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ADJUDICATIONS STAFF

**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
)	
(Early Site Permit for North Anna ESP Site))	ASLBP No. 04-822-02-ESP

DOMINION'S SUPPLEMENT TO THE RECORD ON ALTERNATIVE SITES

As authorized by the Atomic Safety and Licensing Board (Tr. 791, 799-800), Dominion Nuclear North Anna, LLC ("Dominion") hereby submits the attached Declaration of Marvin L, Smith explaining why the non-nuclear power plants owned by Dominion's affiliates are not reasonable alternatives that should have been identified or considered as candidate sites.

Because these non-nuclear power plant sites are not reasonable alternatives, there was no need for either Dominion's Environmental Report or the NRC Staff's Final Environmental Impact Statement ("FEIS") to discuss them.

In any event, if the Board were to decide that it would have been helpful for the FEIS to contain this explanation, the Board may include the explanation in its decision and thus amend the FEIS *pro tanto*. As the Commission has held:

[I]n an adjudicatory hearing, to the extent that any environmental findings by the Presiding Officer (or the Commission) differ from those in the FEIS, the FEIS is deemed modified by the decision. See, e.g., Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), ALAB-819, 22 N.R.C. 681, 706-07 (1985); Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 2), ALAB-264, 1 N.R.C. 347, 371-72 (1975). "The adjudicatory record and Board decision (and, of course, any Commission appellate decisions) become, in effect, part of the FEIS." Louisiana Energy Services (Claiborne Enrichment Center), CLI-98-3, 47 N.R.C. 77, 89 (1998).

TEMPLATE = SECY-037

SECY-02

Hydro Resources, Inc., CLI-01-04, 53 N.R.C. 31, 53 (2001), See also Allied-General Nuclear Services (Barnwell Nuclear Fuel Plant Separations Facility), ALAB-296, 2 N.R.C. 671, 680 (1975) (where a licensing board arrives at a conclusions different from those in an FEIS, "the FEIS is simply deemed amended *pro tanto*"). This practice has been approved by several federal courts of appeal. Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), ALAB-819, 22 N.R.C. 681, 706-07 (1985), citing Citizens for Safe Power v. NRC, 524 F.2d 1291, 1294 n.5 (D.C. Cir. 1975); New England Coalition on Nuclear Pollution v. NRC, 582 F.2d 87, 94 (1st Cir. 1978); Ecology Action v. AEC, 492 F.2d 998, 1001-02 (2d Cir. 1974). Such modification of the FEIS by a Licensing Board's decision does not normally require recirculation of the FEIS unless the modifications are truly substantial. Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 2), ALAB-264, 1 N.R.C. 347, 372 (1975); Allied-General, ALAB-296, 2 N.R.C. at 680. Explaining why non-nuclear power plant sites are not reasonable candidate sites or alternatives would not change the analysis in the FEIS and therefore clearly would not be a substantial modification.

Respectfully submitted,



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Dated May 7, 2007

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DECLARATION OF MARVIN L. SMITH

I, Marvin L Smith, do hereby state the following:

1. I am a Project Director employed by Dominion Resources Services Inc. and am the Project Director responsible for the ESP application submitted by Dominion Nuclear North Anna, LLC ("Dominion"). My business address is 5000 Dominion Boulevard, Glen Allen, VA 23060. A statement of my professional qualifications has been previously provided as an exhibit in evidence in this proceeding.

2. I am providing this Declaration to explain why the non-nuclear power plant sites owned by affiliates of Dominion were not considered as candidate sites that should be evaluated as reasonable alternatives to the proposed North Anna ESP Site.

3. As discussed in Section 9.3.3.4.1, Dominion's identification of candidate sites focused on existing nuclear sites because of the obvious benefits offered by locating a new nuclear power plant at an existing nuclear site rather than a non-nuclear site. ER at 3-9-4. The benefits included (1) the greater knowledge of environmental conditions at existing nuclear sites; (2) the ability to avoid constructing additional transmission corridors; (3) the sufficiency of the size of existing nuclear sites; and (4) the substantial advantages of nuclear infrastructure present at existing nuclear sites. ER at 3-9-5. These criteria are extremely important to the viability of developing new nuclear units and therefore necessary to meet Dominion's needs and objectives.

Thus, Dominion applied reasonable criteria to develop a reasonable set of candidate sites for further study.

4. The application of these criteria led to the identification of three nuclear sites owned by affiliates of Dominion (North Anna, Surry, and Millstone), as well as two DOE sites (Portsmouth and Savannah River). It should be noted that the DOE sites shared many of same advantages as the nuclear power plant sites. The DOE sites were sufficiently large, had been subject to previous nuclear safety and environmental reviews, and possessed desired infrastructure.

5. In identifying these candidate sites, Dominion's objective was to develop a list of candidate sites that represented realistic options reasonably available to Dominion. Indeed, the study that Dominion performed under a Cooperative Agreement with the U.S. Department of Energy (ER, Section 9.3, Reference 2) was specifically intended to enable all of the sites to be considered suitable for the development of new nuclear generation. The candidate sites were not selected with any intent to bias the results toward North Anna.

6. The focus on existing nuclear sites reflected Dominion's judgment that non-nuclear generating stations are generally not likely to be reasonable alternatives for siting new nuclear units. There are a number of factors why such sites are generally expected not to be reasonable alternatives.

7. First, non-nuclear power plants owned by Dominion typically lack the land needed to meet the exclusion area requirements for a nuclear power plant. Gas-fired plants are usually located on small sites. While coal-fired plants may be on larger sites, there is usually limited developable acreage because the land is used for either storage of coal or disposal of ash. Thus, developing new nuclear units at an existing non-nuclear site would in essence typically

involve developing an adjacent, greenfield property. As discussed in Section 9.3.3.3 of the Environmental Report, Dominion performed a generic analysis demonstrating that a greenfield property would not be a reasonable candidate site compared to existing nuclear sites.

8. Second, non-nuclear power plants typically do not have excess transmission capacity beyond that required for the operating units at those sites (as compared to Dominion's nuclear sites that were originally intended for additional units).

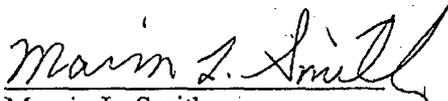
9. Third, non-nuclear power plants are often sited in locations that are more urban than is appropriate for a nuclear unit. Non-nuclear generating units are not subject to the same accident considerations and population density restrictions and therefore can be located in urban areas closer to load centers.

10. Beyond these considerations, the likelihood that a non-nuclear site would meet all of the NRC's siting criteria when these criteria were not part of the original site selection is unlikely.

11. To demonstrate the reasonableness of this judgment, Dominion has examined characteristics of the non-nuclear power plant sites owned by its affiliates. This examination revealed that there is only one such site that would be big enough to provide an appropriate exclusion area. This site is in a mountainous location, and an initial evaluation indicates that the site would not have sufficient available water resources to support even one nuclear unit employing a reduced water consumption wet/dry cooling system as proposed for the third unit at North Anna.

12. For all of these reasons, the non-nuclear sites owned by Dominion's affiliates were properly and appropriately not considered as candidate sites warranting evaluation as reasonable alternatives to the proposed North Anna ESP Site.

I hereby attest, under penalty of perjury, that the information provided in this Declaration is true and correct to the best of my knowledge, information and belief.


Marvin L. Smith

May 7, 2007

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Dominion's Supplement to the Record on Alternative Sites," dated May 7, 2007, and attached Declaration of Marvin L. Smith, were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk electronic mail, this 7th day of May, 2007. A copy of this pleading was also provided to Judge Elleman by overnight mail this same date.

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