



Preserving America's Heritage

February 17, 2009

William Burton
Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ref: *Notification and request for consultation and participation in the scoping process for the combined license application review for the Bell Bend Nuclear Power Plant near Berwick, Pennsylvania*

Dear Mr. Burton:

On January 16, 2009, the Advisory Council on Historic Preservation (ACHP) received from the Nuclear Regulatory Commission (NRC) a notification pursuant to Section 800.8(c) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR 800), regarding the referenced project. We appreciate receiving your notification, which establishes that NRC will use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 of the National Historic Preservation Act in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

In addition to notification to the ACHP, NRC must also notify the Pennsylvania State Historic Preservation Officer and meet the standards in Section 800.8(c)(1)(i) through (v) for the following:

- identifying consulting parties;
- involving the public;
- identifying historic properties and assessing the undertaking's effects on historic properties; and
- consulting regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the ACHP, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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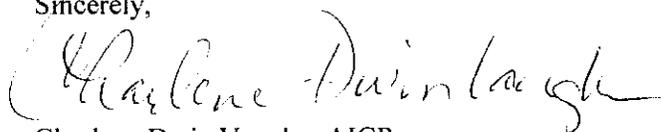
To meet the requirement to consult with the ACHP as appropriate, the NRC should notify the ACHP in the event NRC determines, in consultation with the SHPO/THPO and other consulting parties, that the proposed undertaking(s) may adversely affect properties listed, or eligible for listing, on the National Register of Historic Places (historic properties). In addition, Section 800.8(c)(2)(i) requires that you submit to the ACHP any DEIS or EIS you prepare. Inclusion of your adverse effect determination in both the DEIS/EIS and in your cover letter transmitting the DEIS/EIS to the ACHP will help ensure a timely response from the ACHP regarding its decision to participate in consultation. Please indicate in your cover letter the schedule for Section 106 consultation and a date by which you require a response by the ACHP.

The regulations do not specifically require that an agency submit an EA to the ACHP. However, keep in mind that, in the case of an objection from the ACHP or another consulting party, Sections 800.8(c)(2)(ii) and (c)(3) provide for ACHP review of an EA (in addition to a DEIS or EIS) to determine whether preparation of the EA, DEIS or EIS has met the standards set forth in Section 800.8(c)(1) and/or to evaluate whether the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is adequate.

If NRC's determination of adverse effect will be documented in an EA, we request that you notify us of the adverse effect and provide adequate documentation for its review. The ACHP's decision to review an EA, DEIS or EIS will be based on the applicability of the criteria in Appendix A of the ACHP's regulations.

Thank you for your notification pursuant to Section 800.8(c). If you have any questions or if we may be of assistance, please contact Najah Duvall-Gabriel by phone at 202-606-8585 or via e-mail at ngabriel@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs