.gov  
nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	3607	06/12/2006 4:30:45 PM
TEXT.htm	6344	
VDEQ & NRC letter- Request for extension of VA Public comment time-12Jun06.doc	44544	
Mime.822	74196	

**Options**

<b>Expiration Date:</b>	None
<b>Priority:</b>	Standard
<b>ReplyRequested:</b>	No
<b>Return Notification:</b>	None

<b>Concealed Subject:</b>	No
<b>Security:</b>	Standard

**FRIENDS OF LAKE ANNA, VIRGINIA**

(Corrected Copy)

12 June 2006

Ms. Ellie Irons, Environmental Impact Review Program Manager  
Virginia Department of Environmental Quality (VDEQ)  
629 East Main Street, Richmond, Va. 23219  
Via email to [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov)

Mr. Jack Cushing, Environmental Project Manager for North Anna ESP Site Application,  
U.S. Nuclear Regulatory Commission (NRC), Washington D.C. 20555  
Via email to [JXC9@NRC.GOV](mailto:JXC9@NRC.GOV)

- Reference:**
- (1) Friends of Lake Anna letter dated 7Sep 05 to VDEQ & NRC forwarding petitions, emails, letters & Board of Directors Resolutions representing 1,850 people who share similar concerns re the North Anna ESP, plus many letters after 7 Sep 05 with additional specific concerns identified.
  - (2) Friends of Lake Anna letter dated 25 Oct 05 to VDEQ & NRC forwarding 1 property owners association that support our concerns. The number of people now supporting the Friends of Lake Anna was approximately 2,650.
  - (3) Lake Anna Observer newspaper – June 1, 2006 Public Notice for the Environmental Project Comment Period May 15, 2006 through June 16, 2006 re the Federal Consistency Certification of the North Anna ESP re the Federal Coastal Zone Management Act.

**Subject:** Request for extension of Public Comment period re the Federal Consistency Certification of the Dominion Nuclear North Anna Application for the Early Site Permit (ESP) Review and other related items.

Dear Ms. Irons and Mr. Cushing,

On behalf of the 2,650 persons represented by the Friends of Lake Anna, it is requested that the Environmental Project Comment period re the Federal Consistency Certification of the Dominion Nuclear North Anna application for the Early Site Permit be extended until a minimum of 45 days after the end of the Nuclear Regulatory Commission's (NRC) supplemental draft Final Safety Evaluation Report (SER) and supplemental draft Environmental Impact Statement (EIS) are issued. It is also requested that both the NRC and Office of Environmental Impact Review, Va. Dept of Environmental Quality (VDEQ) conduct joint public meetings so the public is aware of each of the governmental agencies responsibilities. There are multiple reasons for these requests as indicated below:

Our group, "The Friends of Lake Anna" is a citizen group whose mission is to protect Lake Anna (both main reservoir and cooling lagoons) and its surrounding landscape, together with any related concerns, within Louisa, Spotsylvania, and Orange Counties for the health, safety and welfare of current residents/users and for future generations. We are not anti-nuclear, nor do we have "not in my backyard" sentiments, but do support a wise and safe use of nuclear energy.

**REASONS FOR REQUESTS:**

**(1): NRC forgot to add Friends of Lake Anna to list of public organizations to keep informed on any developments re the North Anna ESP.** After we sent many requests for various subjects and had many telephone conferences to the NRC in Sep & Oct 05, we requested in Oct 05 from both Messrs. Nitin Patel and Andy Kugler (separately) to add the Friends of Lake Anna to the public distribution list of any correspondence relating to the North Anna ESP. Unfortunately we were not added until the end of May 2006 and as a result had no prior knowledge of Dominion's Revision 6 dated April 2006 to the North Anna Early Site Permit Application until we viewed the Office of Environmental Impact Review, Department of Environmental Quality VDEQ public notice. Likewise we had no prior knowledge of the many additional NRC Requests for Information and the Dominion's responses to the application.

**(2) Only computer disks of Revision 6 of the North Anna ESP Application, together with a few paper copies of NRC letters requesting additional information etc. are available at the Louisa County Public Library for public review. It cost's 10 cents a page to make any copies of Dominion's application of Revision 6 or any other documents.** During the first week of June several of our members went to the Louisa County Library to begin researching Dominion's Revision 6 Application. The Library help desk provided 7 computer disk's, one of which was the Revision 6 application, and then instructed the members to use the available computer terminal for review. The help desk was asked for a paper copy of the Revision 6 and they indicated they had none and that if a paper copy was required that the library would charge 10 cents a page. It is our understanding that there are over 1,000 pages in Revision 6.

**(3) Too voluminous technical data to review on a computer terminal in too short a time period.** Our very brief review of the ESP Application Revision 6 and related NRC Requests for Information, together with Dominion responses has brought very quickly to light that it is unrealistic to expect the public to review this voluminous technical data on a computer terminal. Many sections of the application refer to other sections; the NRC Requests for Additional Information also refer to multiple sections of the application, while the Dominion responses refers to many different letters and sections of the application. The NRC staff also indicates that the data is available on the NRC website, but again it is unrealistic for the general public to print out over 1,000 pages of data on a home printer so it can review extensive technical data, charts, etc. while trying to responsibly review data presented so it can comment in a formal public comment period. *The Internal Revenue Service and Va. Dept of Taxation (who collects the public's taxes to fund government programs) cheerfully provides a hard copy of any data requested* and the NRC should provide public libraries and any member of the public requesting their data, the same paper copy courtesy. **Additional time should be permitted for public review** when the data to be commented on is very voluminous, with many cross-references, Requests for Additional Information (RAI's), Responses to the RAI's, Safety Reports, Environmental Reports, supplements to the Safety reports and supplements to the Environmental reports, etc..

**(4) Cart before the horse.** Virginia's Coastal Zone Management Act public comment period re the North Anna ESP appears to put the "Cart before the Horse". You are asking the public to comment on Revision 6 of the Dominion's application, when the NRC has never issued a draft supplemental Safety Report or a draft supplemental Environmental Report, which will in itself be confusing since the public will have to sort out what has changed from the original documents. How can the public intelligently provide comments when they do not have all the data from the federal and state agencies to review and indeed, the NRC is still requesting additional information on various sections of the Revision 6 application? The NRC's review schedule indicates these documents will not be available until after September 2006. The NRC's review schedule also indicates they will have a public meeting to discuss the draft Environmental Impact Statement in August 2006.

**FRIENDS OF LAKE ANNA, VIRGINIA**

**Request:**

We request that the NRC, VDEQ, and Dominion work cooperatively to ensure that the public has adequate opportunity to review and comment on all relevant information for the ESP before reviewing the federal consistency certification. The Supplemental Draft Environmental Impact Statement (EIS) and the Supplemental Draft Safety Report should be reviewed by all, including the public, before VDEQ makes conclusions relative to the consistency of the North Anna project with the Va. Coastal Program. This would prevent a repetition of the federal consistency certification review process in the event the Supplemental Draft Environmental Impact and Safety reports contain new information not considered during the initial consistency review. In this manner, the public will have the benefit of the U.S. taxpayer funded research conducted by the NRC before Virginia Coastal Zone Consistency Certification is finalized.

It is also requested that a public hearing be held approximately 45 days following publication of the Supplemental Draft Environmental Impact Statement and the Supplemental Draft Safety Reports. The hearing should include NRC, VDEQ, Va. Fish & Game, Va. Dept of Health, and other potentially affected Virginia Departments staff. This joint hearing would allow for an explanation of the relationship, if any, between the review of environmental and safety documents and the review of Revision 6 and related materials which were intended to fulfill the federal consistency certification review requirement.

If the foregoing two requests cannot be achieved, we request that, at least, VDEQ extend the public comment deadline for the federal consistency certification until at least July 31, 2006 and ask for paper copies of Revision 6 and related documents be provided to local libraries and any member of the public that requests them, in order to give the public a better chance to review the documentation and make informed comments. To ask the public to comment on such an important nuclear project that may help solve our nation's need for additional energy in advance of having adequate time to review all federal and state documents produced at public expense is not productive.

This can be a win-win situation for all involved if Dominion, the public, NRC, VDEQ work together so all equities are protected. As indicated previously, we are not anti-nuclear, nor do we have "not in my backyard" sentiments, but we do promote the wise and safe use of nuclear energy so future nuclear reactors do not have an adverse impact to the over 500,000 users and residents of Lake Anna. Our goal is simply to protect the health, safety and welfare of the Lake Anna users and Virginia residents.

A very brief review of the voluminous Revision 6 data has resulted in our concerns with the water temperature, water quality, public streams feeding the cooling lagoons, how a recent Supreme Court Decision will impact changing the point of compliance, safety aspects with local roads, impact on schools in two of the top 100 fastest growing counties in U.S., consideration of spent nuclear fuel, clean-water act recreational compliance goals, etc. Each of these items and others will be addressed in separate correspondence after we have had sufficient time to review each.

Thank you in advance for your kind consideration of our request. If you have any questions, please do not hesitate to call. I'll look forward to your response.

Sincerely,

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

**FRIENDS OF LAKE ANNA, VIRGINIA**

CC: U.S. Representative Eric Cantor (7<sup>th</sup> District) (via email – [lindsay.pickral@mail.house.gov](mailto:lindsay.pickral@mail.house.gov))  
Senator R. Edward Houck, 17<sup>th</sup> District of Virginia (via email – [ehouck@adelphia.net](mailto:ehouck@adelphia.net))  
Senator Ryan McDougal, 4<sup>th</sup> District of Virginia (via email – [district04@sov.state.va.us](mailto:district04@sov.state.va.us))  
Delegate Christopher Peace, 97<sup>th</sup> District of Virginia (via email – [delcpeace@house.state.va.us](mailto:delcpeace@house.state.va.us))  
Delegate Edward Scott, 30<sup>th</sup> District of Virginia (via email – [delescott@house.state.va.us](mailto:delescott@house.state.va.us))  
Delegate William Janis, 56<sup>th</sup> District of Virginia (via email – [delbjanis@house.state.va.us](mailto:delbjanis@house.state.va.us))  
Delegate Robert Orrock, Sr., 54<sup>th</sup> District of Virginia (via email – [delborrock@house.state.va.us](mailto:delborrock@house.state.va.us))