

March 4, 2009

Ms. Kate Valdez
Confederated Tribes and Bands
of the Yakama Nation
Tribal Historic Preservation Officer
PO Box 151
Toppenish, WA 98948

SUBJECT: LETTER OF INTENT REGARDING COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT WITH RESPECT TO THE
U.S. NUCLEAR REGULATORY COMMISSION'S ENVIRONMENTAL
ASSESSMENT OF THE AREVA NP RICHLAND FUEL FABRICATION
FACILITY

Dear Ms. Valdez:

The Nuclear Regulatory Commission (NRC) is in the final stages of its environmental review of the AREVA NP Richland Fuel Fabrication Facility. This letter documents the status and path forward to proceed with NRC's determination and to close out the "Coordination with the National Environmental Policy Act" (NEPA) as prescribed in Title 36, Part 800, Section 8 of the Code of Federal Regulations (CFR).

NRC sent a "*Section 106 Consultation, Request for Concurrence on the U.S. Nuclear Regulatory Commission's (NRC) Determination of Effects on Historic Properties for the Proposed License Renewal of AREVA NP Richland Fuel Fabrication Facility*" letter to you on September 8, 2008. Also, staff tried to contact you by telephone on several occasions. We were unable to reach you by either method. During the NEPA-prescribed consultation process, NRC received a non-concurrence with NRC's determination from the Washington State Historic Preservation Office (SHPO). The basis for his non-concurrence was: historically, the lands were not surveyed for cultural resources; a high potential for significant cultural properties exists due to findings on properties beyond the licensee's site boundary; and the NRC consultation with the concerned tribes resulted in requests for additional information.

In addition to the letter, NRC staff held several subsequent teleconference calls with the SHPO. The following summarizes key details of these communications:

- AREVA NP submitted a 40 year license renewal application to continue operations at its 2101 Horn Rapids Road site;
- AREVA NP owns the 320 acre parcel which is located in the northern limits of the City of Richland;
- Within the site boundary is a 50 acre fenced exclusion area that contains the processing, production, and administrative office buildings;

- The current proposed action does not have the potential to impact historic or cultural sites even if they are present on the site because the license renewal does not change the site footprint or the operating process of the existing facility;
- According to 36 CFR Part 800.3(1), "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part;"
- the SHPO agreed to withdraw his non-concurrence since AREVA NP volunteered to perform the following actions: AREVA NP will hire a Washington SHPO-approved consultant to perform a cultural/historical literature search; the consultant will also perform a pedestrian review of the 50 acre site for cultural/historical interests; they may invite you and the SHPO to participate in the process; and they will distribute the recommendations received from the consultant to all interested parties.

Based on our conversations with the SHPO on January 26, 2009, he agreed with these items. NRC has updated the draft Environmental Assessment to incorporate the voluntary actions proposed by AREVA NP. This will allow us to close the 106 consultation. The final Environmental Assessment conclusion is: "NRC staff concludes that the renewal of license SNM-1227 involving the continued operation of the AREVA NP site in Richland, Washington, will not significantly impact the environment. The facility already exists, and no changes to the facility or its operation are associated with the license renewal."

If you have any questions regarding this matter, please contact the Environmental Project Manager, Ms. Gloria Kulesa, at 301-415-5308 or e-mail Gloria.Kulesa@nrc.gov.

Sincerely,

/RA/

Andrea L. Kock, Branch Chief
Environmental Review Branch
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Programs

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Andrea L. Kock, Branch Chief
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