

February 26, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DOMINION NUCLEAR NORTH ANNA, LLC) Docket No. 52-008-ESP
)
(Early Site Permit for North Anna ESP Site))

NRC STAFF MOTION FOR EXTENSION OF TIME

On February 7, 2007, the Atomic Safety and Licensing Board (“Board”) presiding over this proceeding issued an Order in which it posed questions relating to the environmental review of the application of Dominion Nuclear North Anna, LLC (“Dominion”) for an early site permit (“ESP”) for the North Anna ESP Site.¹ Pursuant to 10 C.F.R. § 2.323 and the Board’s Initial Prehearing Order dated March 8, 2004,² the NRC Staff (“Staff”) respectfully requests an extension of time until March 21, 2007, to respond to Board Question 2.³

DISCUSSION

The Staff is working diligently to respond to the questions posed by the Board in its Order. Board Question 2, however, calls for the Staff to “explain each instance where the Staff adapted the ESRP (NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants)” in the final environmental impact statement (“FEIS”) on the application.⁴ See Order, Attachment A at 2. As explained below, a full response to this question would call

¹ See *Dominion Nuclear North Anna, LLC* (Early Site Permit for North Anna ESP Site), unpublished Order (Issuing Environment-Related Questions) (Feb. 7, 2007) (“Order”).

² *Dominion Nuclear North Anna, LLC* (Early Site Permit for North Anna ESP Site), unpublished Memorandum and Order (Initial Prehearing Order) (March 8, 2004).

³ Staff counsel contacted counsel for Dominion regarding this motion, who indicated that Dominion had no objection to it.

⁴ NUREG-1811, “Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site” (December 2006).

for a significant Staff effort, and more time than is available between the issuance of the Board Order and the time responses are due on March 1, 2007.

In the Environmental Report (“ER”) submitted as part of its application, Dominion employed a “plant parameter envelope” (“PPE”) approach, rather than specific design values, to assess the environmental effects of construction and operation of a nuclear reactor or reactors on the North Anna ESP site. See 10 C.F.R. § 52.17(a)(2). While this approach is acceptable, the ESRP calls upon an applicant to identify and assess specific design values and the Staff to evaluate those specific design values to determine the likely environmental effects of a proposed action. In short, the ESRP is not well-adapted to an ESP application adopting the PPE approach. Given the Applicant’s choice of a PPE, the Staff adapted the ESRP with respect to virtually every environmental effect that was dependent on a design value, and this Staff adaptation of the ESRP is reflected throughout the FEIS. For the Staff to “identify and explain each instance where the Staff adapted the ESRP,” as requested by the Board, would be a project that would require a significant Staff effort and more time than originally allotted by the Board Order.

CONCLUSION

For the reasons set forth herein, the Staff respectfully requests that the Board grant an extension of time until March 21, 2007, for the response to Board Question 2.

Respectfully submitted,

/RA/

Robert M. Weisman
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 26th day of February, 2007

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENSION OF TIME" have been served on the following through deposit in the NRC's internal mail system, with copies by electronic mail, as indicated by an asterisk, or by deposit in the U.S. Postal Service, as indicated by double asterisk, with copies by electronic mail this 26th day of February, 2007:

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