

March 3, 2000

Francis P. McManamon, Ph.D.
Departmental Consulting Archeologist
U.S. Department of the Interior
National Park Service
1849 C Street, NW
Washington, DC 20240

Dear Dr. McManamon:

This responds to your letter of December 22, 1999, requesting completion of the "Questionnaire on Fiscal Year 1999 Activities" by March 31, 2000. Following the guidelines as set forth in the instructions for the questionnaire, we have reviewed only Sections A through H. We have no data to report with regard to "LOOT" records. Enclosed you will find the U.S. Nuclear Regulatory Commission's (NRC) completed questionnaire and supplemental narrative responses.

The NRC does not have Federal land management responsibilities and, therefore, does not directly engage in maintaining or restoring archeological or historic properties that may be identified during the environmental review process for issuing permits or licenses. However, NRC licensees are required to take the mitigative measures necessary to protect such properties. As a regulatory agency, NRC does not incur any direct costs associated with the protection or enhancement of archeological and historic resources.

Should you have any questions, please do not hesitate to contact Rosetta Virgilio of my staff at (301) 415-2307 or at ROV@NRC.GOV.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State Programs

Enclosures:
As stated

cc: Dr. Barbara Little
U.S. Department of the Interior

Distribution:

DIR RF (0-5)

SDroggitis, OSP

MVirgilio, NMSS

JGreeves, NMSS

FXCameron, OGC

RZimmerman, NRR

CCarpenter, NRR

SCornell, NMSS

KCampbell-Leigh, NRR

DMatthews, NRR

Historic Preservation File

National Park Service File

DCD (SP02)

PDR (YES√)

RESPONSE TO INCOMING DOCUMENT: ML003690974

DOCUMENT NAME: C:\ARCH99LTR.WPD

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	OSP	E	OSP:DD	OSP:D		
NAME	ROVirgilio:gd		FCCombs	PHLohaus		
DATE	02/29/2000		02/29/2000	03/03/2000		

OSP FILE CODE: SP-H-2; SP-N-7

Narrative Responses to the Secretary of Interior's 1999 Report to Congress

Further Clarification for B5:

Power Resources, Inc. Uranium Mine - Gas Hills, Wyoming

The Nuclear Regulatory Commission (NRC) and the Bureau of Land Management (BLM) agreed to cooperate on the production of an Environmental Assessment for a new uranium mining site in Gas Hill, Wyoming. While NRC was the lead Federal agency on the project, the Bureau of Land Management served as the primary point of contact with the Wyoming State Historical Preservation Office. This arrangement served to cut down on unnecessary duplication of effort for all involved in this phase of the project.

Further Clarification for D1:

Humboldt Bay Nuclear Power Plant - Eureka, California

The Pacific Gas & Electric Company (PG&E), the licensee for the decommissioning of Humboldt Bay Power Plant, performed literature searches in conjunction with the development of a license application for an independent spent fuel storage facility (ISFSI) at its 450-acre site. PG&E developed a preliminary cultural resource study for the ISFSI that included a review of records of previous archeological surveys and a solicitation of information from local Indian tribes. The Wiyot Indian Tribe stated that a village site may be located at the plant facility site. Wiyot villages have been found in the Humboldt Bay area, although some of the village sites are now underwater. The Tribe asked to be kept informed of any findings at the plant site. At this date, the application is still being developed by the licensee and has not been submitted to the NRC.

Oconee Nuclear Station - Seneca, South Carolina

Duke Energy, the licensee for the Oconee Nuclear Station, consulted with the South Carolina State Historic Preservation Office (SHPO) on the issue of historic and archeological properties. The SHPO indicated there are no properties included in or eligible for inclusion in the National Register of Historic Properties that will be affected by Oconee license renewal.

The Old Pickens Presbyterian Church (and Cemetery) is the only historic property within the 1-mile radius of Oconee. In recent years, a group of Oconee employees have worked with members of the Pickens Presbyterian Church, a local Garden Club, a Boy Scout troop, and U.S. Forest Service employees in a cooperative effort to improve the wildlife habitat aspects of the grounds surrounding this church. The church is undergoing renovation, and the property has been listed on the National Register of Historic Places. Continued operation during the license renewal period will not affect this property. No other properties of this type are located within the Oconee site boundary.

Arkansas Nuclear One - Russellville, Arkansas

Entergy Operations, Incorporated, the licensee for Arkansas Nuclear One, consulted with the Arkansas State Historic Preservation Office (SHPO) in conjunction with the development of a license application for renewal of its operating license. The licensee consulted with the SHPO

on the issue of archeological and historical properties within the site boundaries and within the transmission line corridors leading from the Arkansas Nuclear One facility. The SHPO responded that there will be no significant effects on historic properties resulting from the Arkansas Nuclear One license renewal. Five archeological sites are located around the property boundary. All five of the sites are potentially eligible for inclusion in the National Register of Historic Places. However, at this time, little information is know about the sites.

Edwin I. Hatch Nuclear Power Plant - Baxley, Georgia

The Southern Nuclear Operating Company, the licensee for the Edwin I. Hatch Nuclear Power Plant (Hatch), consulted with the Georgia Historic Preservation Division (HDP) on the issue of historic and archeological properties. The HPD responded that it concurred with the licensee's conclusion that there will be no significant impact upon historic or archeological resources which are listed or eligible for listing in the National Register of Historic Places and are located in the Hatch license renewal project's area of potential effects.

The National Register of Historic Places currently lists three properties in Appling County, Georgia. Each of these sites is located within the city of Baxley, over 10 miles south of Hatch Nuclear Plant. The Georgia Register of Historic Places does not recognize any properties within a 10-mile radius of the plant site.

Haddam Neck Plant- Meriden, Connecticut

The Connecticut Yankee Atomic Power Company, the licensee for the decommissioning of the Haddam Neck Plant, is collaborating with the State Historic Commission and the University of Connecticut in order to prepare for an upcoming archeological survey of the five acre Venture Smith Homesite. The Homesite is located on a publically accessible area of the plant property. Presently, grid maps of the Homesite have been created. The licensee also performed a Historical Architecture Engineering Record of the plant for the National Park Service. The licensee stated that the information gathered may be used by the State Historical Commission as an exhibit in a museum.

Further Clarification for D3:

Salem Nuclear Plant - Wilmington, Delaware

The Public Service Gas & Electric Company, the licensee for the Salem Nuclear Plant, acquired 20,000 acres of off-site land as part of the Salem water usage permit renewal process. The licensee plans to develop the land into salt marshes. Archeological surveys have been completed and one house was found on the property. At this time, the licensee plans to discuss possible actions for the site with the community.

Further Clarification for D6:

Diablo Canyon Nuclear Power Plant - San Luis Obispo, California

The Pacific Gas and Electric Company, the licensee for the Diablo Canyon Nuclear Power Plant, maintains a program to protect two archeological sites (CA-SLO-1 and CA-SLO-2) on their property. The licensee repaired a 230kV pole and a small portion of road berm located on the CA-SLO-2 site. Coastal bluff erosion to the CA-SLO-2 site has caused damage to the road

berm and collapse of a chain link fence along the western boundary. The fence, built during the construction of the site, has been left to collapse on its own, since removal of the fence would cause more damage to the site than if left on its own. However, in the case of the repairs to the 230 kV pole and road berm, subsequent visits to the area revealed no damage to the site from the activities. Additionally, photo monitoring was conducted on the CA-SLO-2 site. No new areas of erosion or impacts to the site were noted.

Further Clarification for D7:

Independent Spent Fuel Storage Installation--Skull Valley Band of Goshute Indians Reservation

The NRC is currently reviewing an application to construct and operate an independent spent fuel storage installation (ISFSI). The applicant, Private Fuel Storage, LLC (PFS or “the applicant”) proposes to construct and operate the facility on the reservation of the Skull Valley Band of Goshute Indians, which is bordered on all sides by Tooele County, Utah. The proposed facility would be constructed on a 820-acre site in the northwest corner of the reservation. In order to transport spent nuclear fuel to the independent spent fuel storage facility, the project would also require construction of an “intermodal transfer facility” on land managed by the U.S. Department of the Interior, Bureau of Land Management or the construction of a 32-mile rail line on the western side of the Skull Valley Reservation, near the Cedar Mountains. The rail line would also be constructed on land managed by the Bureau of Land Management.

The NRC is the lead agency in the preparation of a Draft Environmental Impact Statement for the proposed PFS project and the lead agency for Section 106 consultation, as required by the National Historic Preservation Act. The Bureau of Indian Affairs, Bureau of Land Management, and the Surface Transportation Board are all cooperating agencies on the Draft Environmental Impact Statement and in the Section 106 consultation process. As part of the National Environmental Policy Act review and the Section 106 process, the applicant completed a Class I overview and a Class III Cultural Resources Inventory of the proposed site, the 32-mile rail line, and the area proposed for the intermodal transfer facility.

The Class III inventory resulted in the identification and documentation of 10 cultural properties. The properties consisted of two historic sites, three historic isolated finds, and five prehistoric isolated finds. One of the two historic sites is considered eligible for the National Register of Historic Properties. The other site was not evaluated for the National Register because the applicant determined that additional data is needed before its significance can be determined. It was determined that none of the isolated finds is eligible for the National Register of Historic Properties.

Kerr McGee Decommissioning Site - Cushing, Oklahoma

The NRC’s Environmental Assessment concerning the decommissioning of the Kerr McGee site was published on August 10, 1999. During development of the EA, the Oklahoma Historical Society was consulted to determine if implementation of the site decommissioning plan would have any adverse impacts on sacred or historical properties near the Cushing site. The Oklahoma Archeological Survey was also consulted and it was determined that there are no archeological sites listed in the Cushing project area and no archeological materials are likely to be encountered.

Hydro Resources, Inc. (HRI) In-Situ Leach Uranium Mining Project - Crownpoint, New Mexico

During FY 1999, the Nuclear Regulatory Commission continued its National Historic Preservation Act Section 106 consultation process with respect to the HRI Crownpoint project. Specifically, HRI contracted with the Museum of New Mexico, Office of Archeological Studies to identify cultural resources on the HRI facility compound, which is a planned, phased expansion of other surrounding HRI Crownpoint sites that were previously surveyed and consulted on in 1997-98. Based on the Office of Archeological Studies' findings, three archeological sites (eligible for the National Register) and two "localities" (potentially eligible for the National Register) were identified within the facility compound boundaries.

The three archeological sites were previously identified and fenced as a result of an earlier survey conducted prior to construction in this area in 1980-81. No subsequent facility use or construction has impacted these archeological sites. In addition, no construction activities or use has occurred in the area of the two archeological localities. Thus, the condition of these resources is excellent, due to the protection provided by fencing around the archeological sites and around the entire HRI facility compound.

Pursuant to 36 CFR 800.5 and 800.9, the NRC staff considered the aforementioned resources and HRI's proposed undertaking. Based on its review, the NRC staff determined that the proposed uranium processing plant improvements by HRI at this site would have "no effect" on the historic properties at this location. The NRC staff forwarded its findings to the New Mexico State Historical Preservation Office (NMSHPO) for review and concurrence. These results were also sent to the Navajo Nation Historic Preservation Department (NNHPD), affected Native American Indian groups, and the public for solicitation of comments. In a letter dated June 16, 1999, the NMSHPO concurred with the NRC staff in its finding of "no effect."

The NRC staff received a letter from the NNHPD on June 7, 1999, objecting to NRC's proposed determination of "no effect." NNHPD claimed that the area of concern was within the general jurisdiction of the Navajo Nation (i.e., a "dependent Indian community"); thus, the Navajo Nation Cultural Resource Protection Act was the applicable statute governing the proposed action (vis-a-vis the National Historic Preservation Act Section 106 regulations). The NRC Office of General Counsel responded to NNHPD by stating that in 1998, the U.S. Supreme Court narrowly construed the term "dependent Indian community" (which is used in several Federal statutes, including the National Historic Preservation Act), rejecting a previously-used balancing test. Accordingly, the NRC determined, pursuant to the Supreme Court ruling, that the historic properties in question fell under the NMSHPO jurisdiction. Based on the NRC's interpretation of the Supreme Court's ruling and NMSHPO's concurrence on this matter, the NRC staff concluded its Section 106 consultations in accordance with the National Historic Preservation Act for this phase of the project and notified HRI of its findings.

THE SECRETARY OF THE INTERIOR'S REPORT TO CONGRESS
ON FEDERAL ARCHEOLOGICAL ACTIVITIES

GSA Control Number: 0236-DOI-AN

Agency US NRC
Office State Programs
Contact R O Virgilio
Phone 301-415-2307
Email rov@nrc.gov

ANSWER SHEET: Questionnaire on Fiscal Year 1999 Activities

Quantitative Data			Attached Material
B1 <u>NA</u>	I1 \$ <u>0</u>	L12 _____	Narrative Responses (check if present): A1 ___ B5 <u>X</u> B6 ___ D7 <u>X</u> E3 ___ F3 ___ H6 ___ H7 ___ H8 ___ I3 ___ J6 ___ K4 ___ L20 ___ L21 ___ LOOT form(s) included: <u>NA</u> # ___ Computer disk accompanying: <u>1</u> Photographs accompanying: <u>0</u> Other materials accompanying: <u>0</u>
B2 \$ <u>NA</u>	I2 \$ <u>0</u>	L13 _____	
B3 <u>NA</u>	Land-managing agencies only, Sections J-L	L14 \$ _____	
B4 \$ <u>NA</u>	J1 _____	L15 \$ _____	
C1 <u>NA</u>	J2 _____	L16 \$ _____	
D1 <u>9</u>	J3 _____	L17 \$ _____	
D2 <u>0</u>	J4 _____	L18 \$ _____	
D3 <u>NA</u>	J5 _____	L19 \$ _____	
D4 <u>0</u>	K1 _____		
D5 <u>1</u>	K2 _____		
D6 <u>1</u>	K3 _____		
E1 <u>0</u>	L1 _____		
E2 <u>0</u>	L2 _____		
F1 <u>1</u>	L3 _____		
F2 <u>NA</u>	L4 _____		
G1 <u>No change</u>	L5 _____		
H1 <u>NA</u>	L6 _____		
H2 <u>NA</u> %	L7 _____		
H3 <u>NA</u>	L8 _____		
H4 <u>NA</u>	L9 _____		
H5 <u>NA</u>	L10 _____		
	L11 _____		