

From: "Harry Ruth" <HC.RUTH@LOUISA.NET>
To: "North Anna ESP Comments" <North_Anna_Comments@NRC.GOV>, "Jack Cushing (NRC)" <JXC9@NRC.GOV>, "Representative Eric Cantor (7th District)" <lloyd.lenhart@mail.house.gov>
Date: Mon, Aug 7, 2006 4:42 PM
Subject: FOLA continued concerns with the NRC processes related to the North Anna Early Site Permit

Dear Representative Cantor and Mr. Cushing,

The Friends of Lake Anna (FOLA) requests the assistance of the U.S. Congress and the Nuclear Regulatory Commission (NRC) to revise the current NRC procedures relating to public comment time periods for the NRC Early Site Permit processing related to the North Anna ESP and also to extend the current public comment period past September 12, 2006..

Please see attached letter that defines the details of the request.

We would like to 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 allows the United States to become adequately prepared for the upcoming energy crisis and to be self-reliant for energy resources (including nuclear energy) and not dependent on foreign oil.

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

CC: "Tony Banks (Dominion)" <TONY_BANKS@DOM.COM>, "Ellie Irons (VDEQ)" <elirons@deq.virginia.gov>, "Senator Ryan McDougle" <district04@sov.state.va.us>, "Senator R. Edward Houck" <ehouck@adelphia.net>, "Senator Charles Colgan-2" <district29@sov.state.va.us>, "Senator Charles Colgan" <cjcolgan@aol.com>, "Delegate Robert Orrock, Sr (54th Dist)." <delborrock@house.state.va.us>, "Delegate Edward Scott (30th Dist)" <delescott@house.state.va.us>, "Delegate Chris Peace (97th Dist)" <delcpeace@house.state.va.us>, "Delegate Bill Janis (56th Dist)" <Del_Janis@house.state.va.us>, "Delegate Clifford Athey (18th Dist)" <DelCAthey@house.state.va.us>, "Senator Russell Potts (27th Dist)" <district27@sov.state.va.us>

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Subject: FOLA continued concerns with the NRC processes related to the North Anna Early Site Permit
Creation Date Mon, Aug 7, 2006 4:41 PM
From: "Harry Ruth" <HC.RUTH@LOUISA.NET>
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JXC9 (Jack Cushing)

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Return Notification:	None

Concealed Subject:	No
Security:	Standard

FRIENDS OF LAKE ANNA, VIRGINIA

August 6, 2006

Representative Eric Cantor (7th District)
319 Cannon Building
Washington D.C. 20510 (via email – Lloyd.Lenhart@mail.house.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 & North_Anna_Comments@NRC.GOV

Reference: (1) Friends of Lake Anna letter dated April 7, 2006 - re concerns for NRC processing of Lake Anna 3rd nuclear reactor
(2) U.S. Rep Cantor letter dated May 23, 2006 – same subject
(3) NRC letter dated May 16, 2006 responding to ref 1 letter concerns.

Subject: Continued concerns with the NRC processes related to the North Anna Early Site Permit

Dear Representative Cantor and Mr. Cushing,

Representative Cantor, thank you for your letter of May 23, 2006 which included a May 16th 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 with many of the NRC responses and their procedures for addressing the public's concerns. We continue to request both of your assistance in the intervention into various NRC procedures as defined below.

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, but we do want to promote the wise and safe use of nuclear energy and not have the impact of new nuclear reactors destroy Lake Anna in the process. If the project at the North Anna Plant is accomplished correctly and takes into account our concerns, possibly the new reactors could become a model for the continued growth of nuclear energy throughout the country. If the project is handled poorly, resulting in public and political uproar and bad national press, the entire future of increased nuclear energy within the U.S. could be on hold for many more years.

It continues to appear from the NRC response and their recent actions 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 now need your help in the following areas:

1. The public should be permitted to comment on the Safety Evaluation Report (SER). 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.

FRIENDS OF LAKE ANNA, VIRGINIA

In the NRC response, Mr. Reyes indicated "there is no requirement for the staff to issue a draft SER for public comment" We ask WHY NOT? The current NRC schedule provides for issuing a "Supplemental Final safety evaluation report on August 15, 2006. This date also coincidentally happens to be the date of the NRC public hearing in Louisa. How can the public possibly have time to review the supplemental SER prior to the public hearing?

2. The NRC continues to accept many changes to the ESP, without automatically extending the public comment period each time a change is issued. Currently we are reviewing Revision 6 to the North Anna ESP, which is over 1,000 pages of technical data. We were advised via telecon from Mr. Cushing last Friday, 4 August that our written request made on June 12 to extend the public comment period re Revision 6 was finally approved to provide about 10 more working days until September 12th.

Since our June 12th request re Revision 6, the NRC has issued two other revisions to the ESP, with the most recent Revision 8 being issued just a few days ago on 1st August. Also since June 12th, the NRC has issued a 'Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the North Anna ESP site. This document is also about 400 to 500 pages in length. While the DEIS is still under review, Dominion continues to make revisions to issues that are analyzed in the DEIS. Hence our review of the DEIS is a moving target.

On 1 August, I received 9 ½ inches of paper from the NRC to review, with simply a note "Chen, Please have this mailed to Mr. Harry Ruth – Thanks – George". Today, 6 August, I received 4 ½ inches of paper to review, with a note "Mr. Ruth, Dominion has submitted Revision 8 of the North Anna ESP application and the staff is currently reviewing it. This revision (4 ½ inches of paper) incorporates the staff's comment on Revision 7". Signed - Nitin Patel. At the same time, the Commonwealth is conducting its review under the Coastal Zone Management Act; this is a separate review process requiring public participation. Everyone is trying to keep up with the NRC and Dominion paper factory, but this is an impossible task without automatically adjusting the public comment period when revisions are made.

How can citizens ensure that the public's health, safety and welfare will be protected without having adequate time to review these extensive technical documents? Citizens effective analysis of important issues that will affect them is not sincere unless the NRC automatically makes fair adjustments to the public comment period whenever large volumes of new information is provided during the review period. Inundating citizens with large volumes of information with unreasonably comment deadlines makes a mockery of the public participation process mandated in federal laws. Currently, citizens must request deadline extensions and wait about 8 weeks before getting a response from the NRC.

In addition, all of the Commonwealth of Virginia Departments are also expected to provide comments on all of these ESP revisions and Draft Environmental Impact Statements during the stated public comment period unless the revision is included within parameters of the U.S. Federal Coastal Zone Management Act and also within the Commonwealth's coastal zone parameters. How can we expect our scare commonwealth resources or the public to accomplish this massive task in a very short time period?

FRIENDS OF LAKE ANNA, VIRGINIA

The NRC should evaluate all of the applicant's documents and ensure that they are complete before completing its analysis of the issues and issuing the documents to the public or the commonwealth for review. Once the NRC and the applicant have finalized the requested ESP application, then and only then should the documents be issued for public and commonwealth review. It seems like everyone is spinning wheels in trying to keep up with all the Dominion and NRC revisions, Requests for Information, Responses for Requests for Information, additional revisions, draft environmental impact statements that pertain to the earlier revisions only and a final safety report that has no public scrutiny.

This current ESP process resembles a three ring circus without having a ring master to direct all of the acts, but the time keeper is making sure that the public/audience moves out of the big top so the next scheduled performance can begin.

Representative Cantor and Mr. Cushing, we solicit your assistance to insure that additional time is placed in the current ESP schedule for all documents issued after Revision 6 and also for any future revisions to any of the ESP documents. We also request that a cover letter be provided for the 9 ½ inches of paper received for review. In the future, the public review schedule should automatically be extended to permit a reasonable time for the public to review and comment on the revision and public hearings should also be automatically rescheduled.

We would like to 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 allows the United States to become adequately prepared for the upcoming energy crisis and to be self-reliant for energy resources (including nuclear energy) and not dependent on foreign oil.

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Sincerely,

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

CC: U.S. Representative Eric Cantor (7th District) (via email – Lloyd.Lenhart@mail.house.gov)
Senator R. Edward Houck, 17th District of Virginia (via email – ehouck@adelphia.net)
Senator Ryan McDougal, 4th District of Virginia (via email – district04@sov.state.va.us)
Senator Charles Colgan, 29th District of Virginia (via email – cjcolgan@aol.com)
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Delegate Robert Orrock, Sr., 54th District of Virginia (via email – delborrock@house.state.va.us)
Delegate Clifford Athey, 18th District of Virginia (via email – DelCAthey@house.state.va.us)
Tony Banks – Dominion ESP Project Manager (via email – tony_banks@dom.com)
Ellie Irons – VDEQ – via email – elirons@deq.virginia.gov

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

March 1, 2006

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

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

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 additional NRC review and approval. If additional units are built at the North Anna Power

The Honorable Eric Cantor

-4-

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,

/RA/

Luis A. Reyes
Executive Director
for Operations

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.

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Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Distribution: See next page

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G20060001 - Letter to The Honorable Eric Cantor from L. Reyes dated March 1, 2006

SUBJECT: NRC's PROCESSING PROCEDURES FOR NEW NUCLEAR REACTORS
(HARRY RUTH)

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