



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

November 28, 2016

SECTION Virginia Regulatory Section
NAO-2008-2534
VMRC Number 2010-V1256

Tamsen Dozier, Environmental Project Manager
Office of New Reactors
Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852-2738

Dear Ms. Dozier:

Many projects proposed by the Nuclear Regulatory Commission (NRC) require permits from the Corps of Engineers. These projects are subject to compliance with Section 106 of the National Historic Preservation Act of 1966.

According to 36 CFR 800.2(a)(2):

"...If more than one Federal agency is involved in an undertaking, some or all [of] the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part."

Pursuant to the above provision, the NRC is hereby designated as the lead federal agency to fulfill the collective Federal responsibilities under Section 106 for the following undertaking, which the NRC has determined will have no adverse effect on historic resources:

The North Anna Power Station Unit 3 Project

The Corps authorizes the NRC to conduct Section 106 coordination on its behalf. Any Memorandum of Agreement prepared by the NRC under 36 CFR 800.6 should include the following clause in the introductory text:

"WHEREAS, pursuant to Section 10 and/or Section 404 of the Clean Water Act, a Department of the Army permit will likely be required from the Corps of Engineers for this project, and the Corps has designated the Nuclear Regulatory Commission as the lead federal agency to fulfill federal responsibilities under Section 106; and

In accordance with 50 CFR 402.07, the NRC is also designated as the lead Federal agency for consultation with the U. S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) concerning potential effects to Federally-listed threatened and endangered species.

In addition, the NRC is designated as the lead Federal agency for consultation with NMFS for Essential Fish Habitat, as required under Section 305(b)(2) of the Magnuson Stevens Fishery Conservation and Management Act.

Should you have any questions, you may contact Regena Bronson at 540-548-2838 or regena.d.bronson@usace.army.mil.

Sincerely,

Tucker Smith
Chief, Northern Virginia
Regulatory Section