

January 17, 2007

Mr. Harry Ruth
Friends of Lake Anna
230 Heather Drive
Bumpass, VA 23024

Dear Mr. Ruth:

The United States Nuclear Regulatory Commission (NRC) acknowledges the receipt of your letter dated September 5, 2006. Each of the comments noted in your letter are restated below, followed by the NRC staff's response.

Comment #1:

Disappointment with Dominion's attempt to influence NRC & VDEQ public hearings.

We are very disappointed at Dominion's apparent approach in trying to influence the NRC and the VDEQ public hearings held on August 15 and 16, 2006. It appears that it is more than a coincidence that over 50 percent of the public speakers at both hearings were Dominion employees, retirees or contractors, all of which had only positive comments about the proposed 3rd and 4th reactors. Whenever a Dominion person spoke, approximately 60 Dominion/Virginia Electric Power Plant retired persons would clap loudly and voice approval of the Dominion person's comments. Prior to the conclusion of the VDEQ hearing, an announcement was made by one of the retirees that the VEPCO/Dominion bus was leaving for Richmond and approximately 60 persons got up and left the hearing.....

Response:

At the NRC public meeting, all interested individuals and organizations, including Dominion employees, retirees, and their contractors, are allowed to express their comments, even if other members of the public disagree with them. The NRC is not influenced by statements that lack substantive information in support of or in opposition to an application. Substantive information relevant to the application receives due consideration from the NRC staff.

Comment #2:

Public involvement with Safety Report.

....The public must be involved with the safety of the nuclear reactors, whether it is at the plant, at the dam, together with how, where, and how long the spent nuclear fuel is stored.

Response:

The NRC addressed this concern in a letter to you dated August 8, 2006. Specifically the NRC stated:

The NRC considers State and public input on the issuance of an ESP to be an important component of the review process and we welcome input from all affected parties. For these reasons, State and public comments are allowed throughout the licensing review process. The public has been given the opportunity to participate during open technical meetings on the site safety review. The public was also given the chance to participate in the Advisory Committee on Reactor Safeguards (ACRS) meetings on the proposed ESP. Each of these interactions have distinct objectives to meet different statutory and regulatory requirements; therefore, they provide different opportunities for stakeholder involvement.

Please note that the NRC does not regulate the dam. Insofar as potential failure of the North Anna Dam relates to the ESP application, that subject is discussed in NUREG 1835 Safety Evaluation Report (SER) for an Early Site Permit (ESP) at the North Anna ESP. Furthermore, the safety of spent fuel storage is governed by the NRC regulations in 10 CFR Part 72 and is not part of the safety review in this proceeding.

Comment #3:

Again, we request that the public comment period be extended to provide adequate time for the review of all these voluminous documents and the continuing changes that are being made by the applicant and the NRC.

Response:

The NRC extended the comment period on the supplement to the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site (NUREG-1811, Supplement 1) by 15 days in response to your July 24, 2006, request for an extension of the comment period. You were informed of this comment extension by letter dated August 8, 2006.

Comment #4:

Where are the NRC safety protections for terrorist attacks against the plant and the dam? If the dam is blown up and breaks. The Lake Anna water will run downstream. How will the reactors be cooled? Will 1/3 of Virginia be without power? How long will the power outage last? It is essential that the public can review the safety report prior to the closing of the public comment period for ESP process.

Response:

The staff's Safety Evaluation Report (SER) on the North Anna ESP is publicly available through the Agency's ADAMS system and can be found at Accession No. ML052710305. For your questions regarding the staff's evaluation of a potential failure of the Lake Anna Dam, I refer you to Chapter 2 of that SER. The current units have a security plan that protects against the design basis threat. The staff evaluated the physical security aspects of the ESP application in Section 13.6 of the SER.

H. Ruth

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As stated in SER Section 2.4.4, a new reactor at the North Anna ESP site would not rely on lake water for emergency cooling. Rather, Dominion would build an engineered ultimate heat sink (UHS), which would be a deep pool of water available for plant cooling even if the dam broke. The UHS would allow the plant to shut down and remain shut down with no undue risk to the public health and safety. In such an event, replacement power would be needed. The NRC, however, does not regulate the supply of electrical power in Virginia. As for your desire to review the SER, it is available on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1835/>, in ADAMS at <http://adamswebsearch.nrc.gov/scripts/securelogin.pl>, and at the NRC's public document room. Furthermore, these libraries have agreed to make it available: Louisa County Library, Hanover Branch Library, and Salem Church Library. Neither the Atomic Energy Act of 1954, as amended, nor NRC regulations require a public comment process for the SER as is used for the EIS. The NRC develops the SER in an open public process, as described in the response to comment #2, above.

The cooling tower changes proposed by the applicant made it necessary for the staff to issue Supplement 1 to the SER. This supplement is available in ADAMS at Accession No. ML063170371. Supplement 1 is limited in scope and covers only areas that were affected by the applicant's proposed changes.

We appreciate the time and effort that you have taken to comment on the staff's environmental and safety reviews.

Sincerely,

/RA/

Jack Cushing, Senior Project Manager
Environmental Technical Support Branch
Division of Site and Environmental Reviews
Office of New Reactors

Docket No. 52-008

Enclosure: As stated

cc w/encl: See next page

H. Ruth

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Sincerely,

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Jack Cushing, Senior Project Manager
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Docket No. 52-008

Enclosure: As stated

cc w/encl: See next page

ADAMS Accession No. ML062900436

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DATE	10/7/06	10/17/06	12/15/06	12/12//06	01/05/07

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 SUBJECT: NRC AND VDEQ PUBLIC HEARINGS FOR NORTH ANNA
 ORIGINATOR: J. Cushing
 SECRETARY: C. Nagel
 DATE: January 18, 2007

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