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To: "Ellie Irons (VDEQ)" <elirons@deq.virginia.gov>, "Jack Cushing" <JXC9@nrc.gov>, "North_Anna_Comments@nrc.gov" <North_Anna_Comments@nrc.gov>, "Nitin Patel" <NXP1@nrc.gov>
Date: 9/5/2006 3:21:54 PM
Subject: FOLA concerns-4 with Dominion's credibility & U.S. Environmental Goals
cc: "Senator R. Edward Houck" <ehouck@adelphia.net>, "Senator Charles Colgan" <cjcolgan@aol.com>, "Jeffery Steers (VDEQ)" <jasteers@deq.virginia.gov>, "Tony Banks (Dominion)" <TONY_BANKS@DOM.COM>, "Kevin Magerr (EPA)" <magerr.kevin@epa.gov>, "Delegate Bill Janis (56th Dist)" <Del_Janis@house.state.va.us>, "Sr (54th Dist). Delegate Robert Orrock" <delborrock@house.state.va.us>, "Delegate Clifford Athey (18th Dist)" <DelCAthey@house.state.va.us>, "Delegate Chris Peace (97th Dist)" <delcpeace@house.state.va.us>, "Delegate Edward Scott (30th Dist)" <delescott@house.state.va.us>, "Representative Eric Cantor (7th District)" <lloyd.lenhart@mail.house.gov>, "Senator Ryan McDougle" <district04@sov.state.va.us>, "Senator Russell Potts (27th Dist)" <district27@sov.state.va.us>, "Senator Charles Colgan-2" <district29@sov.state.va.us>

Dear Nuclear Regulatory Commission (NRC) and Va. Dept of Environmental Quality (VDEQ),

Attached please find a letter addressed to the NRC and VDEQ, re Dominion's application for the North Anna ESP, requesting your assistance to establish procedures (1) So big business does not dominate future public hearing processes; (2) Have the public involved with the Safety Report; (3) Insuring that a probabilistic safety analysis of probable events is made to take into consideration various events throughout the world that may affect the North Anna Plant and (5) Request for extension of public comment times so we can review continuous changing documents that are being made by Dominion and the NRC.

Thank you in advance for your kind consideration of our request. If you have any questions, please do not hesitate to call. I'll look forward to your response.

Sincerely,

Harry Ruth
For the Friends of Lake Anna
C/O 239 Heather Drive, Bumpass, Va. 23024
Phone 540-872-3632

Federal Register Notice: 71 FR 39372
Comment Number: 33

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VDEQ & NRC letter - Partial Concerns- (4) re Dominion's credibility, U.S. Environmental Goals, etc. - 4Sep06.doc	49152	9/6/2006 8:06:06 AM
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Sincerely,

Harry Ruth
For the Friends of Lake Anna
C/O 239 Heather Drive, Bumpass, Va. 23024
Phone 540-872-3632

5 September 2006

Ms. Ellie Irons, Environmental Impact Review Program Manager
Virginia Department of Environmental Quality (VDEQ)
629 East Main Street, Richmond, Va. 23219
Via email to elirons@deq.virginia.gov

Mr. Jack Cushing, Environmental Project Manager for North Anna ESP Site Application,
U.S. Nuclear Regulatory Commission (NRC), Washington D.C. 20555
Via email to JXC9@NRC.GOV & North_Anna_Comments@NRC.GOV

Reference: (1) Friends of Lake Anna letter dated 24 July 2006: Subject Partial Concerns #3 with the data contained in Dominion's Application for the North Anna ESP 6 dated April 2006.

(2) Friends of Lake Anna email dated 17 Aug 2006 that forwarded the total presentations, plus additional details, made in the two public hearings (1) NRC on Aug 15, 2006 and (2) VDEQ on Aug 16, 2006

Subject: Partial Concerns #4 with the data contained in Dominion's Application for the North Anna ESP 6 dated April 2006 and the NRC/VDEQ public hearings.

Dear Ms. Irons and Mr. Cushing,

On behalf of the 2,650 persons represented by the Friends of Lake Anna, it is requested that the following concerns with the data contained in the Dominion North Anna ESP Applications Revision 6 and the NRC Safety Report dated Sep 2005, plus the apparent Dominion attempt to influence the NRC & VDEQ public hearings be addressed in the U.S. Coastal Zone Management Act Federal Consistency Review and also by the Nuclear Regulatory Commission. Also please forward the concerns to the appropriate Commonwealth of Virginia department for comment if they do not come under the purview of the U.S. Coastal Zone Management Act.

These are only a partial list of concerns/comments identified thus far as a result of a brief and cursory look at the large volume of materials available to us for review. In addition, we have researched other related public documents that may have an impact on this ESP review. We thought it prudent to bring these concerns/comments to your attention soonest so both the NRC and VDEQ has adequate time to review them. Please see below for a description of each concern.

Our group, "The Friends of Lake Anna" is a citizen group whose mission is to protect Lake Anna (both main reservoir and cooling lagoons) and its surrounding landscape, together with any related concerns, within Louisa, Spotsylvania, and Orange Counties for the health, safety and welfare of current residents/users and for future generations. We are not anti-nuclear, nor do we have "not in my backyard" sentiments, but do support a wise and safe use of nuclear energy. Our goal is simply to protect Lake Anna for the 500,000 annual users and insure compliance with the law.

Additional Concerns

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 VDEQ public hearings held on 15 and 16 August. It appears that it is more than a coincidence that over 50% 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, a busload consisting of 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 about 60 persons got up and left the hearing.

The above simply makes a mockery of the public hearing process. The meeting room in the Louisa Middle School held about 300 persons, of which about 150 plus were Dominion employees/retirees/contractors. When most non-Dominion speakers made any comment that reflected concerns with the safety or environmental issues of the proposed 3rd and 4th reactors, many of the Dominion crowd would make negative comments, apparently in an attempt to influence newspaper reporters present. **With this type of an apparent attempt by Dominion to influence both the NRC and VDEQ public hearings, how can the National Environmental Goals which are expressed by the National Environmental Policy Act (NEPA) of 1969 public law 91-190, 83 Stat. 852 receive a fair and impartial public hearing .**

As defined in the law, "it is the continuing responsibility of the Federal Government to use all practicable means consistent with other essential consideration of national policy to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may (*in part only*) (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasant surroundings; and (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.

This mockery of the NRC and VDEQ public hearings sort of reminds you of the elections in other dictatorial countries, where 99.9% of the voters, all vote to keep the current dictator in power. This is simply not the American way where big business should attempt to dominate the public hearing process. How can the NRC and VDEQ prevent this from happening in future public hearings?

2. Public involvement with Safety Report. In our 15 August NRC public hearing presentation, we identified our concerns with "Where are the NRC safety protections for terrorist attacks against the plant and 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? Will Dominion have to build a new dam and wait 3 years for the lake to fill up before you can restart the reactors and restore power to 1/3 of Virginia? Is building another water-cooled reactor that is dependent on a lake that takes 3 years to fill up the best approach to protect Virginia's and the U.S. electrical needs when a dry-air cooled reactor will eliminate this problem? 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.

In March 1979, an event occurred at the Three Mile Island (TMI) Unit 2 that resulted in the first case of melted fuel in a full scale commercial nuclear power plant. What Good was supposed to come from the TMI event? (1) Operator Training (2) Emergency Planning (3) Dissemination of industry information and (4) Use of probabilistic safety assessment and analysis of more probable events.

With regard to probabilistic safety assessment and analysis of more probable events, the public must be involved and the safety assessments must be updated to take into considerations the various events throughout the world that could impact the North Anna plant (i.e. terrorist attacks on the plant or the dam).

If the cooling water supply for the nuclear reactors is depleted by draining Lake Anna, then hopefully another TMI event could not occur at North Anna where the reactor continued to heat the reactor coolant. At TMI the reactor coolant pumps continued circulating the water to the steam generators, however no heat could be removed by the secondary side since there was no water in the steam generators, which caused the reactor coolant system to heat up, etc

Although the NRC issued two new regulations (NUREG-0696 and NUREG 0737) as a result of TMI, neither regulation appeared to take into account the lack of water from the primary cooling source (ocean, major river or small lake (i.e. Lake Anna) with a small watershed providing the cooling waters for the lake that was estimated to take 2 to 3 years to fill.

It is essential that both the NRC and VDEQ consider the above scenario prior to approving an Early Site Permit or a Federal Consistency Certification for a 3rd nuclear reactor that would depend on any additional water from Lake Anna. A 3rd unit requiring additional water from a small watershed simply does not make sense when the dry air technology for unit 4 could be used which would negate any water cooling concerns. Let's all hope that the above scenario never plays out and the current units 1 & 2 become in danger of losing their cooling waters

3. Summary. Thank you in advance for your kind consideration of our concerns/comments. We will continue to review the voluminous documents (Draft Environmental Impact Statement – supplement 1 to NUREG-1811) and the revised new or supplemental Safety Report once we receive it and provide comments/concerns as we find them.

It is essential that the public can review the safety report prior to the closing of the public comment period for ESP process. In a discussion with Nitin Patel (NRC) Safety Officer today, I was told that he is unsure when the Safety Report will be issued since Dominion is now again revising some portions of their report. He also indicated that he was unaware of the above public comments with the potential for the dam breaking and no water available for cooling the reactors.

This ESP process for both the draft environmental report and safety report continues to *resemble a three ring circus without having a ring master to direct all of the acts, but the time keeper is making sure that the public/audience moves out of the big top so the next schedule performance can begin.*

FRIENDS OF LAKE ANNA, VIRGINIA

We will continue to review the documents that we have and provide any additional concerns with the water temperature, water quality, consideration of spent nuclear fuel, safety, etc. Each of these items and others will be addressed in separate correspondence after we have had sufficient time to review each.

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. If you have any questions, please do not hesitate to call. I'll look forward to your response.

Sincerely,

Harry Ruth
For the Friends of Lake Anna
C/O 230 Heather Drive, Bumpass, Va. 23024
Phone 540-872-3632

CC: U.S. Representative Eric Cantor (7th District) (via email – Lloyd.Lenhart@mail.house.gov)
Senator R. Edward Houck, 17th District of Virginia (via email – ehouck@adelphia.net)
Senator Ryan McDougal, 4th District of Virginia (via email – district04@sov.state.va.us)
Senator Charles Colgan, 29th District of Virginia (via email – cjcolgan@aol.com)
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Delegate Christopher Peace, 97th District of Virginia (via email – delcpeace@house.state.va.us)
Delegate Edward Scott, 30th District of Virginia (via email – delescott@house.state.va.us)
Delegate William Janis, 56th District of Virginia (via email – delbjanis@house.state.va.us)
Delegate Robert Orrock, Sr., 54th District of Virginia (via email – delborrock@house.state.va.us)
Delegate Clifford Athey, 18th District of Virginia (via email – DelCAthey@house.state.va.us)
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NRC – Nitin Patel – Safety Project Mgr – via email – NXP1@NRC.GOV
NRC – Public comments for North Anna ESP – via email – North_Anna_Comments@NRC.GOV
EPA – Kevin Magerr- NEPA Environmental Engineer – via email – majerr.kevin@epa.gov