

December 3, 2003

Mr. Neil Patterson, Jr., Director
Tuscarora Environmental Program
Tuscarora Nation
2045 Upper Mtn. Road
Sanborn, NY 14132

SUBJECT: EARLY SITE PERMIT REVIEW FOR THE NORTH ANNA POWER STATION
SITE

Dear Mr. Patterson:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application for an early site permit (ESP) for the potential future construction of one or more new nuclear power plants. If built, the new unit(s) would be located at the existing North Anna Power Station site near Mineral in Louisa County, Virginia, on the southern shore of Lake Anna. The application for an ESP was submitted by Dominion Nuclear North Anna, LLC (Dominion), on September 25, 2003, pursuant to NRC requirements at Title 10 of the *Code of Federal Regulations* Part 52 (10 CFR Part 52). The application is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS) which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The application is under accession number ML032731517.

As part of its review of the application, the NRC staff will prepare an environmental impact statement (EIS) under the provisions of 10 CFR Part 51, the NRC rules that implement the National Environmental Policy Act (NEPA) of 1969. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act of 1969," the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966 in meeting the requirements of NEPA. A draft EIS is scheduled for publication in October of 2004, and will be provided to you for review and comment.

Representatives of the Bureau of Indian Affairs (Department of the Interior) had previously expressed their interest in ensuring that the NRC provide you with the opportunity to share your views on licensing actions in Louisa County, Virginia. Therefore, the NRC staff is contacting you regarding this ESP review. The North Anna Power Station site, which is the subject of this review, is a considerable distance from the Neuse and Roanoke Rivers. It is located on Lake Anna, 10 miles Northeast of Mineral, VA.

If approved, the ESP will document the NRC staff's determination regarding the suitability of the proposed site for the construction and operation of one or more new nuclear plants. The ESP would not authorize the applicant to begin construction of the unit(s). However, in its review, the NRC staff will evaluate the environmental impacts of construction and operation and will also consider alternatives, including alternative sites.

Dominion has also included a site redress plan in its application in accordance with 10 CFR 52.17(c) and 52.25. If a site redress plan is included in an ESP approved by the NRC, the applicant may carry out certain site preparation and limited construction activities. See Part 4 of the application for the associated site redress plan. Dominion would still be required to obtain the appropriate local, State, and other Federal permits required for these activities prior to starting work.

In the context of the National Historic Preservation Act of 1966, as amended, the NRC staff has determined that the area of potential effect (APE) for this ESP review is the area at the power plant site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new unit(s). The APE may extend beyond the immediate environs in those instances where these land-disturbing activities may potentially have an effect on known or proposed historic sites. This determination is made irrespective of ownership or control of the lands of interest.

In its application, Dominion has stated that, prior to any activities that would disturb existing ground conditions, it would assess the need, in coordination with the Virginia Department of Historic Resources, to undertake subsurface investigations for the identification of potentially significant historic or cultural resources in the area(s) to be disturbed. In addition, Dominion has stated that it would implement the necessary administrative steps to make proper notifications in the event of an unanticipated discovery (including human remains).

Pursuant to 36 CFR 800.2(c)(i), the NRC wishes to ensure that Indian tribes that might have an interest in any potential historic properties in the APE are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

On December 8, 2003, the NRC will conduct a public environmental scoping meeting at the Louisa County Middle School, 1009 Davis Highway, Mineral, Virginia. Representatives of the tribes are invited to attend. Your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is October 2004. If you have any questions or require additional information, please contact the Environmental Project Manager for the North Anna ESP project, Mr. Andrew Kugler, at 301-415-2828 or ajk1@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No.: 52-008

cc: See next page

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Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts
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Accession No.: **ML033390172**

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Accession no. ML033390172

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