July 25, 2008

Mr. George Wickliffe, Chief
Ms. Lisa C. Stopp, Acting THPO
United Keetoowah Band of
Cherokee Indians in Oklahoma
PO Box 746
Tahlequa, OK 74465

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE NORTH ANNA POWER STATION, UNIT 3 COMBINED LICENSE APPLICATION REVIEW

Dear Chief Wickliffe and Ms. Stopp:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Virginia Electric and Power Company, doing business as Dominion Virginia Power (Dominion), and old Dominion Electric Cooperative (collectively, applicants) for a combined license (COL) for construction and operation of a new nuclear power plant at the North Anna Power Station (North Anna or NAPS) site in Louisa County, Virginia. As part of the review of this COL application, the NRC is preparing a supplement to the environmental impact statement (EIS) prepared in connection with the early site permit (ESP) for North Anna ESP site; as required by Part 51 of the *Code of Federal Regulations* (10 CFR 51), the NRC's regulation that implements the National Environmental Policy Act of 1969 (NEPA), as amended.

The proposed new reactor, North Anna Unit 3, would be located on an approximately 1000 acre site on the southern shore of Lake Anna, approximately 6 miles northeast of the town of Mineral, Virginia. Dominion currently operates two reactors, NAPS Units 1 and 2, on the site, and plans to construct Unit 3 adjacent to the existing reactors.

The applicants submitted the application for COL by letter dated November 26, 2007, pursuant to NRC requirements in 10 CFR Part 52. The application was accepted for docketing on January 28, 2008, and is available through the web-based version of the NRC's Agencywide Documents Access Management System (ADAMS), which can be found at http://www.nrc.gov/readingrm/adams.html. The application is listed under ADAMS accession number ML073321238. The North Anna COL application is also available on the Internet at http://www.nrc.gov/reactors/new-licensing/col/north-anna.html. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's public document room (PDR) reference staff by telephone at (800) 397-4209 / (301) 415-4737 or via e-mail at pdr@nrc.gov.

On November 27, 2007, the NRC issued an ESP for the North Anna ESP site, which is the site proposed for Unit 3. An ESP is a Commission approval of a site as suitable for construction and operation of one or more new nuclear units. During the ESP environmental review, the NRC consulted with various entities and received concurrence on the final EIS's evaluation of the impacts to cultural resources. The NRC's detailed review of the environmental impacts of constructing and operating a new nuclear unit is documented in NUREG-1811, "Environmental

Impact Statement for an ESP at the North Anna Site." (ESP final EIS Volumes 1 and 2 are available in the ADAMS under ADAMS accession numbers ML063480261 and ML063480263, respectively.)

Pursuant to NRC regulations in 10 CFR 51.50(c), a COL applicant referencing an ESP need not submit information or analyses submitted in the environmental for the ESP or regarding environmental issues that were resolved in the ESP EIS, except to the extent the COL applicant has identified new and significant information regarding such issues. Pursuant to 10 CFR 52.39, matters resolved in the ESP proceedings are considered to be resolved in any subsequent proceedings, absent identification of new and significant information.

In accordance with 36 CFR 800.8(c), the NRC is using the process required by the National Environmental Policy Act to comply with the obligations imposed by Section 106 of the National Historic Preservation Act of 1966; as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying parties who may wish to consult with the staff on the proposed action and is inviting them to consult with the NRC staff on this matter. Consultation will include participation in the scoping process and identification of new and significant information regarding the ESP EIS discussion of historic properties on the NAPS site; the effects of the proposed action on those historic properties; and the alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The supplement to the ESP EIS will include analyses of any new and significant information relating to potential impacts to historic properties and will document the NRC staff's determination regarding the environmental effects of construction and operation of a new nuclear power plant on the site. The NRC staff will involve the public in this process in accordance with the NRC procedures in 10 CFR Part 51. To complete consultation under 36 CFR 800.8, the NRC will forward the draft supplement EIS to consulting parties for review and comment, and will address the comments in the final supplement EIS. The anticipated publication date for the draft supplement EIS is December 2008.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the area of potential effect 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. The area of potential effect for this COL review is the area at the North Anna site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new unit. Accordingly, the NRC staff is inviting you to consult with it regarding the proposed action and to otherwise provide input to the scoping process relating to the NRC's environmental review of the Dominion COL application.

Please submit any written comments the United Keetoowah Band of Cherokee Indians in Oklahoma may have to offer on the scope of the environmental review by August 15, 2008. Comments should be submitted either by mail to Alicia Williamson, Environmental Project Branch, Division of Site and Environmental Reviews, Mail Stop T-6D32, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or via e-mail to NorthAnna.COLAEIS@nrc.gov.

If you have any questions or require additional information, please contact Ms. Alicia Williamson, Environmental Project Manager at (301) 415-1878 or via email at alicia.williamson@nrc.gov.

Sincerely,

/RA/

Richard P. Raione, Branch Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-017

cc: See next page

If you have any questions or require additional information, please contact Ms. Alicia Williamson, Environmental Project Manager at (301) 415-1878 or via email at alicia.williamson@nrc.gov.

Sincerely,

/RA/

Richard Raione, Branch Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-017

cc: See next page

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