

APPENDIX B

CONSULTATION LETTERS

April 21, 2003

Ms. Kendra Womack
Fish and Wildlife Service
U.S. Department of the Interior
1387 South Vinnell Way, Room 368
Boise, Idaho 83709

SUBJECT: REQUEST FOR CONCURRENCE ON THE DETERMINATION OF EFFECT ON
FEDERALLY LISTED SPECIES AND THEIR CRITICAL HABITATS FOR THE
PROPOSED IDAHO SPENT FUEL STORAGE FACILITY

Dear Ms. Womack:

The Nuclear Regulatory Commission (NRC) is in the process of developing an Environmental Impact Statement (EIS) for the proposed Idaho Spent Fuel Facility to be located at the U.S. Department of Energy's (DOE's) Idaho National Engineering and Environmental Laboratory (INEEL), located near Idaho Falls. The proposed facility will receive spent nuclear fuel (SNF) from locations on the INEEL, repackaging the SNF into NRC licensed canisters, and place these canisters into interim dry storage pending its final removal from the state of Idaho. This proposed facility, as well as all associated construction activities and impacts, will be within the boundaries of INEEL. The forthcoming EIS will evaluate the actions and impacts associated with the construction and operation of the facility.

An ecological resources report for the proposed Idaho Spent Fuel Facility at the INEEL was prepared for the DOE (May 2001) and is enclosed. This report describes the areas that will be affected by the construction of the proposed facility and the ecological resources that are in or near these areas. The proposed location of the Idaho Spent Fuel Facility would be on previously disturbed land adjacent to the Idaho Nuclear Technology and Engineering Center (INTEC) in the south-central portion of the INEEL. The area includes a small complex of existing office buildings, warehouses, and trailers immediately to the east of the INTEC perimeter fence and north of a coal-fired power plant. There are two areas of potential effect for the proposed project. The first is the facility construction site which is an 8-acre parcel located near a large ash pit associated with INTEC's coal-fired power plant. The second area is a 9-acre construction laydown area, which would be used to facilitate construction activities. This area is located a short distance to the northeast of the proposed facility location. Ground disturbance associated with construction of the facility and other temporary support facilities will be localized, but extensive in both areas. Both areas of potential effect have been investigated for ecological resources. Intensive ecological surveys from the 1980s, subsequent plant and wetland surveys by various research personnel, and previous consultation with your office have all been combined to identify ecological resources. Based on this report and the NRC's preliminary analysis in support of the draft EIS, the NRC has determined that the proposed action is not likely to adversely affect any listed species or critical habitat. The most recent species list, 1-4-02-SP-921, provided by your office in September 2002 was used in making this determination.

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April 21, 2003

Please provide your concurrence regarding NRC's determination that the proposed action is not likely to adversely affect any listed species or critical habitat. If you have any questions or comments or need any additional information, please contact Matthew Blevins at 301-415-7684. Thank you for your assistance.

Sincerely,

Lawrence E. Kokajko, Acting Chief */RA/*
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: Attached List

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DATE:	4/ 15 /03	4/ 18 /03	4/ 21 /03	

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Ms. K. Womack

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Please provide your concurrence regarding NRC's determination that the proposed action is not likely to adversely affect any listed species or critical habitat. If you have any questions or comments or need any additional information, please contact Matthew Blevins at 301-415-7684. Thank you for your assistance.

Sincerely,

Lawrence E. Kokajko, Acting Chief */RA/*
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: Attached List

Appendix B

April 17, 2003

Ms. Suzi Pengilly Neitzel
Deputy State Historic Preservation Officer
Idaho State Historical Society
210 Main Street
Boise, Idaho 83702-5642

SUBJECT: REQUEST FOR CONCURRENCE ON THE DETERMINATION OF EFFECT ON
HISTORIC PROPERTIES FOR THE PROPOSED IDAHO SPENT FUEL
STORAGE FACILITY

Dear Ms. Pengilly Neitzel:

By a letter dated December 5, 2002, the Nuclear Regulatory Commission (NRC) staff notified you of a pending license application submitted to the NRC by the Foster Wheeler Environmental Corporation (FWENC) to allow the receipt, transfer, packaging, and possession of spent nuclear fuel (SNF) at the proposed Idaho Spent Fuel Facility located on the U.S. Department of Energy's (DOE) Idaho National Engineering and Environmental Laboratory (INEEL). The NRC is in the process of completing the draft Environmental Impact Statement which is scheduled for completion in June 2003.

A "Cultural Resource Investigations for the Idaho Spent Fuel Facility at the INEEL" was prepared for the DOE in March 2001 by the INEEL Cultural Resource Management Office (attachment). This report describes the areas that will be affected by the construction of the proposed facility and the cultural resources that are in or near these areas. The proposed location of the Idaho Spent Fuel Facility would be on previously disturbed land adjacent to the Idaho Nuclear Technology and Engineering Center (INTEC) in the south-central portion of the INEEL. The area includes a small complex of existing office buildings, warehouses, and trailers immediately to the east of the INTEC perimeter fence and north of a coal-fired power plant. There are two areas of potential effect for the proposed project. The first is the facility construction site, which is an 8-acre parcel located near a large ash pit associated with INTEC's coal-fired power plant. The second area is a 4-acre construction laydown area, which would be used to facilitate construction activities. This area is located a short distance to the northeast of the proposed facility location. Ground disturbance associated with construction of the facility and other temporary support facilities will be localized, but extensive in both areas. There will not be any modifications or removal of existing structures or buildings within the INTEC facility. Both areas of potential effect have been investigated for cultural resources. Intensive archeological surveys from the 1980s, subsequent archeological reconnaissance by the INEEL Cultural Resource Management Office, historic building inventories and lists of other structures, and previous and ongoing consultation with the Shoshone-Bannock Tribes have been combined to identify any significant cultural resources with visible surface remains in the affected areas. Based on this research, few cultural resources have been identified in the vicinity of INTEC. On the eastern side of the INTEC, where the proposed facility will be

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constructed, three archeological resources have been identified. However, these resources are located outside of the areas of potential effect for the proposed project and would not be impacted. Nonetheless, these areas would be monitored to avoid any impacts to these or any other resources that are discovered during construction activities.

Based on this information the NRC has determined that no historic properties are affected by the proposed undertaking (i.e., licensing the proposed Idaho Spent Fuel Facility). Please provide your concurrence regarding NRC's determination that the undertaking will not effect historic properties. If you have any questions or comments, or need any additional information, please contact Matthew Blevins at 301-415-7684. Thank you for your assistance.

Sincerely,

/RA/

Lawrence E. Kokajko, Acting Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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Ms. S. P. Neitzel

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Based on this information the NRC has determined that no historic properties are affected by the proposed undertaking (i.e., licensing the proposed Idaho Spent Fuel Facility). Please provide your concurrence regarding NRC's determination that the undertaking will not effect historic properties. If you have any questions or comments, or need any additional information, please contact Matthew Blevins at 301-415-7684. Thank you for your assistance.

Sincerely,

/RA/

Lawrence E. Kokajko, Acting Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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S.P. Neitzel

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vicinity of INTEC. On the eastern side of the INTEC, where the proposed facility will be constructed, three archeological resources have been identified. However, these resources are located outside of the areas of potential effect for the proposed project and would not be impacted. Nonetheless, these areas would be monitored to avoid any impacts to these or any other resources that are discovered during construction activities.

As required by 36 CFR 800.4(a), the NRC is requesting the views of the State Historical Preservation Officer on further actions to identify historic properties that may be affected by the NRC's undertaking (i.e. licensing the proposed Idaho Spent Fuel Facility). As part of the EIS preparation, the NRC conducted a public scoping process to solicit information on environmental issues. This scoping information, along with the "Cultural Resource Investigations for the Idaho Spent Fuel Facility at the INEEL" (attachment), and any information you provide will be used to document affects in accordance with 36 CFR 800.4(d).

My staff will be in contact with your office throughout the EIS process. We will contact your office after we have completed the draft EIS in the Spring of 2003. In the meantime, if you have any questions or comments, or need any additional information, please contact Matt Blevins of the Nuclear Regulatory Commission at 301-7684.

Sincerely,

/RA/

Lawrence E. Kokajko, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Attachment: Cultural Resource Investigations for the Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental Laboratory

cc: See attached list

Appendix B

cc:

Mr. Ronald D. Izatt
ISF Facility Manager
Foster Wheeler Environmental Corporation
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TMI/FSV Licensing Project Manager
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Senior Health Physicist/NRC Liason
State of Idaho INEEL Oversight Program
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Mr. Steve Laflin, Chairman
INEEL Committee
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Mr. Chuck Broscious
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Chairman, Tribal Business Council
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P.O. Box 4838
Jackson, WY 83001

S.P. Neitzel

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Sincerely,

/RA/

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 Environmental and Performance
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Enclosure: Cultural Resource Investigations for the Idaho Spent Fuel Facility at the Idaho National Engineering and Environmental Laboratory

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*See previous concurrence

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