

9/8/05
70FR 53396
(3)



October 5, 2005

RECEIVED

2005 OCT 14 AM 9:20

RULES AND DIRECTIVES
BRANCH
US:RRC

Ron Linton
Environmental and Performance Assessment Branch
Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Draft Environmental Impact Statement, Docket No. 70-7004, American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Linton,

This is in response to correspondence from your office dated September 6, 2005 (received September 9) providing a copy of the Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment, U.S. Nuclear Regulatory Commission, dated August 2005, regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The draft Report provides detailed discussions of many factors under consideration during the review for the proposed project. Our comments are intended to provide some clarification regarding the discussions of cultural resources. We are substantially in agreement regarding consideration of cultural resources. The differences in phrasing and interpretation, and clarification recommended, should not be interpreted as disagreement.

Throughout the discussions of cultural resources and consultation with the Ohio Historic Preservation Office, the Report offers the impression that there is concurrence that there will be no historic properties affected by the proposed and cumulative project development. The inset table on Page xxii defines "Small" as "...effects that are not detectable or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource." In Table 2-7 (Page 2-38), the report presents the finding that the impacts to historic and cultural resources would be small. This finding is repeated in Table 2-8 (Page 2-50). On Pages 4-5 and 4-6, the report states that there is concurrence with this office on a finding of "no effect" for the undertaking and that the impacts would be "SMALL". It was the intent of our correspondence, specifically our letter dated May 20, 2004, to set forth as part of ongoing consultation our interpretation that the proposed project would not adversely affect historic properties. That is, there are historic properties in the Area of Potential Effects, but the proposed project will not diminish the qualities and characteristics that make them significant. We believe that the changes will be noticeable. In some ways we feel that the immediate impacts from the proposed undertaking are perhaps more along the lines of MODERATE as compared to SMALL impacts. From a philosophical perspective, as the Gaseous Diffusion technology is replaced there will be changes to the Cold War buildings but since science is not static we shouldn't expect our recognition of significance based on science and technology to require static preservation.

SESP Review Complete

ERIDS = ADM-03

See = M. Blavin's
(MXBL)

Template = ADM-013

Mr. Ron Linton
October 5, 2005
Page 2

Also, here are some additional points for consideration. On Page 2-42, the Report states that Alternate Locations B and C within the Reservation were graded during construction of the Gaseous Diffusion facility. From my limited understanding of this area, it appears to me that the majority of both of these areas lie outside of the area that was severely disturbed by previous construction. In my opinion, the lack of severe disturbance throughout the entirety of Alternate Locations B and C increases concerns for historic preservation, and likely for other factors as well, and thus the lack of severe disturbance further supports your selection of Location A as the preferred site for the undertaking.

The Report provides information on the size of the Reservation in several places and it appeared to me that the numbers aren't always the same. For instance, on Page 2-2 the Reservation is described as encompassing 3,700 acres with 1,300 acres inside the perimeter loop road while on Page 3-1 (and also see Page 3-5) the report states that within the Reservation there are 750 security-fenced acres with 550 acres in the central area surrounded by the Perimeter Road.

On Page 3-7, the Report states that an initial archaeological survey of the DOE reservation was completed in 1952 and reportedly found no evidence of archaeological materials with reference to a 1977 Environmental Impact Statement. Is it possible to obtain a copy of relevant portions of this 1977 document? It might be helpful to include copies of selected portions in the final EIS report for this undertaking. It can be difficult to compare meaningfully work completed in 1952 when there was no authority to take into account affects of undertakings on historic properties with work being conducted today (and since 1986) under authority of the National Historic Preservation Act of 1966, as amended, and its implementing regulations at 36 CFR 800.

There are several places where the Report refers to sites, buildings, structures, and districts with potential National Register eligibility. For instance, the Report states that identified archaeological sites that have not yet been fully evaluated for National Register eligibility (and refers to them as potentially eligible) be treated as eligible for inclusion in the National Register (Page 4-5 – inset text box). There are also references to the potentially eligible Barnes House and potentially contributing elements within the historic district. We believe that there is a slight and subtle shift in the meaning of the word potential differentiating potential effects and potential impacts from potential significance and potential eligibility, and that this shift in meaning could lead to some confusion if not clarified. Regarding the 14 identified archaeological sites that have not been fully evaluated for National Register eligibility, we suggest that you consider language that establishes the specific measures that will be taken to protect the sites from effects during this undertaking until such time as sufficient information is available to complete the evaluation. That is, treat them as archaeological sites that are being protected not as historic properties that are being protected. For the Barnes House, and for the listed Scioto Township Works I archaeological site, assess the potential for the undertaking to have effects based on those qualities and characteristics that are known and understood to contribute to the importance of these properties recognizing that we may have a better understanding of these properties in the future.

The Report carefully considers the use of existing wells and finds that this will not result in changes to the ground around the wells and will not result in increased maintenance activities around the wells that has the potential to adversely affect historic properties. If the wells immediately west of the Reservation are on an embankment that is part of an earthwork complex dating to some 2,000 years ago and if this archaeological site meets National Register criteria, we would agree with your inclusion of this area with the project's finding, that the use of the existing wells will not adversely affect historic properties, provided that sufficient safeguards and conditions are in place to continue consultation if future work is proposed

Mr. Ron Linton
October 5, 2005
Page 3

around these wells, or becomes necessary around these wells, that would have the potential to adversely affect historic properties. We recommend that you develop appropriate conditions to provide for preservation the areas around the wells until such time as these areas can be more fully evaluated.

The Report carefully considers the potential impacts from increased vehicular traffic and finds that the increased traffic will be small and will not introduce adverse effects. Within the limits defined in the Report, we agree with this finding provided that appropriate conditions are developed to reopen consultation if vehicular traffic increases above this level or if new construction of roads or railroads becomes necessary as a direct and foreseeable consequence of the development of this project.

In general we are in agreement the conclusions and findings presented in the Report. Within the integrated National Environmental Policy Act review process, this reaffirms our interpretation that the proposed American Centrifuge Plant undertaking will not adversely affect historic properties. There are some places in the Report where it would be helpful for the documentation to provide greater clarity and to provide greater precision to facilitate the integration the discussions on archaeological sites, architectural properties, and other kinds of cultural resources within the overall assessment of effects. It would also be helpful to reinforce language that establishes conditions to restrain effects from rising to adverse levels.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds (OHPO Serial Number 1002038)

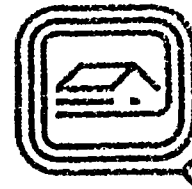
Enclosed: OHPO letter dated May 20, 2004
OHPO letter dated November 17, 2003

xc: Geoffrey Sea, 1832 Wakefield Mound Road, Piketon, OH 45662
Karen Kaniatobe, Absentee Shawnee Tribe of Oklahoma, 2025 S. Gordon Cooper Drive, Shownee, OK 74801-9381

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

Visit us at www.ohiohistory.org



OHIO
HISTORICAL
SOCIETY
SINCE 1885

May 20, 2004

Peter J. Miner
USEC, Inc.
6903 Rockledge Drive
Bethesda, MD 20817-1818

Re: Installation and Operation of the American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Miner,

This is in response to correspondence from your office dated March 2, 2004 (received March 5) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

Your correspondence offers the position that the proposed new construction will include buildings of similar design and size to the nearby buildings and that there will be similar functions carried out in these new buildings. Although not specifically stated in your correspondence, it appears that your discussion is to conclude that the qualities and characteristics that make PORTS significant will not be diminished by the proposed new construction. While we believe that clarification of those qualities that make PORTS significant would be helpful, given the available information on the size, design, and function of the existing and the proposed buildings, we are able to offer our opinion that the proposed project will not adversely affect the Portsmouth Gaseous Diffusion Plant historic property.

As you are aware, private citizens have raised concerns about the potential for this project to affect historic properties, including prehistoric archaeological sites. The National Historic Preservation Act strongly encourages federal agencies to include comments and concerns from the public throughout the Section 106 review process. It is our understanding the area of proposed new construction has been previously severely disturbed by previous construction, that the topsoil in this area was removed to a depth well into the subsoil and the contours were completed regraded during previous construction. However, we believe that it is an important responsibility to listen carefully to public concerns and to provide thoughtful and sensitive responses.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Mark J. Epstein, Department Head
Resource Protection and Review

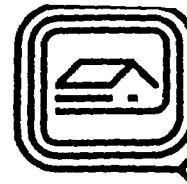
MJE:DMS/ds (OHPO Serial Number 100903)

xc: Gary S. Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

Visit us at www.ohiohistory.org



**OHIO
HISTORICAL
SOCIETY**
SINCE 1885

November 17, 2003

Russell J. Vranicar, Acting Site Manager
U.S. Department of Energy, PORTS
Portsmouth Site Office
P.O. Box 700
Piketon, OH 45661-0700

Re: Review of report, Testing at site 33-PK-210
Portsmouth Gaseous Diffusion Plant, Scioto Township, Pike County, Ohio

Dear Mr. Vranicar,

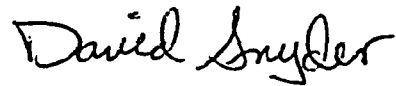
This is in response to correspondence from your office dated September 19, 2003 (received September 24) transmitting the report titled "Phase II Archaeological Testing at Site 33PK210, Scioto Township, Pike County, Ohio" by Christopher M. Hazel, July 2003. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The archaeological testing was restricted to the portion of site 33-PK-210 on Department of Energy property. It appears that more than half of the site extends south of Department of Energy property. The testing included background review, pedestrian walk-over, and shovel testing. Although the extent of site exposed through a combination of shovel testing, excavation units, and auger testing was quite small, we agree that the research design was sufficient to identify any pattern of artifacts or features within the tested portion of the site. We agree with the conclusions that no sensitive archaeological deposits were identified in the tested portion of site 33-PK-210 and that no further archaeological investigations are warranted within this portion of the site. We do not concur that sufficient testing has been conducted to conclude that the entire site doesn't meet the criteria for National Register eligibility. Given the modest assemblage recovered from site 33-PK-210 we do not believe that additional testing at this site is a preservation priority. Assuming that all development within PORTS takes place north of the fence line marking the southern boundary of the tested portion of the site, we concur that no further archaeological testing at site 33-PK-210 is necessary and that no further coordination with this office is necessary for this site.

Mr. Russell J. Vranicar
November 17, 2003
Page 2

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS:ds

xc: Gary Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831
Kristi Wiehle, DOE - PORTS, P.O. Box 700, Piketon, OH 45661-0700