

EDO Principal Correspondence Control

FROM: DUE: 07/19/12

EDO CONTROL: G20120439  
DOC DT: 06/19/12  
FINAL REPLY:

Representative J. Randy Forbes

TO:

Rebecca Schmidt, OCA

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 12-0294

Borchardt, EDO

DESC:

Constituent Concerns about NRC Practices  
Regarding the Safety of Nuclear Power Plants -  
North Anna (EDATS: SECY-2012-0322)

ROUTING:

Borchardt  
Weber  
Johnson  
Ash  
Mamish  
OGC/GC  
Leeds, NRR  
McCree, RII  
Zobler, OGC  
Schmidt, OCA

DATE: 06/21/12

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO  
Notice 2009-0441-02 (ML093290179). NRR and Region  
II to provide input to Roger Rihm, OEDO, if  
required. Roger Rihm will coordinate response with  
OGC and OCA.

NOTE: Response should be directed to Congressman  
Forbe's Virginia office.

TEMPLATE: SECY-017

ERIDS: SECY-01

# EDATS

Electronic Document and Action Tracking System

**EDATS Number:** SECY-2012-0322

**Source:** SECY

## General Information

**Assigned To:** OEDO **OEDO Due Date:** 7/19/2012 11:00 PM  
**Other Assignees:** **SECY Due Date:** 7/23/2012 11:00 PM  
**Subject:** Constituent Concerns about NRC Practices Regarding the Safety of Nuclear Power Plants - North Anna  
**Description:**  
**CC Routing:** NRR; RegionII; OGC; OCA  
**ADAMS Accession Numbers - Incoming:** NONE **Response/Package:** NONE

## Other Information

**Cross Reference Number:** G20120439, LTR-12-0294 **Staff Initiated:** NO  
**Related Task:** **Recurring Item:** NO  
**File Routing:** EDATS **Agency Lesson Learned:** NO  
**OEDO Monthly Report Item:** NO

## Process Information

**Action Type:** Letter **Priority:** Medium  
**Signature Level:** EDO **Sensitivity:** None  
**Approval Level:** No Approval Required **Urgency:** NO  
**OEDO Concurrence:** NO  
**OCM Concurrence:** NO  
**OCA Concurrence:** NO  
**Special Instructions:** Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). NRR and Region II to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.  
**NOTE:** Response should be directed to Congressman Forbe's Virginia Office.

## Document Information

**Originator Name:** Representative J. Randy Forbes **Date of Incoming:** 6/19/2012  
**Originating Organization:** Congress **Document Received by SECY Date:** 6/21/2012  
**Addressee:** Rebecca Schmidt **Date Response Requested by Originator:** NONE  
**Incoming Task Received:** Letter

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 21, 2012 09:47

PAPER NUMBER: LTR-12-0294 LOGGING DATE: 06/21/2012

ACTION OFFICE: EDO

AUTHOR: REP J. Randy Forbes

AFFILIATION: CONG

ADDRESSEE: Rebecca Schmidt

SUBJECT: Constituent Correspondence - concerns NRC practices regarding the safety of nuclear power plants - North Anna

ACTION: Signature of EDO

DISTRIBUTION: OCA to Ack.

LETTER DATE: 06/19/2012

ACKNOWLEDGED No

SPECIAL HANDLING: Direct your response/questions to Congressman Forbes VA office.

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 07/23/2012

DATE SIGNED:

EDO --G20120439



CONGRESSMAN J. RANDY FORBES  
4<sup>TH</sup> DISTRICT OF VIRGINIA  
COMMITTEES:  
ARMED SERVICES- JUDICIARY

VIA FACSIMILE  
**CASEWORK**

CASE NAME: Figg, Robert

Date: June 19, 2012

Number of pages including the cover sheet: 15

To: Ms. Rebecca Schmidt  
Director, Office of Congressional Affairs  
Nuclear Regulatory Commission  
Washington, DC 20594

FAX: 301 415 8571

**CHESTERFIELD DISTRICT OFFICE**

9401 Courthouse Road • Suite 201 • Chesterfield • Virginia 23832  
OFFICE: (804) 318-1363 FAX: (804) 318-1013

**Joan Fallon – Senior Constituent Services Representative & Senior Advocate**  
[Joan.Fallon@mail.house.gov](mailto:Joan.Fallon@mail.house.gov)

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**COMMENTS:**

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AND HOMELAND SECURITY

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THE CONSTITUTION



**J. Randy Forbes**  
**United States Congress**  
**4th District, Virginia**

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June 19, 2012

Ms. Rebecca Schmidt  
Director, Office of Congressional Affairs  
Nuclear Regulatory Commission  
Washington, DC 20594

FAX: 301 415 8571

Dear Ms. Schmidt:

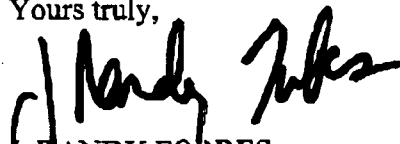
Enclosed is a copy of the correspondence I have received from my constituent.

I would appreciate it if you would review this correspondence and provide me with any information that may be helpful to my constituent. Please direct your response and any questions to my office at 9401 Courthouse Road, #201, Chesterfield, Virginia 23832, (804) 318-1363.

I am grateful for any assistance you may be able to provide in this matter.

With kind personal regards, I am

Yours truly,

  
J. RANDY FORBES  
Member of Congress

JRF:jf



J. Randy Forbes, M.C.

JUN 19 2012

Colonial Heights, VA

Office of Congressman J. Randy Forbes

Consent for Release of Personal Records by Executive Agencies

NAME OF AGENCY U.S. JUSTICE DEPARTMENT

Mr.  Mrs.  Ms. RONALD L. FIGG Date of Birth 01/21/1945  
(mm/dd/yyyy)

Address 2639 DORSET RIDGE RD

City, State, and Zip Code POWhatan, VA 23135

Phone: Home (804) 403-3260 Cell (804) 921-0771 SSN N/A

Email RFIGG1@VERIZON.NET

Would you like to sign up to receive Congressman Forbes' weekly e-newsletter?  Yes  No  
I AM READY GET THE NEWSLETTER

Please include the following information *only* if it pertains to your inquiry:

Veterans Claim Number N/A CSA Number N/A

I have sought assistance from Congressman J. Randy Forbes on a matter that may require the release of information maintained by your agency and which may be prohibited from disseminating under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems involved in this case with Congressman J. Randy Forbes or any authorized member of his staff until the matter is resolved.

Signature [Handwritten Signature] Date 061812  
(mm/dd/yyyy)

Please return this form by mail or fax to:

Congressman J. Randy Forbes  
Chesterfield District Office  
9401 Courthouse Road, Suite 201  
Chesterfield, Virginia 23832  
804-318-1363 (phone)  
804-318-1013 (fax)



|                            |  |
|----------------------------|--|
| <b>For Office Use Only</b> |  |
| Joan Fallon                |  |
| Meghann Medici             |  |
| Other                      |  |

**Congressman J. Randy Forbes**  
**9401 Courthouse Road, #201**  
**Chesterfield, Virginia 23832**  
**804-318-1363**

Today's Date: 6/18/2012

Name of Federal Agency that you want me to contact on your behalf?

US JUSTICE DEPARTMENT

1. What is the issue regarding this agency that I need to address?

NRC PRACTICES REGARDING NUCLEAR POWER  
 PLANT SAFETY

2. What specific action are you requesting that I take on your behalf?

I WANT A REASONABLE RESPONSE FROM THE  
 US JUSTICE DEPARTMENT. THAT US JUSTICE DEPARTMENT  
 ONLY COMMENT SO FAR IS TO SAY ITS A POLITICAL ISSUE.  
 WITHHOLDING SAFETY INFORMATION FROM PUBLIC  
 HAS NOTHING TO DO WITH POLITICS.

3. What solution are you looking for?

SEE ATTACHMENT COVERING 11 PAGES

**Ronald Figg**

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**Subject:** FW: North Anna Nuclear plant public safety p 1 of 3

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**From:** Ronald Figg [mailto:rfigg1@verizon.net]  
**Sent:** Thursday, June 07, 2012 2:58 PM  
**To:** 'christopher.maneval@mail.house.gov'  
**Subject:** FW: North Anna Nuclear plant public safety p 1 of 3

Del Forbes

Please look over my below opinions and concern provided to the US Justice department . There is a certain conflict of interest with the Justice Department in this case ,but, past experience suggest a higher probability of review than may result from the VA Attorney General office who accepted money from Dominion. Dominion lobbying effort is extremely strong in VA. In addition the Dominion CEO and present governor were school mates. My objective is to see meaningful technical evaluation at North Anna where the public fully understands the risk.

My problem at the moment is the US Justice Department appear wrapped in NRC politics. I live reasonably close to the Nuclear plant and Dominion and the NRC clearly kept structural information from the public as I have described . Dominion and the NRC also kept geological fault information in the 1970's from the public and the US Justice fined Dominion for their actions . The problem is the NRC responds to utility lobbying without acting independently . This problem appeared in the North Anna earthquake investigation . Politics and lobbying should be put aside when Nuclear safety is the issue .

I request that you review my opinion and ask the US Justice Department by letter to provide me a reasonable response on the handling of structural capability of the North Anna Nuclear plant to withstand earthquake energy forces covered by the USGS department based on the below information .

Regards, Ron Figg PE  
804-921-0771

---

**From:** Ronald Figg [mailto:rfigg1@verizon.net]  
**Sent:** Monday, April 09, 2012 12:14 PM  
**To:** 'AskDOJ@usdoj.gov'  
**Subject:** North Anna Nuclear plant public safety p 1 of 3

Page 1..... Pages 2 and 3 will follow . Those pages cover just the referenced attachments .

US justice department



I respectfully request the US department of justice office review a situation where critical structural information was withheld from the public at the North Anna nuclear power station following the recent earthquake . The present situation is very much like the US Department of Justice 1970's case where geological fault information was withheld from the public at North Anna 1&2 resulting in a fine. Following the August 5.8 magnitude earthquake , Dominion clearly would not address key public questions covering the structural capability of the 40 year old North Anna units 1&2 major structures as they exist today . One key public question covered an upgrade to North Anna 1&2 to match similar standards proposed for the new unit 3, which has a design four (4) stronger . The decision to make unit 3 four (4) times stronger at the same location as units 1&2 was based on the regional "maximum potential earthquake magnitudes" (NRC standard) prior to the August 23, earthquake . The alternative question relative to major plant structures was to determine at what point structural failure would likely occur or the point where design safety margins go to zero using structural engineering science and the USGS magnitude earthquake energy force standards . This ladder approach provides the public living near the plant safety margins so they can make an informed choice.

The August 23, 2011 5.8 magnitude earthquake exceeded the North Anna unit 1&2 original design by 12 to 21 % at low frequencies and double at high frequencies as reported by Dominion, when the plant was claimed to have been designed for a 6.2 magnitude earthquake . The NRC , Scott Burnell , in a USA TODAY interview

<http://content.usatoday.com/communities/greenhouse/post/2011/09/quake-rattled-nuclear-plant-puts-nrc-in-unprecedented-spot/1>) reports a USGS seismograph located about 30 miles from the North Anna plant location showed forces exceeding the plant design "**up to twice the design basis**".

All parties agree if major structures such as the containment structure housing the nuclear reactor or spent fuel storage structure or some of the piping penetrations fail under larger earthquake forces there will be an absolute huge public safety issue .

So let's review the NRC report and follow the Dominion and NRC documented public quotes and apply commonsense logic to see how structural information was misrepresented and that the desired public structural information was withheld .

The Dominion and NRC quoted statements covered by Richmond Times Dispatch (RTD) at the Louisa 110111 meeting (attached ) were misleading in several areas . Here is one example "***The plant's shrugging off the quake's impact shows that it is considerably stronger than its theoretical design, Dominion Virginia Power and NRC officials said***" is a misleading statement because : 1) Dominion provided absolutely no structural analysis summary information to demonstrate the two units structural capability as it exist today when most available information suggested structural problems , 2) Dominion or NRC would never say an

in-depth structural analysis was done, 3) this was a short duration small to moderate earthquake based on USGS standards when the region clearly has the potential for a much higher earthquake forces, 4) evidence from USGS shows that the plant while close the center of the earthquake missed (this time) the maximum energy force of the 5.8 magnitude earthquake, and 5) Dominion nor the NRC would not define the term "theoretical design" or how they arrived at its use. The NRC opening statement at the Louisa 110111 meeting was **"We're going to make sure everything's safe."** was never supported by their public comments, demonstrated by actions, nor by their final published technical report looking forward considering the regional earthquake potential vs the plant design.

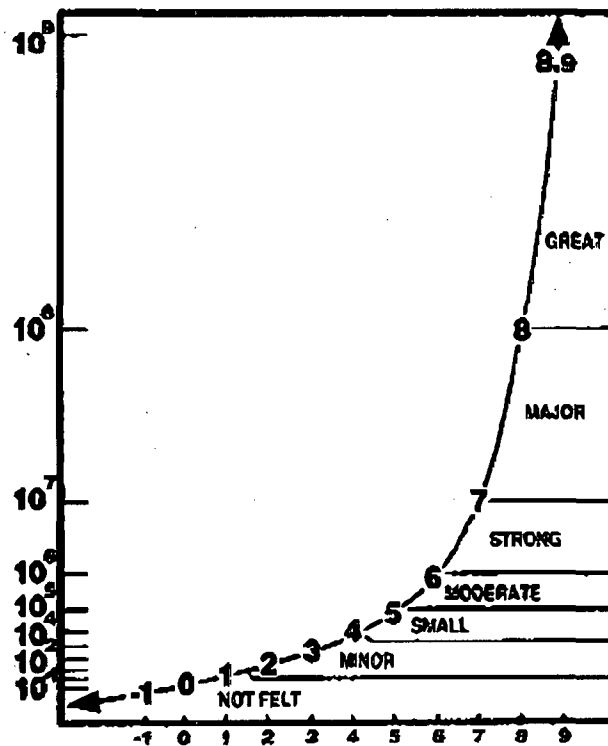
When the public ask questions at the 110111 meeting about the unit 1&2 structure itself and unit 3 proposed design at four (4) times stronger, Dominion along with the NRC basically remained silent on that subject, while as recorded by RTD **"retired Dominion Virginia Power employee Alexander Smith Jr. of Chesterfield County asked who in the audience favored restarting the North Anna reactors. Most stood up."** The audience was loaded with Dominion retirees and employees who are also Dominion stock investors. . . After this event I did a head count at the 111511 meeting and approximately 70% of the audience was controlled by Dominion via retirees, employees, their vendors, contractors and investors. Even RTD picked up and reported on the audience imbalance at the 111511 meeting. It was very visible just watching the socializing and wondering through the crowd before and after the meeting engaging discussion. I am a retiree from Dominion and I received a letter from the company CEO to lobby for Dominion, just like all retirees. **The type activity by a "monopoly company" in this type situation while perhaps not illegal is fundamentally wrong. It clearly would provide a comfort level to the NRC who may not get the full picture. Dominion was effectively bullying the public and particularly the local citizens.**

Please note the RTD 111311 article (attached) quoting Dominion 12 days after the NRC Louisa meeting and 2 days after authorization to restart.

**"Dominion officials say the plant did not suffer significant damage from the earthquake and is safe to restart. They acknowledge that ground vibrations exceeded the plant's design standard by 12 percent to 21 percent at the lower frequencies where damage is most likely to occur. At higher frequencies, the NRC has estimated that vibrations were double the design standard."** Exceeding the plants design by 12 to 21 % (Dominion) or twice the design basis is very significant. The immediate region damage areas were zoned in three groups relative to the 5.8 earthquake :Severe, Moderate and Minor by USGS, where the North

Anna plant "this time" falls in a "Minor" damaged zone. So the power plant does not see the full force of the 5.8 earthquake (see attached USGS "earthquake details "last diagram) ,but, significantly fails the plants original design basis that Dominion had claimed was designed for a 6.2 magnitude earthquake . Without limitation, this is very significant because it suggest the plant major structures physically survived August 23 on the original design "safety factors" added to the 6.2 magnitude design basis. We will discuss safety factors further . It also obviously suggest the plant design for a 6.2 magnitude earthquake is questionable . The important question remains at what magnitude earthquake will major structures fail or alternatively safety margins go to zero based on the region earthquake potential forces using USGS standards and prudent structural engineering computation methods .

As a matter of history , "if the utility " had to originally design North Anna units 1&2 for the same level earthquake that happen in SC (magnitude 7.3) which was considered a probable event at the plant site with approximately 160 times greater force than the 5.8 earthquake , the economics of North Anna 1&2 would have fill apart and the project would have never been built because nuclear generation was competing with coal power plant generation levelized cost in the 1970's. History alone strongly suggest the entire reason behind the utility withholding geological fault information from the public in the early 1970's was project cost impact. VEPCO (now Dominion) was fined by the federal government for withholding geological fault information ,but, there was no requirement to force a design to the maximum potential magnitude earthquake. VEPCO argued a past earthquake in an adjoining county was out of the region and the local faults were not active and "without an earthquake" the issue faded away. That added design cost impact is logically the difference between designing stronger plant structures at higher cost based on the "maximum potential earthquake magnitude" verses picking a point on the magnitude curve that matches the utility desired project budget and cost testimony before the public commission justifying the plant . Please review the earthquake magnitude curve and attached USGS facts and statistics .



**USGS Earthquake magnitude curve**

Out of the 27 reactors the NRC says are not designed at today's NRC earthquake standards, North Anna 1) has the most known regional fault exposure, 2) has experienced a regional 5.8 magnitude earthquake that exceeded the design basis, 3) has the worse engineering design history conditions visible to the public, 4) more likely to have structural fatigue below ground on the exterior part of the structure from the earthquake activity and /or is subject to the degradation of structural material over its 40 year life, and 5) most likely has seen the greatest lobbying efforts beyond any other units to continue operations,

I recently spoke with Carl Benson (804 328 3172) by phone who I have yet to meet, the present Virginia state geologist, to get his thoughts on a 7.3 to 7.5 magnitude earthquake probability in North Anna region and the probability of larger west coast magnitude 8 to 9 earthquakes at North Anna. In the late 1960's while employed at VEPCO (I retired from Dominion as a director after 34 years service) I worked with the Virginia Department of Transportation (VDOT) when performing cross county transmission line route surveys and met George Meadows who was the Virginia state geologist at that time surveying geological fault areas for VDOT. George provided me information about faults that could impact the proposed North Anna project location, where a 7.3 to 7.5 magnitude had reasonable potential. I took an interest in geology and attended one of George's geology classes at RPI (now VCU). I provided this information to VEPCO management in 1969. It was my understanding they had fault information from other sources, but, considered the faults not active and any local earthquake history not relevant using their experts. **In my discussion with**

Carl Benson on George Meadows original opinion of the 1960's he affirms : 1) a 7.3 to 7.5 magnitude earthquake was a probable event for this region or has reasonable potential , and 2) he also agrees that geologist in general believe the same large scale magnitude 8 to 9 earthquakes seen on west coast could happen in this region, they just generally think a much higher occurrence ratio. I would recommend starting a review with Carl Benson since he is in Virginia ,but, get other opinions . This efforts needs independent opinion without the influence of Dominion.

Please note the RTD 111311 (attached ) Dominion Grecheck comment making a promise to the NRC and skirts the idea of higher magnitude earthquakes :

***"Grecheck said the company has promised the U.S. Nuclear Regulatory Commission to compare the vibrations measured throughout the plant with its design standards for seismic events. The company also plans to test the plant's design assumptions against the new model for seismic vulnerabilities east of the Rocky Mountains that the NRC is expected to release early next year. Dominion officials don't expect to have to make physical upgrades at the plant based on the new information."*** First , the general character of Dominion's statement suggest a structural evaluation was kept to a minimum effort. Second, Dominion executives are now suggesting they want to replace " region maximum potential earthquake magnitude " using a ***"new model for seismic vulnerabilities"*** at a "later date" , when prior to August 23, Dominion and the NRC both agreed on some facsimile of "region maximum potential earthquakes magnitude " and commenced a design for the proposed new unit 3 four (4) times stronger . This is beginning to look more like a USA issue vs a North Anna issue involving public safety in the region. Further , the NRC clearly appears is running along behind Dominion shaping a report scope to the utility benefit . Note in the NRC report how many times the NRC starts with phrases like "according to the licensee" or "license indicated". Third , Dominion is clearly disregarding higher magnitude earthquakes like those west of the Rocky mountains altogether .

In the present public debate, you began to see from the RTD articles , every time this public structural questions came up , the Dominion controlled audience crushed the discussion or Dominion jumped into a world of theory or Dominion shifted to new seismic evaluation standards or Dominion promises to evaluate at a future date.

The RTD reports 111311 " ***While the NRC said the higher seismic risk does not threaten plant safety, the commission is redoubling efforts to reassess the design standards for ground vibration at vulnerable plants***" Think about the NRC statement ***"higher seismic risk does not threaten plant safety"*** after you finish reviewing USGS public available information and other world events with longer duration higher magnitude earthquakes where bedrock ruptures through existing ground elevation carrying very large structures with it . These public statements relate to a 20 second duration small to moderate earthquake where major forces miss the plant ,but, clearly exceeded the plants design basis . The public issue is a longer duration earthquake with higher forces that could result in this region on a 40 year old structure with a questionable design and questions about degradation of structural materials . The NRC entire thought process

and judgment relative to seismic / earthquake potential forces for the immediate region impacting the North Anna major structures is questionable and very clearly influenced by Dominion as reflected in the NRC report .

Please note the following from the attached article covering the RTD 111511 public square meeting after the NRC gives the go ahead to restart :

***"North Anna's third reactor would be designed to withstand more than four times as much shaking as the first two units.....They're going to let North Anna 1 and 2 operate at this lower standard,"*** Rosenthal said

.....**Dominion response**

***"In isolation, neither standard is meaningful, Grecheck said, noting that the earthquake demonstrated that the existing units are in fact much stronger than their theoretical design".***

Think about this statement , ***"In isolation, neither standard is meaningful"*** by a high ranking nuclear executive responding to concerned citizens that lived near the power plant . I frankly could not believe my ears on Grecheck response, plus his added followed up comments just dug a dipper hole .

This was nothing more than bullying a local citizen , particularly with about 70% of the 111511 audience controlled by Dominion cheering these goofy statements. Much like the NRC the Dominion entire thought process is questionable relative to the public's major safety concern. Grecheck made very few comments that were sensible from a technical viewpoint covering the public concern .

Again we have this undefined "theoretical design" reference . Structural design is not theoretical, it is scientific . Without limitations, the ABC's of structural design computations use material strength information based on actual known material strength test. With concrete the strength is affirmed based on cylinder test of the actual concrete used for the project. The final concrete cylinder test affirms the original structural computations . Reinforced steel strength used within the concrete is more predictable when new because of manufacture controls ,but, ground water /moisture at varying temperatures causes this steel to reduce in cross section and weaken over time. Likewise moisture under different temperatures causes degradation of concrete . **Structural engineers use safety factors in computations to cover future degradation of the structural materials over time using historical data. Then engineers based on actual dynamic load event history typically add additional safety margins to cover future structural fatigue. Fatigue results from normal operations, forces from hurricanes , forces from earthquake activity, etc. over time . These added safety margins are based on known information and agreed upon via national and state engineering associations . Engineers in recent years have published papers indicating radiation at nuclear plant can accelerate structural material degradation. Again , based on available**

**information a 7.3 magnitude has a pretty good potential and it forces are about 160 times greater than the higher forces seen from the 5.8 August earthquake suggest a public safety risk.**

The energy force increase from a 5.8 to an magnitude 8.7 is 794 times greater as shown on USGS web site ( see attached USGS example ... facts and statistics from their web site ) . So when you consider the larger earthquake forces from a 7.3 through 8.7 magnitude earthquake you are looking at an absolute huge public risk problem considering the population in the southern part of northern Virginia including military facilities .

A key point not covered by RTD in their article on the 111512 meeting came from Grecheck who said to Louis Zeller that Dominion did not consider the Richter scale significant and played the standard down (RTD videoed this meeting). First , the Richter scale is the leading scale used by the USGS department and has been the universal measuring tool relative to earthquake magnitude resulting forces for many years around the world . Engineers have always used the Richter scale best available information to determine design parameters. Engineers over time have adjusted the energy force levels based on actual events information fine tuning the forces to be used in design . Dominion is very clearly attempting to replace prudent structural engineering practices with some lesser standard applying newly created standards for a 40 year old nuclear power plant with questionable structural design history .

After the public 111511 meeting , I approached Grecheck with a few questions thinking he may be more talkative off camera . He affirms a review of the original design ,but, like public discussion he would not discuss the depth of structural review , would not discuss matters of degradation and fatigue field investigations which should be a critical activity on a 40 year old structure involving removing earth down to base taking structural material core samples from the outside and NDE testing to determine strength today , nor would he consider profiling remaining safety margins based on the region potential earthquake magnitudes beyond 5 up to at least a 7.5 . However, Grecheck seemly agreed ( visible in NRC report )Dominion had been spoon feeding the NRC since August 23, on the seismology data which is the foundation for determining the region maximum potential earthquake magnitude. Dominion among others is also using VA Tech for summary technical backup. Needless to say VA Tech receives money from Dominion and Dominion has huge political force getting school funding. The rock bed VA Tech claims gives support to majors structures was easily blown apart where encountered building the reservoir. The minor forces on August 23 moved spent fuel structures that weighed 115 tons up to 4 inches . I ask Grecheck to think about forces 200 times greater or the extreme 800 times greater similar to USGS public data , asking can you first answer how the North Anna structures would hold up with forces say 200

times greater than the 5.8 event which would very likely rupture bedrock .

His concluding comment was to the effect , ***“we are satisfied with our work with the NRC and based their report they agree we are safe to restart”*** .

The only theory in this case is how to minimize the region maximum potential earthquake magnitude. In 1969 the Dominion view focused on a past regional 4 magnitude earthquake claiming to remote and nearby faults no longer active . The 2011 Dominion's view is OK, I guess we are seeing some earthquake activity ,but, the ceiling is a 5.8 magnitude probably never to occur again because USGS can't pin down the recurrence interval . Needless to say , rock mass referenced in the NRC report below the plant major structures is among other things the main ingredients in larger magnitude earthquakes causing large scale destruction . All evidence suggest Dominion has influenced the NRC to shape a report with the conclusion this was an unexplained 5.8 earthquake that has no rim or reason for happening . The NRC reports says ***“the licensee ( Dominion) indicated that the scientific community has yet to complete a full evaluation of the August 23 2011 earthquake as of this time”*** (page 7 of NRC report). The NRC report does not suggest the NRC is in charge . The folks in charge is Dominion and I would anticipate much of the key analysis on the Dominion end is an attorney client privilege work product.

The NRC defines their practices as a ***“confirmatory inspection”*** which is not hands on, typically has no meaningful tracks , and conducive to lobbying efforts . The majority of NRC directed scopes of work were component inspections and internal visual inspections and evaluating damage from on the August earthquake event . The NRC report skips over the public safety primary concern. Dominion's interest appears to get a satisfactory report that the NRC would agree on for authorization to restart, which would improve the Dominion situation with investors, insurers , and financial institutions . This area needs investigation . Nothing looks positive looking at the Dominion / NRC relationship.

The NRC general obligation according to their web site ***“ is an independent agency to enable the Nation to safely use radioactive materials for beneficial civilian purposes while ensuring the protection of people and the environment.”*** The NRC made absolutely nothing visible suggesting they were doing their job to ensure the protection of people and the environment at North Anna covering units 1&2 structural capability after hearing the people's major concerns. The people wanted reasonable evidence to ensure public safety looking forward with a 40 year structure and they got just the opposite Please read the final NRC document at [www.nrc.gov/about-nrc/emerg.../naps-tech-eval-ml11308b406.pdf](http://www.nrc.gov/about-nrc/emerg.../naps-tech-eval-ml11308b406.pdf) Read



the Dominion account <http://www.nrc.gov/reading-rm/doc-collections/commission/slides/2011/20111021/dominion-20111021.pdf>.

Considering : 1) the misleading public statements by Dominion's highest ranking nuclear management covering unit 1&2 structural capability recovery, 2) missing structural engineering information about the nuclear unit 1&2 structural capability as it exist today coupled the absolute huge potential public safety and economic impact to Virginia should a structural failure occur , 3) the fact Dominion and the ATC / NRC has in the past mislead the public and withheld structural related information from the public , 4) the fact the power plant did not see the full force of the 5.8 earthquake but, regional forces from this small to moderate 20 second earthquake that substantially exceeds the plants design ranging up to "**twice the design basis**" , 5) the NRC failure to live up to its stated obligations as a regulator to address the public's safety and primary concern , 6) the fact so many comments point to Dominion holding back critical structural engineering information and / or failing to engage proper investigation, 7) the fact Dominion and the NRC prior to August 23 decided designing unit 3 four (4) times stronger than units 1&2 was needed for public safety , 8) Dominion completely avoided discussion on degradation of structural material and structural fatigue relative to safety factors in original design and what margins exist today after degradation, 9) the fact Dominion has unlimited rate payer money unchecked by the state of Virginia to spend lobbying Virginia government and the NRC, 10) the fact Dominion had no interest in profiling safety margins beyond a magnitude 5 so the public would be informed to make their own safety choices , and 11) **NRC "confirmatory inspections"** are not hands on and very conducive to utility lobbying , are all representative evidence about North Anna units 1&2 major structures public safety risk showing the need for an unbiased investigation covering the practices between Dominion and the NRC and structural information withheld from the public that impacts both mass public safety and impacting individual choice for those who live near the plant to consider plant design safety margins in making personal decisions for their families .

While I understand there is a certain conflict relative to the NRC being a federal agency , that conflict is small potatoes compared to using any branch of Virginia government where Dominion has control. The Virginia public commission took the position North Anna was a federal issue and remained silent. I reviewed some of these issues with the commission and they said "not our job" . The governor and Attorney General also remained silent throughout the process, except the **governor publicly said once NRC granted restart ( see attachment) "Dominion officials have worked in tandem with the Nuclear Regulatory Commission to thoroughly assess the Power Station in order to guarantee the soundness and safety of the facility moving forward"** . Sounds good so far. However, in the second part of the governor's statement he defines his focus as damage assessments from the 5.8 magnitude earthquake as if that was the ceiling magnitude and completely overlooks the immediate public major concern . FYI, the Dominion CEO and the Virginia governor are very close friends going back to school days . The governor accepts money from

Dominion along with the majority of Virginia legislators . Also ,it is worthwhile noting RTD has Dominion as a large customer. The publics expressed safety concerns were basically ignored .

**The US Department of Justice stepped up to the plate in the 1970's making a fair review in a similar situation and it is the only party likely to conduct an unbiased evaluation today.**

**In today's situation the public should clearly know and understand the remaining safety margins at North Anna unit 1&2 as the plant exist today, particularly against earthquake magnitudes beyond a 5. The public should have adequate engineering summary information covering the structural integrity and safety margins to make an informed choice . I don't think there is any question Dominion and the NRC tailored their scopes of work to overlook the public expressed concern.**

I would like to have a US Justice Department person contact me to discuss this matter . I am a retired licensed professional engineer in Virginia and I live in Powhatan county reasonably close ( about 30 miles as the crow fly's) to the North Anna plant. I have always had concerns about the risk associated with North Anna. These recent events coupled with Dominion and NRC public statements has heightened my concern. I request an unbiased investigation where public risk is the priority.

Regards, Ron Figg PE  
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