



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

June 9, 2008
ABR-AE-08000042

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project Units 3 & 4
Docket No. 52-012 and 52-102 ○ (3)
Cultural or Historical Artifact Discovery During Construction

- References:
- 1) Letter, G.T. Gibson to W.F. Burton, "Environmental Report Acceptance Review: Outstanding Issues," dated November 8, 2007 (ABR-AE-07000010)
 - 2) Letter, G.T. Gibson to Document Control Desk, "Changes to NRC Commitments," dated February 12, 2008 (ABR-AE-08000021)
 - 3) Letter, G.T. Gibson to Document Control Desk, "Cultural or Historic Artifact Discovery During Construction," dated June 4, 2008 (ABR-AE-08000040)

Reference 1 describes a commitment by STP Nuclear Operating Company (STPNOC) to develop a procedure for discovery of cultural or historical artifacts during construction. Reference 2 requests an extension of the due date for submitting the procedure. Reference 3 transmitted STPNOC's unanticipated findings procedure but failed to do so under oath and affirmation.

STPNOC is withdrawing Reference 3 and replacing it with this letter that transmits a copy of Addendum #5 to procedure No. OPGP03-ZO-0025 (Unanticipated Discovery of Cultural Resources). This Addendum sets forth the actions to be taken by STPNOC staff and management including the relevant agency contacts to be notified should any artifacts be encountered during construction. This procedure addendum was effective as of June 2, 2008.

Please feel free to call me at (361) 972-7206 or Russell W. Kiesling at (361) 972-4716 should you have any questions regarding this submittal.

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NR0

There are no commitments in this letter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

June 9, 2008



Mark A. McBurnett
Vice President, Oversight and Regulatory
Affairs

sad

Attachment: OPGP03-ZO-0025 Addendum #5

cc: w/o attachment except*

(paper copy)

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Introduction

Pursuant to the regulatory requirements of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulation 36 CFR Part 800 (as amended August 5, 2004) an Area of Potential Effect (APE) associated with construction and operations activities (existing and proposed) at the South Texas Project site has been surveyed and a determination of no adverse effect to historic properties was asserted and concurred with by the Texas Historical Commission (THC) on 01/19/2007. The following Unanticipated Discovery Plan (UDP) outlines procedures to follow in the case of a post review discovery in accordance with 36 CFR Part 800.13.

Discovered cultural resource materials could include human skeletal remains, artifacts, sites, or any other cultural resources eligible, or potentially eligible, for listing in the National Register of Historic Places (NRHP). All cultural resource discoveries are considered confidential and to protect their integrity, the press will not be contacted under any circumstance. This plan is intended to provide guidance to STPNOC and their contractors so they can:

- Comply with any applicable Federal and State laws and regulations, particularly 36 CFR 800 (as amended August 5, 2004) that implements section 106 of the National Historic Preservation Act of 1966, and
- Describe to regulatory and review agencies the procedures agents will follow to prepare for and deal with unanticipated discoveries, and
- Provide direction and guidance to project personnel for the proper procedures to be followed should an unanticipated discovery occur.

Discovery of Cultural Resources

Should construction or maintenance activities cause disturbance to underground cultural/archaeological resources the following section establishes provisions for the professional archaeological treatment of cultural materials discovered.

Provisions of the Cultural / Archaeological Resource Procedures are as follows:

- A. If any STPNOC employee, contractor or subcontractor believes that they have uncovered any cultural resource during construction or maintenance activities, all work adjacent to the discovery shall cease. The STPNOC Supervisor responsible for the ongoing work will notify the STPNOC Environmental Manager immediately. A cultural resource discovery could be prehistoric or historic and consist of, but not be limited to:
 - anthropogenic soil horizons, occupational surfaces, middens, etc.,
 - areas of charcoal or charcoal – stained soil and stones,
 - stone tools or waste flakes (i.e. an arrowhead, or stone chips),
 - bones, burned rocks, or other food related materials in association with stone tools or flakes,
 - or a cluster of tin cans or bottles, logging or agricultural equipment older than 50 years.

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- B. In order to protect the integrity of a discovery the STPNOC Supervisor will take appropriate steps to protect the discovery site by ceasing all work in an area of stoppage adequate to provide for the total security, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological cultural material contained in this addendum.
- C. The STPNOC Environmental Manager, arrange for the site to be evaluated by a qualified cultural resources management specialist. If the cultural resources find is determined to be significant, the cultural resource specialist/archaeologist or consulting archaeologist will immediately contact the THC to seek consultation regarding the National Register eligibility of any further discovery. Construction will be halted within the immediate area of the discovery and the scene will be protected until consultation to determine the appropriate course of action has been conducted. The STPNOC Supervisor may direct construction away from cultural resources to work in other areas prior to contacting the concerned parties.
- D. Where cultural resources are encountered during construction, but additional project effects to the resources are not anticipated, project construction may continue while documentation and assessment of the cultural resources proceed. The total area of work stoppage will be adequate to provide for the security, protection, and integrity of the discovery. Construction may continue at the discovery location only after the process outlined in this addendum is followed and STPNOC and THC are satisfied the caveats of Section 106 of the National Historic Preservation Act have been met.
- E. Routine documentation of newly discovered cultural material should not impact construction schedules. Where complex or extensive cultural remains are encountered, the STPNOC Environmental Manager and archaeological personnel will determine the appropriate level of documentation and treatment of the resource through consultation with THC.
- F. STPNOC will ensure the proper documentation and assessment of any discovered cultural resources in cooperation with a contracted consultant and THC. All prehistoric and historic cultural material discovered will be recorded by a professional archaeologist using standard techniques. Where warranted in the opinion of the qualified cultural resources professional, site overviews, features, and artifacts will be photographed; stratigraphic profiles and soil/sediment descriptions will be prepared for subsurface exposures. Discovery locations will be documented on scaled site plans and site location maps.
- G. All prehistoric and historic artifacts collected from the surface and from probes and excavation units will be analyzed, catalogued, and temporarily curated. Ultimate disposition of cultural materials will be determined in consultation with the THC.
- H. Within 90 days of concluding fieldwork, a technical report describing any and all monitoring and resultant archaeological excavations will be provided to the STPNOC Environmental Manager. The STPNOC Environmental Manager will forward the report to the THC.
- I. If assessment activity exposes human remains (burials, isolated teeth, or bones) all defined procedures outlined in the following section will be followed.

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Special Procedures for the Discovery of Human Skeletal Material

Any human skeletal remains regardless of ethnic origin, which may be discovered during this project will at all times be treated with dignity and respect.

- A. During all project operations if any STPNOC employee or any of the contractors or subcontractors believes that they have made an unanticipated discovery of human skeletal remains, all work adjacent to the discovery shall cease. The area of work stoppage will be adequate to provide for the total security, protection, and integrity of the human skeletal remains. No persons other than the proper law enforcement personnel, STPNOC Cultural Resource Consultant(s), and the THC will be authorized direct access to the discovery location after the area is secured. If the remains are determined to be of Native American ancestry thorough consultation with the THC, tribal access will only be allowed to the designated representative(s) of the affected tribes'. Coordination for tribal member access must go through the designated tribal representative. The strict control of a burial location is mandated to insure the safety and integrity of the burial feature and remains.
- B. Representatives of STPNOC are responsible for taking appropriate steps to protect the discovery. The immediate area will be secured to a distance adequate to provide for the total security, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse or enter the discovery site.
- C. STPNOC will immediately call the Matagorda County Sheriff's Office and will ensure that an individual competent and qualified to identify human skeletal remains is present. If possible, the ethnic origin, or ancestry, of the discovered human remains will be determined through consultation with the THC, County Coroner and the THC-determined affected tribe. The local law enforcement official may arrange for a representative of the county coroner's office to assist the STPNOC Cultural Resource Staff in the examination of the discovery and together will determine whether it should be treated as a crime scene or as a human burial of Native American ancestry.
- D. If disinterment of Native American human remains becomes necessary, the consulting parties, which will include STPNOC, THC, and the affected tribe(s), will jointly determine the final custodian of the human skeletal remains for reinterment.
- E. STPNOC and/or the FHWA will make a good faith effort at accommodating requests from the affected tribe(s) to be present after they are notified of discoveries, and prior to the implementation of mitigation measures related to the human remains.