

September 24, 2001

Ms. Julie Moss  
United Keetoowah Band  
2450 S. Muskogee  
Tahlequah, OK 74464

Dear Ms. Moss:

The U.S. Nuclear Regulatory Commission (NRC) is evaluating the potential impacts associated with the construction, operation, and deactivation of a proposed Mixed Oxide (MOX) Fuel Fabrication Facility (Facility) to be constructed at the Department of Energy's (DOE) Savannah River Site (SRS) in South Carolina. The NRC has regulatory responsibility for approving and licensing the construction and operation of the proposed MOX facility.

On March 7, 2001, pursuant to the National Environmental Policy Act, the NRC issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) for its action (66 FR 13794). The EIS will address the potential environmental effects of manufacturing MOX fuel from surplus weapons plutonium. Public scoping meetings for the MOX Facility EIS were held on April 17 and 18, 2001, in North Augusta, SC and Savannah, GA, respectively, and on May 8, 2001, in Charlotte, NC.

Two maps are enclosed. The first map shows the general location of the proposed MOX Facility and the locations of two potential recipients of the MOX fuel assemblies, the Catawba Nuclear Station and the William B. McGuire Nuclear Station. Transportation corridors between SRS and the two reactor stations have not yet been identified. The second map shows the proposed location of the MOX Facility at SRS.

Argonne National Laboratory (ANL) is assisting the NRC in preparing the MOX Facility EIS and will be evaluating potential impacts to cultural resources as part of their analysis. An archaeologist from ANL is in the process of researching available documents from SRS on archaeological surveys, historic building inventories, and resources of interest to Native Americans.

The proposed project area has been surveyed for archaeological sites. These surveys have identified five archaeological sites (38AK155, 38AK330, 38AK548, 38AK546/547, and 38AK757) in the project vicinity. Only Site 38AK546/547 will likely be affected by the construction of the MOX Facility. This site has been determined to be eligible for listing on the National Register of Historic Places (NRHP), and a data recovery plan is being implemented to mitigate impacts to this site. The possibility of indirect effects to other nearby sites from activities associated with the construction or operation of the facility will be analyzed during preparation of the EIS. Sites 38AK155 and 38AK757 have also been determined eligible for the NRHP and can be avoided during construction and operation of the MOX Facility to mitigate the potential for adverse impacts to these sites. The remaining two sites were determined not

eligible. No traditional cultural properties have been identified in the project area to date. Through previous consultations with Native Americans, some interest has been expressed in traditional plant resources that could exist at SRS. However, none of these plant resources is currently known to exist at the MOX Facility construction site.

The NRC is also initiating consultations regarding the proposed project with points of contact (Tribal Historic Preservation Officers or designated representatives) from the following Native American Tribes, Bands, and Nations, as well as with the South Carolina Department of Archives and History.

Catawba Indian Nation  
Ma Chis Lower Alabama Creek Indian Tribe  
Pee Dee Indian Association  
Muscogee Creek Nation  
National Council of the Muscogee Creek  
Yuchi Tribal Organization, Inc.

We would appreciate receiving information on concerns or issues you may have regarding the proposed project. We are especially interested in your assistance in identifying properties of known religious or cultural significance that may be affected by the construction and operation of the proposed facility. Sensitive information will remain confidential as stipulated under 36 CFR Part 800.11. Please submit comments to me within 30 days. Your time and consideration are greatly appreciated.

In the meantime, if you have any questions or require further clarification regarding the project please call me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,

**/RA by Phyllis Sobel for/**  
Charlotte E. Abrams, Section Chief  
Environmental and LLW Section  
Environmental and Performance  
Assessment Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Docket: 70-3098

Enclosures: Location maps

cc: See attached list

eligible. No traditional cultural properties have been identified in the project area to date. Through previous consultations with Native Americans, some interest has been expressed in traditional plant resources that could exist at SRS. However, none of these plant resources is currently known to exist at the MOX Facility construction site.

The NRC is also initiating consultations regarding the proposed project with points of contact (Tribal Historic Preservation Officers or designated representatives) from the following Native American Tribes, Bands, and Nations, as well as with the South Carolina Department of Archives and History.

- Catawba Indian Nation
- Pee Dee Indian Association
- Ma Chis Lower Alabama Creek Indian Tribe
- Muscogee Creek Nation
- National Council of the Muscogee Creek
- Yuchi Tribal Organization, Inc.
- United Keetowah Band of Cherokee Indians

We would appreciate receiving information on concerns or issues you may have regarding the proposed project. We are especially interested in your assistance in identifying properties of known religious or cultural significance that may be affected by the construction and operation of the proposed facility. Sensitive information will remain confidential as stipulated under 36 CFR Part 800.11. Please submit comments to me within 30 days. Your time and consideration are greatly appreciated.

In the meantime, if you have any questions or require further clarification regarding the project please call me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,  
**/RA by Phyllis Sobel for/**  
 Charlotte E. Abrams, Section Chief  
 Environmental and LLW Section  
 Environmental and Performance  
 Assessment Branch  
 Division of Waste Management  
 Office of Nuclear Material Safety  
 and Safeguards

Docket: 70-3098

Enclosures: Location maps

cc: See attached list

DISTRIBUTION:

See attached list

ADAMS ACCESSION PACKAGE NO: **ML012710204**

DOCUMENT NAME: G:\EPAB\MOX MeetingsNativeAmltr.wpd

OFC	EPAB		EPAB				
NAME	JDavis		PSobel for CAbrams				
DATE	8/03/01		9/24/01				

OFFICIAL RECORD COPY

This document should/should not be made available to the PUBLIC \_\_BJD 8 /03/01

Letter dated September 24, 2001 sent to:

Gilbert Blue, Chairperson,  
Catawba Indian Nation  
PO Box 188  
Catawba, SC 29704

Virginia Montoya  
Pee Dee Indian Association  
101 E. Tatum Avenue  
McColl, SC 29570-057

Nancy Carnley  
Ma Chis Lower Alabama Creek Indian Tribe  
Route 1, 708 S. John Street  
New Brockton, AL 36351

John Ross, Chief  
United Keetowah Band of Cherokee Indians  
PO Box 746  
Tahlequah, OK 74465-0746

Tom Berryhill  
Council Member  
National Council of the Muscogee Creek  
PO Box 158  
Okmulgee, OK 74447

Andrew Skeeter, Chairman  
Yuchi Tribal Organization, Inc.  
PO Box 1990  
Sapulpa, OK 74067

Julie Moss  
United Keetowah Band  
Tahlequah, OK 74464

R. Perry Beaver, Principal Chief  
Muscogee Creek Nation  
PO Box 580  
Okmulgee, OK 74447

Letter dated September 24, 2001

Distribution:

cc: Arthur B. Gould, Jr.  
DOE Savannah River Indian Relations  
Officer  
PO Box A  
Aiken, SC 29802

Mary Birch, P.E., C.H.P.  
Environment, Safety and Health Manager  
Duke COGEMA Stone & Webster  
PO Box 31847  
Charlotte, NC 28231-1847

Edwin D. Pentecost  
Argonne National Laboratory  
9700 South Cass Avenue  
Argonne, IL 60439

James Johnson  
U.S. Department of Energy  
MD-12  
1000 Independence Avenue, SW  
Washington, DC 20585

Henry Potter  
Division of Waste Management  
Bureau of Land and Waste Management  
SC Dept of Health & Environmental Control  
2600 Bull Street  
Columbia, SC 29201

File Center  
EPAB r/f  
NMSS r/f  
JPiccone  
MWeber  
ELeeds  
APersinko  
TJohnson  
JHull  
AFernandez  
R Martin  
TEssig  
DAyres/RII  
THarris  
DBrown  
EMcAlpine/RII

Dennis Ryan  
DOE Savannah River Site  
PO Box A  
Aiken, SC 29802

Don Moniak  
Blue Ridge Environmental Defense League  
PO Box 3487  
Aiken, SC 29802

Glenn Carroll  
Georgians Against Nuclear Energy  
PO Box 8574  
Atlanta, GA 30306

Ruth Thomas  
Environmentalists, Inc.  
1339 Sinkler Road  
Columbia, SC 29206

John T. Conway, Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, Suite 700  
Washington, DC 20004