

September 6, 2005

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
Attn: Ms. Karen Kaniatobe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: REQUEST FOR COMMENT ON
PROPOSED FINDINGS AND DETERMINATIONS OF EFFECT

Dear Mr. Daughtery:

Following transmittal of our letter of March 14, 2005, initiating consultation for the proposed American Centrifuge Commercial Plant, the U. S. Nuclear Regulatory Commission (NRC) became aware of a letter from Ms. Karen Kaniatobe, dated February 24, 2005. The letter indicates that the tribe wishes to be included as a consulting party in the Section 106 process. It mentions concerns about the Barnes Works in Scioto Township and states that surveys should be conducted to find other sites that may be present. Ms. Kaniatobe's letter indicates that the Absentee Shawnee Tribe, collectively with the Algonquian tribes of the Ohio/Great Lakes Region, considers itself to be descended from the people of the Fort Ancient culture who, in turn, were descendants of the people of the Hopewell Culture who built the Barnes Works.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

As indicated in these sections, the site referred to by Ms. Kaniatobe as the Barnes Works in Scioto Township is known as the Scioto Township Works and is listed on the National Register of Historic places under Criterion D, for sites "that have yielded or may be likely to yield information important in history or prehistory."

These sections also indicate that the Scioto Township Works site has cultural importance to the Absentee Shawnee tribe. NRC would welcome information about the site attributes that contribute to its importance to the Absentee Shawnee tribe. In the absence of that information NRC has assumed that the site may have importance related to Criterion A of the National

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
 Environmental Review Section
 Division of Waste Management
 and Environmental Protection
 Office of Nuclear Material Safety
 and Safeguards

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