

April 22, 2011

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

Dear Mr. Ruth:

Your e-mail message dated March 10, 2011, to U.S. Nuclear Regulatory Commission (NRC) Chairman Gregory B. Jaczko, has been referred to me for response. In your message, you refer to several permitting actions under consideration by multiple agencies for the proposed third reactor at North Anna. My response will address your comments that apply to the NRC's action and the related environmental review.

Your message presents your objections to NRC's process, which allows the review of a Combined License (COL) application that references a reactor design currently under review by the agency. You asked the NRC to delay any ongoing environmental reviews related to the COL application for North Anna Unit 3 until the agency completes the design review for the U.S. Advanced Pressurized-Water Reactor (US-APWR). You also asked the NRC to change its current regulations, as appropriate. NRC regulations allow a COL applicant to reference a design for which a design certification application has been docketed, but not yet granted. However, a license for a COL referencing a design certification application may not be issued until the design certification rule is final. The agency has been reviewing the US-APWR application since 2008 and expects to complete the review in 2013. When the design certification review is complete, the NRC will commence rulemaking.

In your e-mail you specifically stated that the design should be looked at to reduce the volume of water used for cooling. The issue of water consumption from the operation of one or more nuclear facilities at the North Anna site was evaluated during the North Anna early site permit (ESP) review. Dominion's application for an early site permit included a set of postulated plant design parameters (referred to as a plant parameter envelope or PPE) which the staff evaluated in lieu of a specified design. During the review of the ESP application, the staff evaluated impacts to Lake Anna from water consumption resulting from operation of a nuclear facility falling within the bounds of the proposed PPE. The staff's evaluation is documented in the Final Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site (NUREG-1811) available at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1811/sr1811.html>. As part of NRC's current review of Dominion's COL application, as revised to reference the US-APWR, the staff will determine if the water use resulting from the operation of the proposed facility is bounded by the previous analyses. This evaluation will be documented in the draft supplemental environmental impact statement which will be open for public comment for 75 days immediately following its issuance.

H. Ruth

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Another opportunity for public comment will occur as part of the rulemaking process for the design certification of the US-APWR. More information related to NRC's licensing process for new reactors and the associated environmental review may be found at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/brochures/br0468/br0468.pdf>.

If you believe a change to NRC regulations is warranted, the NRC has a formal process to request such changes. This process can be found in Title 10 of the *Code of Federal Regulations*, Section 2.802, "Petition for Rulemaking." Additional information can be found at <http://www.nrc.gov/about-nrc/regulatory/rulemaking/petition-rule.html>.

If you have any questions regarding this response, please contact Greg Hatchett at (301) 415-2164 or via e-mail to Gregory.Hatchett@nrc.gov.

Sincerely,

/RA Scott Flanders for/

Michael R. Johnson, Director
Office of New Reactors

Docket No.: 52-017

H. Ruth

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