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Cultural Resource Impact Assessment and Negotiation, Writing, Training

19

January 17, 2005

To: Geoffrey Sea
Subject: Scoping hearing for NRC license, American Centrifuge Project

I regret that I cannot attend the upcoming scoping hearing. I hope that in preparing your own comments you will take the following thoughts into account. Please feel free to put them in the public record if you think it appropriate.

As you are aware, the Nuclear Regulatory Commission (NRC) and Department of Energy (DOE) are responsible for compliance with Section 106 of the National Historic Preservation Act (among other federal cultural resource legal requirements) in their planning for the proposed American Centrifuge Project (ACP). This involves following the regulations of the Advisory Council on Historic Preservation (36 CFR 800) by identifying historic properties subject to possible direct, indirect, and cumulative effects and addressing possible adverse effects on such properties in consultation with a wide range of interested parties. As I understand it, neither agency has yet initiated the Section 106 process. It might be wise to remind the agencies that review of environmental impacts under the National Environmental Policy Act (NEPA) is not a substitute for Section 106 review, unless an agency follows the specific requirements of 36 CFR 800.8(c) regarding notifications, identification of historic properties and effects, consultation, and resolution of adverse comments. To judge from what I have read about the project, it may also be important to remind the agencies that they must consider all kinds of effects on all kinds of historic properties – not simply direct effects on historic buildings or specific archaeological sites. It may also be important for them to consider the possible need to address impacts on Native American graves and cultural items under the Native American Graves Protection and Repatriation Act, archaeological, historic, and scientific resources under the Archaeological and Historic Preservation Act, and cultural resources in general under NEPA.

None of these reviews need be complicated or difficult, if NRC and DOE promptly initiates compliance with the pertinent laws in consultation with the Ohio State Historic Preservation Officer, concerned Indian tribes, local governments, and concerned groups and individuals like yourself. What will complicate review is to delay initiating such consultation, and to encumber it with unnecessary administrative constraints.

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SESP Review Complete
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