

June 5, 2012

Ms. Danielle Brian  
Executive Director  
Project on Government Oversight  
1100 G Street, NW, Suite 500  
Washington, D.C. 20005

Dear Ms. Brian:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to your letter of November 1, 2011, "Restart of the North Anna Nuclear Power Station," following the earthquake that occurred near that plant on August 23, 2011. Your letter addressed a number of subjects that I will take in turn, as follows.

You stated that you were unable to get access to documents that may be relevant to the siting and licensing of the North Anna Power Station (NAPS) that are located at the University of Virginia (UVA). In response to your letter, the NRC staff contacted you about their outreach to the university's librarians concerning your request to obtain an index of the documents in their collection. The collection was temporarily moved from UVA's storage facility while the facility was undergoing renovation. The renovation has been completed and the documents are returning to UVA. The librarians at UVA are ready and willing to work with your staff to identify and obtain documents from their collection. The NRC does not have a restriction on the documents in the collection at UVA and this information was conveyed to the librarians as well.

I understand you are familiar with publically available documents from the NRC's Public Document Room and the use of the NRC's Agencywide Documents Access and Management System (ADAMS), as the agency's document management system. Should you need any additional assistance, the staff at our Public Document Room is willing to be of assistance to you and your colleagues in the research on this topic or any other topic.

Regarding the readiness of NAPS to resume operations following the earthquake on August 23, 2011, the NRC staff issued a letter and technical evaluation on November 11, 2011, (available to the public in ADAMS at Accession No. ML11308B404) that address the portions of the NRC's regulations applicable to this review, discuss the actions taken by the licensee, as well as address evaluations and instructions by the NRC staff. In its technical evaluation, the NRC staff concluded, under the criterion in Section V(a)(2) of Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants," to Title 10 of the *Code of Federal Regulations*, Part 100, "Reactor Site Criteria," that "the licensee has acceptably demonstrated that no functional damage occurred at NAPS to those features necessary for continued operation, and that NAPS, Units 1 and 2, can be operated without undue risk to the health and safety of the public."

With respect to the transparency of the restart review process, the NRC strove to make its review process transparent to the public. The NRC staff made all of the licensee's submissions supporting restart (with the exception of proprietary information) publicly available. In addition, the NRC conducted four public meetings related to the NAPS restart. The meetings on September 8 and October 21, 2011, held at NRC Headquarters in Rockville, Maryland, were webcast and are available for viewing via the NRC Public Meeting Web site. Also, the results of an NRC Augmented Inspection Team (AIT) inspection were discussed at a public meeting held near the site on October 3, 2011. The NRC staff issued an AIT exit meeting summary, which is available in ADAMS under Accession No. ML112850039. Lastly, the NRC conducted a public meeting near the NAPS site on November 1, 2011, to provide a status of its inspection and technical evaluation review activities. This meeting was videotaped and transcribed, and is also available for viewing via the NRC Public Meeting Web site. The presentation slides for all of these meetings are available in ADAMS and on the NRC's public Web site.

Your letter urged the NRC to seriously consider the implications this event may have for 26 other reactors in the eastern earthquake zone. The NRC has already taken actions in this regard. The NRC has issued a draft Generic Letter (GL) for Generic Issue 199, "Implications of Updated Probabilistic Seismic Hazard Estimates in Central and Eastern United States," which would request licensees to assess their seismic design basis using the most recent regulatory guidance and standards, to identify seismic vulnerabilities. The draft GL was issued for public comment until December 15, 2011. In addition, the NRC is in the process of implementing the Fukushima Near-Term Task Force (NTTF) Recommendation 2.1, whereby the staff would request the licensees to identify actions that have been taken or are planned to address plant-specific vulnerabilities associated with the re-evaluation of seismic and flooding hazards.

Your letter also included historical references to a 1977 U.S. Department of Justice (DOJ) memorandum documenting DOJ's investigation of the potential for criminal prosecution of Virginia Electric and Power Company (VEPCO), now Dominion for material false statements and its rationale for not pursuing criminal sanctions against VEPCO. As you indicated in your letter, the NRC issued a civil penalty to VEPCO. In addition, and as described in the memorandum, the NRC held hearings on whether the construction permits for the NAPS units should be modified, suspended, or revoked based on the discovery of the fault. An Atomic Safety and Licensing Board found no cause to revoke VEPCO's construction permits for NAPS. That decision was ultimately upheld by the U.S. Court of Appeals for the DC Circuit.

Your letter closes with the characterization of the recent earthquake as being destructive and being "twice as great as the design basis for reactors." As stated in the NRC staff's technical evaluation report issued November 11, 2011, the staff found no evidence of functional damage to the safety-related aspects of NAPS (i.e., no functional damage was found to those features necessary for continued safe operation of NAPS). This conclusion was based upon the NRC's inspections and comprehensive, independent technical evaluation of Dominion's submissions.

Sincerely,

/RA/

Gregory B. Jaczko