

June 14, 2005

APPLICANT: Dominion Nuclear North Anna LLC

FACILITY: North Anna Early Site Permit

SUBJECT: SUMMARY OF TELEPHONE CONFERENCE WITH THE VIRGINIA  
DEPARTMENT OF HISTORIC RESOURCES REGARDING THE NORTH ANNA  
EARLY SITE PERMIT REVIEW (TAC NO. MC1128)

On May 23, 2005, U.S. Nuclear Regulatory Commission (NRC) staff conducted a teleconference with representatives from the Virginia Department of Historic Resources (VDHR) and Dominion Nuclear North Anna, LLC (Dominion) to discuss VDHR's request for a programmatic agreement (PA) in connection with the consultation requirements of Section 106 of the National Historic Preservation Act. Enclosure 1 is the list of participants in the teleconference. The purpose of the teleconference was to discuss whether other regulatory controls, including procedural modifications and/or conditions in the site redress plan, would be acceptable alternatives to a PA.

The NRC stated the actions that it expected Dominion to take based on the statement in Dominion's environmental report (ER) which is reflected in the NRC's draft environmental impact statement (DEIS). Dominion stated in its ER:

Prior to any activities that would disturb existing ground conditions, Dominion would assess the need, in coordination with VDHR, to undertake subsurface investigations for the identification of potentially significant historic or cultural resources in the area(s) to be disturbed. The investigations would be conducted in accordance with professional archeological practices and recommendations as developed in coordination with VDHR.

Additionally, Dominion would implement the necessary administrative steps to make proper notifications in the event of any unanticipated discovery (including human remains). These steps would include stop-work, assessment, and notification protocol [ER Revision 3 Section 4.1.3, Page 3-4-6].

The NRC staff relied on this statement, and it is reflected in DEIS section 4.6, page 4-35, L35-39.

Dominion (Tony Banks) stated that Dominion would stop work if it found any sites and notify its environmental group. A representative of that group would then contact Dominion's consultant in order to determine whether it is necessary to contact VDHR. Dominion stated that preliminary surveys have already been conducted by its contractor, which designated areas of low to high significance.

- C *Areas with No Potential for Historic or Cultural Resources.* These areas include lands where past disturbances related to construction of the [existing] power station and appurtenant (associated) facilities have taken place to such an extent that once extant cultural resources are no longer present. No further archaeological investigations are recommended for these areas.
  
- C *Areas with Low Potential for Historic or Cultural Resources.* Lands within the ESP site that fall into this category are those that are relatively undisturbed but that possess characteristics that would normally indicate a low possibility for most types of cultural resources to occur. For the most part, these lands have a degree of slope greater than 15 percent. For most of these areas, further archaeological work would not be necessary, although there could be smaller areas within the larger zone where specific ground conditions could require investigation.
  
- C *Areas with Moderate-to-High Potential for Historic or Cultural Resources.* These areas are classified as those that are relatively undisturbed by past activities and have a likelihood for prehistoric and historic archaeological sites according to local models of prehistoric and historic land-use and settlement patterning. Archaeological investigation is recommended prior to undertaking any ground-disturbing activities in these areas.

Corporate procedures currently in place call for an immediate stop work order if cultural resources are encountered. In addition, workers have been trained to identify cultural resources. The VDHR contended that this was not protective of cultural resources because this procedure would come into play after work (excavation) has commenced. NRC staff stated that it relied on the above statement by Dominion in its ER that Dominion would, prior to undertaking any activities that would disturb existing ground conditions, coordinate with the VDHR.

The staff stated that protection of potential historic and cultural resources could be achieved by adding conditions to the site redress plan.

VDHR noted that Section 106 consultation is the responsibility of the Federal agency and the State, not the private landowner. The VDHR staff expressed its desire for a PA with the NRC to formalize the consultation process. VDHR staff stated that, within the PA, the NRC could delegate the responsibilities and consultation of Section 106 to Dominion. However, VDHR stated its opinion that entering into a PA would not obviate the NRC's responsibilities for Section 106 consultation. VDHR would serve as a consulting entity for implementation of the PA. VDHR staff stated that the desired PA would also call for phase one testing of areas within

the ESP site that are of moderate to high significance. If significant historic and archaeological resources are found, further phase two investigations would be warranted. VDHR noted that this could also implicate other archaeological resource protection laws. The VDHR suggested that NRC contact the Advisory Council on Historic Preservation for further guidance.

/RA/

Jack Cushing, Senior Project Manager  
Environmental Section  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No.: 52-008

Enclosure: As stated

cc w/enclosure: See next page

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**MAY 23, 2005**

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