

March 16, 2017

Mr. Tucker Smith  
U.S. Army Corps of Engineers, Norfolk District  
803 Front Street  
Norfolk, VA 23510

SUBJECT: RESPONSE TO THE U.S. ARMY CORPS OF ENGINEERS LETTER  
CONCERNING LEAD AGENCY DESIGNATION; STATUS OF CONSULTATIONS  
ON NORTH ANNA POWER STATION, UNIT 3 COMBINED LICENSE  
APPLICATION

Dear Mr. Smith:

The U.S. Nuclear Regulatory Commission (NRC) has been reviewing an application submitted by Dominion Virginia Power (Dominion) in November 2007, for a combined license (COL) for construction and operation of a third nuclear power plant at the North Anna Power Station (NAPS) in Louisa County, Virginia. In November 2016, the NRC received your letter designating the NRC as the lead agency for environmental consultations required for the NAPS Unit 3 Project (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16333A396). Specifically, your letter authorizes the NRC to conduct consultations on behalf of the U.S. Army Corps of Engineers (USACE) under Section 106 of the National Historic Preservation Act and to function as lead agency for consultations under the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). This letter presents the status of the NRC consultations for the North Anna Unit 3 COL review.

#### Consultation Status

The NRC staff has completed consultations with the Virginia Department of Historic Resources (VDHR). This is documented in a letter from the VDHR to the NRC on October 3, 2014, ADAMS Accession No. ML16172A193.

The NRC submitted a biological assessment (BA) to NMFS on April 4, 2016, (ADAMS Accession No. ML16082A287). In a letter to the NRC dated November 3, 2016, NMFS concurred with the staff's determination that project activities are not likely to adversely affect any species within that agency's jurisdiction. The NRC is including that letter as an enclosure so that the USACE can include, in its review, the additional project description details for the construction of the barge roll-off facility that Dominion provided, specifically the additional time-of-year restriction (August 1 through October 31) for which no in-water work will be performed. In its concurrence letter, the NMFS also determined that a conference to consider effects to critical habitat proposed for the Chesapeake Bay Distinct Population Segment of Atlantic sturgeon was not necessary, thereby closing consultations. The project area has no Essential Fish Habitat.

Dominion's COL application references an early site permit (ESP) issued to Dominion in November 2007. As part of the ESP review, the NRC staff prepared a BA that was submitted to the USFWS on January 31, 2005. In a letter dated May 20, 2005, the USFWS concurred with the NRC's conclusions that no impact to threatened or endangered species is expected to result from ESP activities. On December 9, 2016, the NRC submitted a supplemental BA to the USFWS (ADAMS Accession No. ML16312A321) which determined that project activities are not likely to adversely affect Federally listed species in that agency's jurisdiction. On February 20, 2017, Dominion provided supplemental information regarding its proposed barge transport activities on the Mattaponi River, and this was provided to the USFWS (ML17053B270). In a letter to the NRC dated February 22, 2017, the USFWS concurred with the staff's determinations in its December 2016 BA (ML17058B064). Thus, all consultations to which the USACE referred in its November 2016 letter have been completed.

Please note that the review of Dominion's application for a COL is complete and the Commission's evidentiary hearing will be held on March 23, 2017. Information concerning the hearing may be found on the NRC's public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/tr/2017/>. If you have any questions, please contact Ms. Tamsen Dozier at 301-415-2272 (e-mail at [Tamsen.Dozier@nrc.gov](mailto:Tamsen.Dozier@nrc.gov)) or Ms. Mallecia Sutton at 301-415-0673 (e-mail at [Mallecia.Sutton@nrc.gov](mailto:Mallecia.Sutton@nrc.gov)).

Sincerely,

**/RA/**

Joseph E. Donoghue, Chief  
Licensing Branch 3  
Division of New Reactor Licensing  
Office of New Reactors

Docket No.: 52-017

Enclosure: As stated

cc: See next page

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DATED: March 16, 2017

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**ADAMS Accession Package No: ML17018A322**

<b>OFFICE</b>	NRO/DNRL:PM	NRO/DNRL/LA	NRO/DNRL/PM	OGC*	NRO/DNRL/BC
<b>NAME</b>	MSutton	SGreen	TDozier	MCarpentier	JDonoghue
<b>DATE</b>	3/15/17	01/18/17*	1/26/17*	3/9/2017	3/16/2017

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(Revised 10/03/2016)

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