



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 23, 2004

SECRETARY

DOCKETED
USNRC

Richard A. Parrish, Esq.
Southern Environmental Law Center
201 West Main Street, Suite 14
Charlottesville, VA 22902-5065

December 23, 2004 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Diane Curran, Esq.
Harmon, Curran, Spielberg,
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Docket No. 52-008-ESP

Re: Request for postponement of the release of the DEIS for North Anna ESP

Dear Mr. Parrish and Ms. Curran:

I am responding to your letter to the Commission dated November 3, 2004. In your letter you request that the Commission exercise its supervisory authority over the NRC staff by ordering suspension of the release of the Draft Environmental Impact Statement (DEIS) for the proposed early site permit for the North Anna nuclear power plant site. You further request that the proposed suspension last until 30 days after the Commission publishes a notice in the *Federal Register* that documents pertaining to the early site permit consideration for North Anna are available to the public through ADAMS. Your concerns are that your clients and members of the public will not be able to comment meaningfully on the DEIS, because relevant documents would be unavailable if the DEIS was issued while public access to ADAMS is restricted.

You also indicated that you were filing a motion with the Atomic Safety and Licensing Board (ASLB) for this proceeding requesting relief identical to that requested from the Commission. Your motion was docketed by my office on November 3, 2004. The Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards or presiding officers. Under the circumstances, it would be premature for the Commission to address the issue that you have raised. Therefore, the Commission will not issue a formal ruling on your request at this time.

I will take this opportunity to point out that on November 16, 2004, subsequent to your letter, the NRC restored publically available filings in the North Anna ESP case, as well as the Hearing File for the proceeding, to the Electronic Hearing Docket. In addition, on December 7, 2004, the NRC restored Part 50 Docket material to the ADAMS Publically Available Record Systems (PARS). Finally, on December 7, 2004, the NRC issued NUREG-1811, the DEIS for the North Anna ESP, which is available on the NRC's website. The comment period for the DEIS ends on March 1, 2005, and the NRC staff has announced plans to hold a public meeting at the Louisa County Middle School in Mineral, Virginia, on January 19, 2005, to obtain comments from the public on the DEIS.

Should you have additional questions on the public availability of North Anna ESP case files please contact Emile Julian of my staff on (301) 415-1966. A copy of your letter and this response will be served on the participants in the North Anna ESP proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook". The signature is fluid and cursive, with the first name "Annette" being more prominent and the last name "Vietti-Cook" following in a similar style.

Annette L. Vietti-Cook

cc: Service List