

September 27, 2005

Dr. Ethel Eaton, Manager
Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

SUBJECT: NORTH ANNA EARLY SITE PERMIT REVIEW (TAC NO. MC1128)

Dear Dr. Eaton:

This letter responds to your request for a programmatic agreement with the U.S. Nuclear Regulatory Commission (NRC) under the National Historic Preservation Act (NHPA) raised during our teleconference conducted on May 23, 2005, with members of your staff and Dominion Nuclear North Anna, LLC (Dominion). The Virginia Department of Historic Resources (VDHR) request for a programmatic agreement (PA) relates to Dominion's application for an early site permit (ESP) at the North Anna site in Louisa County, Virginia.

The NRC stated the actions that it expected Dominion to take based on representations made in Dominion's environmental report (ER), which is reflected in the NRC's draft environmental impact statement (DEIS). Specifically, 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 5 Section 4.1.3, Page 3-4-6].

The above statement regarding coordination by Dominion with VDHR before ground disturbing activities was relied on and is reflected in DEIS Section 4.6.

As set forth in our November 21, 2003, letter to you, the NRC staff is using the National Environmental Policy Act (NEPA) process to comply with the obligations imposed under § 106 of the NHPA in accordance with the provisions in 36 CFR 800.8. Consistent with our November 21 letter, the NRC has described in the EIS analyses of potential impacts to historical and cultural resources and measures in place at the ESP site that would be expected to avoid, minimize or mitigate any adverse effects on historic properties. The NRC staff also forwarded the draft EIS to you for your review and comment. Accordingly, the NRC staff does not believe a PA is warranted.

E. Eaton

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If you have any questions concerning the ESP application or other aspects of this project, please contact Mr. Jack Cushing, Senior Environmental Project Manager, at 301-415-1424 or by e-mail at JXC9@nrc.gov.

Sincerely,
/RA Jacob Zimmerman For/

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

Docket No.: 52-008

E. Eaton

-2-

If you have any questions concerning the ESP application or other aspects of this project, please contact Mr. Jack Cushing, Senior Environmental Project Manager, at 301-415-1424 or by e-mail at JXC9@nrc.gov.

Sincerely,
/RA Jacob Zimmerman For/

Pao-Tsin Kuo, Program Director
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Docket No.: 52-008

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DATE	06/21/05	06/22/05	06/22/05	09/15/05	09/19/05	09/27/05

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