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FROM: DUE: 04/20/04 EDO CONTROL: G20040220
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FINAL REPLY:

Nancy Burton

TO:

Commission

FOR SIGNATURE OF : ** GRN ** CRC NO: 04-0183

Virgilio, NMSS

DESC:

ROUTING:

Conecticut Yankee Atomic Power Company

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns
Miller, RI
Cyr, OGC

DATE: 03/30/04

ASSIGNED TO: CONTACT:
NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

From: <NancyBurtonEsq@aol.com>
To: <secy@nrc.gov>
Date: Mon, Mar 29, 2004 12:40 PM
Subject: CT Yankee Atomic Power Company

Dear Ms. Secretary:

Please forward the attached letter to Chairman Diaz, Commissioners McGaffigan and Merrifield and Inspector General Bell.

Thank you for your assistance.

Nancy Burton, Esq.

March 29, 2004

Hon. Nils J. Diaz, Chairman
U.S. Nuclear Regulatory Commission
Washington DC 20555

Commissioner Edward McGaffigan, Jr.
U.S. Nuclear Regulatory Commission
Washington DC 20555

Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington DC 20555

Re: Connecticut Yankee Atomic Power Company

Dear Chairman Diaz and Commissioners McGaffigan and Merrifield:

I write to request an immediate investigation by the United States Nuclear Regulatory Commission into the circumstances surrounding the plans of the Connecticut Yankee Atomic Power Company to site a depository for highly radioactive spent fuel rods within the Venture Smith Archaeological Site, a site eligible for listing on the National Register of Historic Places, without a proper "Section 106" review as mandated by the National Historic Preservation Act.

The U.S. Nuclear Regulatory Commission was provided with false and misleading information about the Venture Smith Archaeological Site by the Connecticut Historical Commission. Connecticut Yankee and its lawyers, Day, Berry & Howard LLP, and Attorney General Richard S. Blumenthal aided and abetted the Connecticut Historical Commission in this deception.

More particularly, John W. Shannahan, acting as State Historic Preservation Officer under the National Historic Preservation Act, and acting with Staff Archaeologist David Poirier, directly and indirectly misinformed the U.S. Department of the Interior and the U.S. Nuclear Regulatory Commission that the site of the proposed Independent Spent Fuel Storage Installation is not historically associated with Venture Smith and therefore lacks historical, cultural or archaeologically significant attributes.

In fact, it has been well established that Venture Smith owned the site in

question. Indeed, the area may well have served as a sacred burial ground for family members in the African tradition. Pottery shards from the Venture Smith era, c. late 18th century, were recovered at the site by archaeologists. Captive Africans such as Mr. Smith were known to mark familial graveyards with such relics.

In a lawsuit filed on March 26, 2004 in the U.S. District Court for the District of Connecticut, it is alleged that Connecticut Yankee and its lawyers engaged in fraud and deceit involving Venture Smith and other issues pertinent to the ISFSI in state and federal court litigation to defeat the lawful claims of citizen litigants challenging the project. The suit further alleges that Connecticut Yankee and its lawyers Day, Berry & Howard LLP, aided and abetted by Connecticut Attorney General Richard S. Blumenthal, influenced a state court judge to quash a deposition scheduled to take Mr. Shannahan's sworn testimony regarding his role in the Venture Smith controversy. Two days later, Mr. Shannahan abruptly resigned as Director of the Connecticut Historical Commission.

This is to further request that the NRC investigate whether Connecticut Yankee, aided and abetted by its lawyers, intentionally destroyed artifacts and archaeologically significant natural features relating to the period of Venture Smith's occupation of the site and the prior occupation by indigenous Americans.

Finally, this is to request that the NRC investigate the role, if any, played by the NRC staff by which the requisite Section 106 review was frustrated.

Please advise if I may be of further assistance.

Very truly yours,

Nancy Burton, Esq.

cc: Hubert T. Bell
NRC Inspector General