

From: Matthew Blevins
To: SargentsPigeon@aol.com
Date: 8/23/05 3:17PM
Subject: Section 106 questions in response to Aug 9, 2005 email

Mr. Sea,

I am responding to your August 9, 2005 email in which you raised several questions.

First, I have no record of your February request for NRC's Section 106 compliance contact. As you are aware I am leading the NRC's environmental review of USEC's proposed American Centrifuge Plant (ACP). This responsibility also entails completing NRC's Section 106 consultation process. I have delegated many of the day-to-day tasks to Mr. Ron Linton, as noted in numerous Section 106 correspondence on which you have been copied.

You have not been made a consulting party to date because you had not requested that status. We are in the process of discussing your current request with the Ohio Historic Preservation Office as required in 36 CFR 800.3(f)(3).

Regardless of your status, the NRC staff has considered the information you provided in your NEPA scoping comments provided on February 2, 2005 and pleadings before the Atomic Safety and Licensing Board Panel on February 28, 2005; April 1, 2005; July 18, 2005; and August 10, 2005; as well as the various emails you have submitted.

In addition to the numerous letters we have sent, one Tribe requested more detailed information. We subsequently have provided the Tribe this information on how to access the detailed cultural resource information on NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. You may also be interested in this information which was provided to the Tribe and included a 1997 Phase 1 archeological survey of the DOE reservation (ADAMS Accession No.: ML052200307) and a Phase 2 survey of a specific site (ADAMS Accession No.: ML051110118). This information may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. For other documents related to NRC's Section 106 compliance process, I suggest using the Advanced Search on this website, searching the Docket Number field with the value "07007004" and the Title field with various keywords such as "106," Phase 1," etc.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to PDR@nrc.gov.

In terms of consulting parties, the NHPA requires consultation with certain parties, including Federally recognized Indian tribes. Mr. Linton has undertaken the initiative in researching Indian tribes with ties to southern Ohio. In addition to the information provided by the Ohio Historic Preservation Department, Mr. Linton also contacted the National Park Service as documented in a March 7, 2005 record of phone conversation (ADAMS Accession No.: ML051250298). Through this contact, two additional tribes were identified. In addition to Federally recognized Indian tribes we will accept other requests to be consulting parties as described in 36 CFR 800.2(c)(5), however, these requests need to be submitted by the requesting party themselves. These requests will be discussed with the Ohio Historic Preservation Office as required in 36 CFR 800.3(f)(3). However, comments from non-consulting parties will still be considered as described in 36 CFR 800.2(d).

As Ms. Zobler noted, the staff has just completed its preliminary finding with respect to Section 106. This information will be provided shortly in the form of the draft Environmental Impact Statement for the ACP. I must point out that a preliminary finding does not equate to having completed the 106 process, it is simply an intermediary step in the process and we look forward to additional comments from the consulting parties and interested members of the public.

In closing, if you have any comments, please provide them via email to either myself (mx6@nrc.gov) or Ron Linton (rcl1@nrc.gov).

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