

MEMORANDUM TO: Osiris Siurano-Perez, Federal Liaison
Office of State Programs

FROM: Brent Clayton, Branch Chief */RA/ Barry Zalcman for*
Environment Projects Branch 1
Division of Site & Environmental Reviews
Office of New Reactors

SUBJECT: U.S. DEPARTMENT OF INTERIOR QUESTIONNAIRE ON FEDERAL
ARCHAEOLOGICAL ACTIVITIES FOR FISCAL YEAR 2006

By e-mail, on February 26, 2006, you requested assistance from the Environment Projects Branch 1 in compiling the Office of New Reactors (NRO) input to the U.S. Department of Interior (DOI) questionnaire regarding Federal Archaeological Activities during FY-2006. The staff prepared three environmental impact statements for Early Site Permits (ESP) during FY-2006.

The U.S. Nuclear Regulatory Commission (NRC) corresponded with the Advisory Council on Historic Preservation, the Virginia Department of Historic Resources, the Mississippi Department of Archives and History, and Georgia Historic Preservation Division regarding the ESP reviews. For further clarification, reference D7 of the enclosed questionnaire. Please contact Cristina Guerrero, of our staff at (301) 415-2981 or via e-mail at CXG3@nrc.gov, if you have any questions or comments.

Enclosure:
As stated

April 13, 2007

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DATE	04/05/07	04/13/07

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THE SECRETARY OF THE INTERIOR'S REPORT TO CONGRESS
ON FEDERAL ARCHEOLOGICAL ACTIVITIES
GSA Control Number: 0236-DOI-AN

Agency NRC**Office** NRO**Contact** C.Guerrero**Phone** (301) 415-2981**Email** CXG3@nrc.gov

ANSWER SHEET: Questionnaire on Fiscal Year 2006 Activities

Quantitative Data	H2 <u>0</u> %	L4 _____	Attached Material
B1 <u>ND</u>	H3 <u>0</u>	L5 _____	Narrative Responses (check if present):
B2 <u>\$ 0</u>	H4 <u>0</u>	L6 _____	A1 _____
B3 <u>ND</u>	H5 <u>0</u>	L7 _____	B5 _____
B4 <u>\$ 0</u>	I1 <u>\$ 0</u>	L8 _____	B6 _____
C1 <u>ND</u>	I2 <u>\$ 0</u>	L9 _____	D7 <u>X</u>
D1 <u>3</u>	Land-managing agencies only, Sections J-L	L10 _____	E3 _____
D2 <u>1</u>	J1 _____	L11 _____	F3 _____
D3 <u>672</u>	J2 _____	L12 _____	H6 _____
D4 <u>10</u>	J3 _____	L13 _____	H7 _____
D5 <u>0</u>	J4 _____	L14 \$ _____	H8 _____
D6 <u>0</u>	J5 _____	L15 \$ _____	I3 _____
E1 <u>0</u>	K1 _____	L16 \$ _____	J6 _____
E2 <u>0</u>	K2 _____	L17 \$ _____	K4 _____
F1 <u>0</u>	K3 _____	L18 \$ _____	L20 _____
F2 <u>0</u>	L1 _____	L19 \$ _____	L21 _____
G1 <u>0</u>	L2 _____		LOOT form(s) included: <u>NA</u> # _____
H1 <u>0</u>	L3 _____		Computer disk accompanying: <u>0</u>
			Photographs accompanying: <u>0</u>
			Other materials accompanying: <u>0</u>

Enclosure

Section A. Agency Archeology Program Highlights

A1. Briefly (200 words or less) describe one exemplary project or program conducted by your office in this reporting year highlighting its public benefits and research benefits.

N/A

Section B. Participation, Education, and Outreach in the Agency Archeology Program

ND B1. Number of partnership agreements (e.g. cooperative, cost-share, interagency, research) in the archeology program. Do not include contracts.

\$ 0 B2. Total dollar value of contributions provided by partners (e.g. money, services)

ND B3. Volunteer hours contributed to the agency for the benefit of archeology

\$ 0 B4. Total dollar value of work performed by volunteers

B5. Briefly (200 words or less) describe one exemplary partnership, education, or outreach program/product conducted by your office in the reporting year.

ND

B6. If needed, clarify responses to questions about participation, education, and outreach.

ND

Section C. Archeological Overview

ND C1. Number of area-wide overviews and non-project planning under ARPA and NHPA (e.g. base comprehensive plans, Forest overviews, preservation plans, historic context statements)

Vogtle

Section D. Archeological Identification and Evaluation

Responses should include NHPA Section 106 undertakings; NHPA Section 110 and ARPA activities conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.

3 D1. Number of projects for which database and file searches were conducted, literature reviews, or map checks that resulted in a file letter, report, or other documentation.

1 D2. Number of field studies to identify and evaluate archeological sites.

672 D3. Number of acres inventoried in the reporting year.

10 D4. Number of archeological sites identified in the reporting year.

0 D5. Number of archeological sites determined eligible for the National Register of Historic Places (NRHP) by the Keeper or through documented consultation with the SHPO during this fiscal year.

- N/A D6. (Land-managing agencies only.) Number of archeological sites on agency managed land that were stabilized, rehabilitated, monitored, or protected (e.g. anti-vandalism signs, fences, road closures) in the reporting year. (Report each archeological site protected only once. Do not include sites avoided during a Section 106 undertaking)
- D7. If needed, clarify responses to questions about archeological identification and evaluation (D1 - D5).

SEE ATTACHMENT.

Section E. Archeological Data Recovery [Data recovery projects include recordation, surface collection, and excavation and are conducted to mitigate effects to an archeological site threatened by destruction or disturbance. This section includes Section 106 undertakings and activities under Section 110 of NHPA and ARPA conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.]

- 0 E1. Number of archeological data recovery projects
- 0 E2. Number of archeological sites on which data recovery was undertaken
- E3. If needed, clarify responses to questions about archeological data recovery.

Section F. Unanticipated Archeological Discoveries [This section provides data on archeological properties discovered unexpectedly subsequent to agency completion of the NHPA Section 106 review for undertakings conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.] Include undertaking in year it is identified even if work won't occur until following year.

- 0 F1. Number of undertakings resulting in the discovery of unanticipated archeological resources
- 0 F2. Number of undertakings resulting in the discovery of unanticipated archeological resources that required data recovery of significant archeological resources. Include undertakings this reporting year though work won't occur until next reporting year.
- F3. If needed, clarify responses to questions about unanticipated archeological discoveries.

Section G. Archeological Information Management

- G1. Describe how the agency is maintaining and improving the management of records for collections, permits, sites, and inventory. Include a description of any data-sharing efforts between your office and other organizations. If there is no change from previous years, indicate no change.

Section H. Archeological Collections Management

0 H1. Number of items/lots or cubic feet of material remains (artifacts, samples) curated in all repositories (Because reporting systems vary, please explain dimension used here in H8).

% 0 H2. Percentage of amount identified in H1 that is accessioned and cataloged.

0 H3. Number of linear feet of records associated with stored archeological materials

0 H4. Number of federal museums/repositories curating agency collections

0 H5. Number of non-federal museums/repositories curating agency collections

H6. When was the agency policy for management and preservation of its collections established or last revised, if different? How is it being implemented?

N/A

H7. List the museums/repositories curating agency collections. If there is no change from previous years, indicate no change.

N/A

H8. If needed, clarify responses to questions above about archeological collections management.

N/A

Section I. Cost and Benefits of Archeology Program

\$ 0 I1. Total amount allocated (directly from Congress or as a result of internal agency allocations) to the cultural resource management program that is used for archeological activities

\$ 0 I2. Total amount allocated to other agency programs (e.g. timber, construction, permits, licenses, grants) that are used for archeological activities

I3. Does the agency have information on economic benefits from archeology, such as recreation visitor use days and dollars spent by visitors on heritage tourism? If so, describe.

N/A

THE REMAINDER OF THE QUESTIONNAIRE (Sections J-L) IS TO BE COMPLETED BY AGENCIES THAT MANAGE FEDERAL OR INDIAN LAND. If you are answering from a regional, state, division, etc. office, please provide figures only for your region. The headquarters office of each agency will compile information to provide an agency-wide response.

Section J. Archeological Resource Base on Federal and Indian Lands

Questions J1-J6 call for the best possible estimates for **all prior years through the reporting year**.

- _____ J1. Total acres inventoried on agency-managed land
- _____ J2. Total number of recorded archeological sites on agency-managed land
- _____ J3. Total number of recorded archeological sites on agency-managed land listed on the NRHP (please use J6 to indicated the number of properties listed, which may include districts).
- _____ J4. Total number of recorded archeological sites on agency-managed land that were determined eligible for the NRHP by the Keeper or through documented consultation with the SHPO
- _____ J5. Total number of recorded archeological sites on agency-managed land that were determined ineligible for the NRHP by the Keeper or through documented consultation with the SHPO
- J6. If needed, clarify responses to questions about the archeological resource base on Federal and Indian lands. In addition to the request to use this field to clairify J3, please also comment on the number of unevaluated sites and whether this is an issue worth tracking.

Section K. Archeological Permitting [K1-K2 apply to all permits issued pursuant to Federal agency policies, procedures, or guidelines for archeological activities authorized by ARPA, the Antiquities Act, or agency-specific statutes]

- _____ K1. Number of permit applications received
- _____ K2. Number of permits issued or in effect
- _____ K3. Number of notifications to Indian Tribes of proposed work that might harm or destroy sites having religious or cultural importance to a Tribe, as required by ARPA Uniform Regulation § -.7
- K4. If needed, clarify responses to questions about archeological permitting.

Section L. Archeological Law Enforcement [This section includes all archeological resource crime pursuant to ARPA, the Antiquities Act, Federal property laws, or other statutes and regulations protecting archeological sites. This section should be completed with the help of law enforcement. Use the attached LOOT form **OR** send copies of equivalent information from the case files for each citation, misdemeanor and felony conviction and civil penalty completed in the reporting year.]

- _____ L1. Total number of documented violations (count 1 for each incident).
- _____ L2. Number of documented violations where individual(s) were arrested.

- _____ L3. Number of individual(s) arrested.
- _____ L4. Number of individual(s) cited.
- _____ L5. Number of individual(s) prosecuted under ARPA.
- _____ L6. Number of individual(s) prosecuted under authorities other than ARPA.
- _____ L7. Number of individual(s) convicted of a misdemeanor under ARPA.
- _____ L8. Number of individual(s) convicted of a misdemeanor under authorities other than ARPA.
- _____ L9. Number of individual(s) convicted of a felony under ARPA
- _____ L10. Number of individual(s) convicted of a felony under authorities other than ARPA.
- _____ L11. Number of individual(s) found libel (civil penalty).
- _____ L12. Number of criminal and civil cases where individual(s) were found guilty or liable (unlike L7-L11, a case may include more than one individual).
- _____ L13. Number of criminal and civil cases where individual(s) were found not guilty or not liable (unlike L7-L11, a case may include more than one individual).
- \$_____ L14. Amount of fines imposed or ordered.
- \$_____ L15. Amount of restitution imposed or ordered (includes civil penalties).
- \$_____ L16. Cost of restoration and repair originally asked for in site damage assessments.
- \$_____ L17. Amount given in rewards (not amount offered).
- \$_____ L18. Commercial value of personal property and artifacts seized and either retained or sold.
- \$_____ L19. Estimated law enforcement cost for archeological resource protection.
- L20. If needed, clarify responses to questions about archeological law enforcement.
- L21. Describe effective projects, methods, and techniques the agency has used to improve archeological protection programs. Examples include development of incident reporting systems, the use of remote sensing equipment for site monitoring, and interagency cooperation by law enforcement, justice and cultural resources staff.

ATTACHMENT TO ANSWER SHEET

D7. If needed, clarify responses to questions about archeological identification and evaluation (D1-D5). (See Below)

North Anna

The National Historic Preservation Act (NHPA) requires Federal agencies to take into account the potential effects of their undertakings on historic properties. The review process mandated by Section 106 of the NHPA is outlined in regulations promulgated by the Advisory Council on Historic Preservation and codified in 36 CFR Part 800. Evaluating the suitability of a potential ESP site within the existing NAPS site for construction, operation, and decommissioning of new power units is an undertaking that could possibly affect either known or potential historic properties that may be located at the North Anna ESP site. Therefore, in accordance with the provisions of NHPA, NRC is required to make a reasonable effort to identify historic properties in the area of potential effects. If no historic properties are present or affected, NRC is required to notify the State Historic Preservation Officer of this finding before proceeding. If it is determined that historic properties are present, NRC is required to assess and resolve possible adverse effects of the undertaking.

In the case of the North Anna ESP site, Dominion has indicated that construction of additional units would involve land disturbance within a designated ESP plant construction area (currently a mostly disturbed area), the ESP cooling tower area, and in a spoils and overflow storage area. Both the cooling tower area and spoils storage areas exhibit less previous ground disturbance than the area where Units 3 and 4 would be constructed. Additionally, temporary parking, module fabrication areas, and laydown area would involve some ground disturbance. Following construction activities, disturbed support areas would be landscaped and replanted to match the overall site appearance.

Dominion commissioned studies to assist in recording and protecting known cultural resource sites, as in the case of the five historic period cemeteries located on the NAPS site. As part of the cultural resource assessment effort, the entire NAPS site has been classified into one of three categories, based on the potential for presently undiscovered historic properties to be present, including recommendations for responding to inadvertent discovery and preventing possible adverse effects to resources (Voigt 2003). These three categories are:

- *Areas with No Potential for Historic or Cultural Resources.* These areas include lands where past disturbances related to construction of the power station and appurtenant (associated) facilities have taken place to such an extent that any once-extant cultural resources are no longer present. No further archaeological investigations are recommended for these areas.
- *Areas with Low Potential for Historic or Cultural Resources.* Lands within the ESP site that fall into this category are those that are relatively undisturbed but that possess characteristics that would normally indicate a low possibility for most types of cultural resources to occur. For the most part, these lands have a degree of slope greater than 15 percent. For most of these areas, further archaeological work would not be necessary, although there could be smaller

areas within the larger zone where specific ground conditions could require investigation.

- *Areas with Moderate-to-High Potential for Historic or Cultural Resources.* These areas are classified as those that are relatively undisturbed by past activities and have a likelihood for prehistoric and historic archaeological sites according to local models of prehistoric and historic land-use and settlement patterning. Archaeological investigation is recommended prior to undertaking any ground-disturbing activities in these areas.

The eastern part of the proposed project area, where proposed Units 3 and 4 are expected to be located, was extensively altered during ground-disturbing activities related to the original construction of the power plant and associated facilities. Therefore, it is classified as having No Potential for Historic and Cultural Resources (Voigt 2003).

The western sector of the proposed project area includes the cooling tower area, spoils and overflow storage areas, and parking and laydown areas. It includes lands that have been designated as Low and Moderate-to-High Potential for historical and cultural resources (Voigt 2003).

Two known historic cemeteries are located in proximity to the proposed project area. Site 44LS221 is situated in a wooded area near the proposed cooling tower area. The site was marked and avoided during original site construction activities. It would be protected by similar measures during any future site preparation and construction activities and would not be impacted. Site 44LS222 is located near the cooling tower area, but outside the ESP construction boundary. This cemetery is a known site and would be avoided to prevent construction activities from impacting the site.

As a result of recently completed consultation between NRC and VDHR, Dominion conducted an archaeological survey for ten individual survey areas, including approximately 6.0 acres (2.4 hectares) within the western sector of the North Anna ESP APE that fell into one of two categories: (1) acreage that has not been previously disturbed during construction of the original power station and (2) areas that required subsurface testing and pedestrian survey based on the results of the previous field inspection of the ESP APE (Voigt 2003). With the exception of the two previously recorded historic period cemeteries mentioned above, no artifacts, cultural features, or cultural deposits were identified during the field survey (Mullin 2006).

To date, literature reviews and consultations with regional Native American tribes have not identified any traditional cultural properties or other culturally significant resources that might occur in the vicinity of the proposed construction area.

Based on the findings of the field survey for the ESP APE, NRC concludes that construction would have no adverse effect upon historic properties. The VDHR stated that if the sites are avoided, there would be no negative impact on the resources (VDHR 2006). Although field studies to date have not revealed any historic properties that would be adversely impacted, Dominion would include the NAPS cultural resource-specific written directions in its site-wide Excavation and Backfill Work Procedures (North Anna Power Station NSS Work Procedure

WP-C01) involving an immediate stop work order should archaeological, historic, or other cultural resources be discovered during excavation (Dominion 2006a). The construction supervisor is responsible for ensuring the work stoppage and for notifying the Environmental Compliance Coordinator of an inadvertent discovery. Dominion would then consult with VDHR regarding the need for and types of necessary cultural resources investigations.

Based on the results of previous cultural resources field investigations at the North Anna ESP site and the presence of a well-managed cultural resources program at the NAPS site, which includes the existence of written procedures to provide immediate reaction and notification in the event of inadvertent discovery of historic and cultural resources, and its cultural resource analysis and consultation, the staff concludes that the potential impacts on historic and cultural resources would be SMALL, and mitigation is not warranted.

Grand Gulf

During preparation of the Combined License Application (COLA) for proposed site development at the Grand Gulf Nuclear Station (GGNS), a consultation letter was sent to the Mississippi Department of Archives and History (MDAH) on August 28, 2006 in accordance with requirements under Section 106 of the National Historic Preservation Act (NHPA). In their response letter dated October 10, 2006, the MDAH identified three construction areas (B, D and F) which they recommended a cultural survey be performed. During the Section 106 consultation process that occurred in 2002 as part of the GGNS Early Site Permitting process, the MDAH identified only two construction areas (D and F) which they recommended a cultural survey be performed. On December 20, 2006, Energy representatives met with MDAH to present aerial photographs of the GGNS site to show the level of impacts to surrounding areas that occurred during the construction phase of Units 1 and 2. As a result of this meeting, the MDAH agreed that a cultural survey of Construction Area D was no longer needed since the area had been extensively disturbed to depth, and that only surveys need be conducted in Construction Areas B and F. On January 24, 2007, a letter was sent to the MDAH outlining this agreement. The MDAH concurred in their response letter dated February 21, 2007.

Vogtle

The archaeological survey was conducted in conjunction with the environmental report for the Vogtle Units 3 & 4.

DSER/RAP1 COVER PAGE

DOCUMENT NAME: C:\FileNet\ML070950567.wpd

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ARCHAEOLOGICAL ACTIVITIES FOR FISCAL YEAR 2006

ORIGINATOR: Cristina Guerrero, 415-2981

SECRETARY: Susan Moss, 415-0747

DATE: 04/05/2007

●●● ROUTING LIST ●●●

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