



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

March 1, 2005

*RDS received
3/2/05*

*10/10/04
69 FR 71854*

472

Mr. Jack Cushing
OWFN 11 F-1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Comments to the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site – NUREG-1811 (North Anna ESP project). CEQ # 040569

Dear Mr. Cushing:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, Section 404 of the Clean Water Act (Section 404), and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U. S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. Due to the limited information provided as well as limited time available to conduct a comprehensive review, we are unable to provide an inclusive set of comments.

Under EPA's system for rating Environmental Impact Statements, we are rating the environmental impacts associated with the North Anna ESP project as Environmental Concerns 2 ("EC2"). An EC rating means the review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. The numeric rating assesses the adequacy of the Environmental Impact Statement. The 2 rating indicates that the DEIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment. The identified additional information, data, analysis, or discussion should be included in the final EIS. The basis for these ratings is reflective in the following comments. A copy of our rating system is attached, and can also be found at: <http://www.epa.gov/Compliance/nepa/comments/ratings.html>.

If you any questions regarding this issue please feel free to contact Kevin Magerr at (215) 814-5724.

Sincerely,

William Arguto
William Arguto,
NEPA Team Leader

Attachments: Technical Comment, EPA Rating System Criteria

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

*SESP Better Complete
Template = ARW-013*

*E-RFDS = ADM-03
Add = J. Cushing (JXC9)
A. William son (ARW1)*

TECHNICAL COMMENTS

GENERAL PROCESS COMMENTS FOR THE NORTH ANNA PROJECT

1. The Purpose and Need of the Draft EIS does not include an assessment of the energy needs for the addition of two nuclear power units at the North Anna facility, nor does it assess other energy alternatives. The focus of the Purpose and Need was restricted to simply the suitability of citing two nuclear power units at the facility. It is EPA's understanding of the NRC's two-step streamlining permitting process would require an energy needs analysis which would include energy alternatives assessment in a second EIS, in accordance with 10CFR Part 50. EPA has concerns with this approach since it ignores the justification for the power plant addition in the early stage of project development as well as biases the subsequent energy alternative analysis toward nuclear power under the second EIS since the NRC would have approved the suitability under the ESP.
2. The Dominion Environmental Report (ER) is referenced extensively (Geology, Hydrology, Surface Water and Groundwater Use, Surface Water Quality and Groundwater Quality, Thermal and Chemical Monitoring) in the Draft EIS. Many of the Draft EIS conclusions are based on this document. Further, the Dominion ER is not part of the Draft EIS nor was it submitted to EPA as part of the Draft EIS submittal. EPA believes that a review of the ER is an important element of the evaluation of the Draft EIS and should be included as an attachment.
3. EPA has concerns that there are unresolved Air and Radiological issues in the DEIS. The Air and Radiological Health Impacts are currently being reviewed by EPA at this time and will be forwarded to the NRC upon completion. We request that these comments be considered during the Draft EIS phase of the project.
4. EPA has concern that the twenty year horizon allotted under the proposed ESP does not have any protective assurance that unforeseen population growth and/or additional stressor on the Air or Water resources will be accounted for. Typically an action that has not occurred within three years of an EIS requires at a minimum a supplemental EIS.
5. The Draft EIS does not provide information on the delineation (in acres) or the type of wetlands impacted by the construction and operation of the proposed facility, nor does it include any mitigation for the loss of wetlands.
6. The Draft EIS does not provide information on the linear feet of streams impacted by the construction and operation of the proposed facility, nor does it include any mitigation for the loss.

7. As stated in the DEIS (2.6.2.1 - Surface Water Use), growth in downstream demands for water withdrawals could result in increase water conflicts. Further, with three downstream counties considering using the North Anna River as a water resource raises the concern over an adequate water budget to accommodate additional power units at the North Anna facility. The DEIS should include a comprehensive water budget.

8. The Virginia Department of Environmental Quality – Game and Inland Fisheries (appendix F-50) have raised issues related to fish impingement and entrainment as well as increase water temperature and circulation flow patterns associated with the water demand of the proposed units during EIS application review. It is unclear under the Draft EIS what was modeled, what were the results of the modeling and what was the mitigation, if any being proposed.

*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*





Fax

Name: Jack Cushing
Organization: U.S. NRC
Fax: 301 415 2002
Phone: 301 415 1424
From: Kevin Magerr
Date: 02/28/05
Subject: Comments to the Draft Environmental Impact Statement for an Early Site Permit at the North Anna ESP Site.

Pages: 4

Comments:

Kevin Magerr
Environmental Engineer
US EPA Region 3
(3EA30)
1650 Arch St
Phila, PA 19103
215 814-5724
cell 302 521-2510
fax 215 814-2783
magerr.kevin@epa.gov