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September 2, 2010

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555

Serial No. NA3-10-014
Docket No. 52-008
Permit No. ESP-003
ESP/BCB

DOMINION VIRGINIA POWER
NORTH ANNA EARLY SITE PERMIT
PROPOSED AMENDMENT TO CONDITION 3.G

Pursuant to 10 CFR 50.90, Virginia Electric and Power Company (dba Dominion Virginia Power) hereby requests an amendment to the North Anna Early Site Permit ESP-003. The proposed amendment deletes ESP permit condition 3.G, which prescribes the notification conditions associated with the implementation of certain activities authorized by the permit. Specifically, permit condition 3.G requires the permit holder to notify the NRC Regional Administrator for Region II and the operator of North Anna Power Station at least 120 days before the commencement of certain activities described in Appendix E of the permit, the Site Redress Plan. Condition 3.G also states that the permit holder will certify in the notification that it has obtained all other permits, licenses, and certifications required for those activities. The proposed amendment eliminates the notifications by deleting the condition in its entirety.

Enclosure 1 provides a discussion of the proposed changes. Enclosure 2 contains a marked-up version of the affected ESP page showing the requested change.

We have evaluated the proposed amendment and have determined that it does not involve a significant hazards consideration as defined by 10 CFR 50.92. The basis for our determination is included in Enclosure 1. The proposed amendment is also subject to the categorical exclusion set forth by 10 CFR 51.22(c)(10), because it involves only a change to reporting and administrative requirements. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment is required in connection with the approval of the proposed change.

If you have any questions or require additional information, please contact Barry Bryant at 804-273-3279.

Very truly yours,

Eugene S. Grecheck

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NPD

Enclosures:

1. Discussion of Proposed Changes
2. ESP-003 Marked Up Page

Commitments made by this letter: None

cc: (distribution w/o enclosures except where noted with an *)
U. S. Nuclear Regulatory Commission, Region II *
C. P. Patel, NRC *
J. B. Jessie, NRC
T. S. Dozier, NRC *
J. T. Reece, NRC

COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

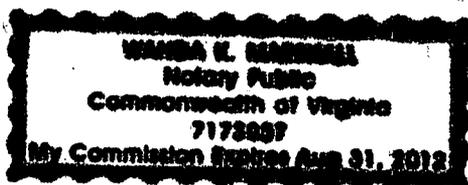
The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by Eugene S. Grecheck, who is Vice President – Nuclear Development of Virginia Electric and Power Company (Dominion Virginia Power). He has affirmed before me that he is duly authorized to execute and file the foregoing document on behalf of the Company, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 2nd day of September, 2010

My registration number is 7173057 and my

Commission expires: August 31, 2012

Wanda K. Marshall
Notary Public



Enclosure 1

Discussion of Proposed Changes

DISCUSSION OF CHANGE

1.0 SUMMARY DESCRIPTION

This amendment application proposes the deletion of ESP-003 condition 3.G, which requires the permit holder to notify the NRC Regional Administrator for Region II and the operator of North Anna Power Station at least 120 days before the commencement of activities described in Appendix E of the permit, the Site Redress Plan. Condition 3.G also states that the permit holder will certify in the notification that it has obtained all other permits, licenses, and certifications required for those activities. The proposed amendment eliminates the notification requirements because they impose an undue administrative burden that could cause unnecessary delays in the implementation of the activities described in the Site Redress Plan. The amendment also eliminates a circular reporting requirement by which Dominion Virginia Power (Dominion) is required to notify itself.

2.0 DETAILED DESCRIPTION

2.1 Proposed Change

The following change to Early Site Permit ESP-003 is proposed.

Permit condition 3.G currently states:

"The permit holders shall notify the NRC Regional Administrators [sic] for Region II and the operator of North Anna Power Station of the permit holders' plans to begin the site preparation and preliminary construction activities described in the site redress plan at least 120 days before commencement of such activities and shall certify in that notification to the NRC that it has obtained all other permits, licenses, and certifications required for these activities."

The proposed amendment would delete condition 3.G in its entirety.

2.2 Background

ESP-003 permit condition 3.G requires the permit holder to notify the NRC Regional Administrator for Region II and the operator of North Anna Power Station at least 120 days before the commencement of activities described in the Site Redress Plan (ESP-003, Appendix E). Permit condition 3.G also states that the permit holder will certify in the notification that it has obtained all other permits, licenses, and certifications required for those activities.

Dominion anticipates performing the activities authorized by the ESP in stages over an extended period of time. Some of the activities require incidental permits (e.g., county

permit to install an office trailer), as well as federal and state regulatory and environmental permits, licenses, and certifications. Normal business practice dictates that many of these permits, licenses, and certifications are granted shortly before the scheduled start of an activity, or partially granted at various stages of an activity. Condition 3.G may be interpreted as applying to all permits, which imposes an unnecessary administrative burden because it requires Dominion to have all permits in hand at the time NRC notification is made, i.e., 120 days in advance. The notification requirement creates an inefficient process that limits schedule flexibility and may result in unwarranted schedule delays. In addition, in the case of incidental or partially granted permits, it may not be feasible to comply with the provision.

Also, permit condition 3.G effectively requires Dominion to notify itself. The North Anna ESP was originally issued to Dominion Nuclear North Anna, LLC on November 27, 2007. At the time, the North Anna site was under the control of another Dominion subsidiary, Dominion Virginia Power. With the transfer of ESP-003 on October 30, 2008 from Dominion Nuclear North Anna, LLC to Dominion Virginia Power and Old Dominion Electric Cooperative, all activities at the North Anna site fell under the control of the same Dominion entity, rendering that element of the notification requirement moot.

The proposed amendment eliminates these notification requirements. This is an administrative change, and does not change the intent or scope of the ESP. The proposed change does not alleviate Dominion of its responsibility to obtain the required permits, licenses, and certifications before commencing activities authorized by the permit.

3.0 TECHNICAL EVALUATION

The proposed amendment deletes ESP condition 3.G, which prescribes the notification conditions associated with the implementation of activities authorized under the permit. The change is administrative in nature and does not have a technical impact, or change the intent or scope of the ESP. In addition, the proposed amendment does not change ESP condition 3.H, which requires Dominion to provide a certification or waiver under Section 401 of the Federal Water Pollution Control Act before commencement of the authorized activities.

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirement/Criteria

The deletion of ESP-003 condition 3.G does not affect Dominion's ability or obligation to meet federal, state, and local regulations. The proposed change also does not alleviate Dominion's responsibility to obtain the required permits, licenses, and certifications

before commencing the activities described in Appendix E of ESP-003, or to provide a 401 certification or waiver to the NRC before commencing such activities.

4.2 No Significant Hazards Consideration

Dominion has evaluated whether a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, Issuance of Amendment, as discussed below:

- 1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment deletes ESP condition 3.G, which prescribes the notification conditions associated with the implementation of activities authorized by the permit. This change is administrative in nature and does not affect the fabrication, construction, or operation of any plant structure, system, or component. Therefore, the proposed ESP change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

- 2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment deletes ESP condition 3.G, which prescribes the notification conditions associated with the implementation of activities authorized by the permit. This change is administrative in nature and does not affect the fabrication, construction, or operation of any plant structure, system, or component. Therefore, the proposed ESP change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

- 3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment deletes ESP condition 3.G, which prescribes the notification conditions associated with the implementation of activities authorized by the permit. This change is administrative in nature and does not affect the fabrication, construction, or operation of any plant structure, system,

or component. Therefore, the proposed ESP change does not involve a significant reduction in a margin of safety.

4.3 Conclusion

Based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed change, (2) the proposed change will comply with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5.0 ENVIRONMENTAL CONSIDERATION

Dominion has evaluated the proposed amendment for environmental considerations. The review has determined that the proposed amendment involves only a change in reporting and administrative requirements which meets the criterion for categorical exclusion set forth by 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

Enclosure 2

ESP-003 Marked Up Page

evaluate any unforeseen geologic features that are encountered, and notify the NRC no later than 30 days before any such excavation is open for NRC examination and evaluation.

Applicants

- (7) An applicant for a CP or COL referencing this ESP shall improve Zone II saprolitic soils to reduce any liquefaction potential if safety-related structures are to be founded on them.

F. The activities and site redress plan specified in paragraphs F, G, H, and I below were reviewed and approved in accordance with the regulations in effect on September 25, 2003, and refer to the rules in effect at that time. The site redress plan set forth in Appendix E to this ESP is hereby incorporated into this ESP.

- (1) holders holders
The holder of this ESP may perform the activities authorized by 10 CFR 52.25, "Extent of Activities Permitted," only insofar as the site redress plan describes such activities. The holder of this ESP may perform activities not described in the site redress plan only with prior NRC approval. A request to perform such activities shall describe how such activities will be redressed, and, if the request is granted, the site redress plan shall be deemed to include this additional description of site redress.

- (2) holders
The holder of this ESP may change the site redress procedures set forth in the site redress plan in Appendix E without obtaining Commission approval provided that the changes do not decrease the effectiveness of the plan.

- (3) holders
The permit holder shall obtain the right to implement the site redress plan set forth in Appendix E before initiating any activities authorized by 10 CFR 52.25. [Deleted]

G. holders
~~The permit holder shall notify the NRC Regional Administrators for Region II and the operator of North Anna Power Station of the permit holder's plans to begin the site preparation and preliminary construction activities described in the site redress plan at least 120 days before commencement of such activities and shall certify in that notification to the NRC that it has obtained all other permits, licenses, and certifications required for these activities. [Deleted]~~

H. holders
The holder of this ESP shall not perform any site preparation or preliminary construction activities authorized by 10 CFR 52.25 unless such holders obtain such holder obtains the certification required pursuant to Section 401 of the Federal Water Pollution Control Act from the Commonwealth of Virginia, or obtains a determination by the Commonwealth of Virginia that no certification is required and submits the certification or determination to the NRC before commencement of any such activities.

- I. obtain submit
The following conditions apply: