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U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001

**SHEARON HARRIS NUCLEAR POWER PLANT UNITS 2 AND 3  
DOCKET NOS. 52-022 AND 52-023  
SUPPLEMENTAL INFORMATION IN SUPPORT OF COMBINED LICENSE APPLICATION –  
ARCHAEOLOGICAL AND CULTURAL RESOURCES**

Ladies and Gentlemen:

The purpose of this letter is to submit Progress Energy's guidance for archaeological and cultural resources, specifically with regard to inadvertent finds. In a teleconference with NRC Staff on September 11, 2009, it was indicated that this document would be helpful to the Staff. Therefore, EVC-SUBS-00105, Archaeological and Cultural Resources, is attached.

If you have questions, please contact Bob Kitchen at (919) 546-6992 or me at (919) 546-6107.

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

Executed on September 24, 2009.

Sincerely,

A handwritten signature in black ink that reads "G. Miller".

Garry D. Miller  
General Manager  
Nuclear Plant Development

Attachment

cc: U.S. NRC Region II, Regional Administrator  
U.S. NRC Resident Inspector, SNHPP Unit 1  
Mr. Brian Hughes, U.S. NRC Project Manager  
Dr. Donald Palmrose, U.S. NRC Environmental Project Manager

DO84  
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Document title

# Archaeological and Cultural Resources

Document number

## EVC-SUBS-00105

Applies to: Progress Energy Carolinas, Inc.; Progress Energy Florida, Inc.; Progress Energy Service Company, LLC

Keywords: environmental; environmental compliance manual – common

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**GLOSSARY**

**1.0 BACKGROUND**

The legal power to protect historic buildings, structures, sites, and districts rests primarily with local governments. The State Historic Preservation Office (SHPO) helps federal and state agencies and applicants:

- Identify historic properties listed in, or eligible for, the National Register;
- Evaluate the impacts of the proposed projects on them; and
- Avoid or minimize negative impacts.

The following guidelines are designed to protect the environment, historical sites, historical landmarks, and artifacts or archaeological sites during land-disturbing activities performed, assisted, permitted, or licensed by a federal agency; as well as applicable state funded, permitted, or assisted projects.

These activities include, but are not limited to:

- The construction or expansion of:
  - ✓ Buildings
  - ✓ Facilities
  - ✓ Substations
  - ✓ Power plants
  - ✓ Parking lots
  - ✓ Roads
  - ✓ Overhead or underground utility lines (electric, gas, etc.)
- Clearing Rights-of-Way

Archaeological or cultural resources include:

- Cemeteries, burial sites, funereal monuments, or other sites with human remains;
- Historic buildings, structures, or building remains;
- Ancient sites containing cultural artifacts such as:
  - ✓ Pottery,
  - ✓ Tools, weaponry, and other implements,

- ✓ Ritual artifacts, and
- ✓ Discarded materials (i.e. Indian mounds with shells and animal bones);
- Sites of historical significance to the community, state, or nation, such as battlegrounds, encampments, villages, etc.; and
- Traditional cultural properties.

A cultural resource assessment (CRA) will be required if the project or work activity is expected to impact cultural (e.g. archaeological, historical, or architectural) resources listed, or eligible for listing, on the "Natural Register of Historical Places" (NRHP).

If a project or work activity inadvertently uncovers a grave, archaeological site, or other historical artifacts, all activities in the site area should be halted.

- The group performing the land-disturbing activities should contact the appropriate Environmental Support Organization (ESO).
- A cultural resource assessment will be performed, and your Environmental Support Organization will consult with the State Historic Preservation Office, as necessary, to determine the appropriate steps to be taken prior to resuming site activities.

If land-disturbing activities are restricted to areas of the site previously disturbed during construction, a cultural resource assessment is not required.

## **2.0 PROGRAM REQUIREMENTS**

### **2.1 Company**

Employees and contractors have the responsibility to determine whether land-disturbing activities will impact archaeological and/or cultural resources.

Employees and contractors should contact their Environmental Support Organization during the planning process of land-disturbing activities which have the potential to impact cultural or archaeological resources.

- Your Environmental Support Organization will consult with the appropriate State Historic Preservation Office (SHPO), as necessary, to determine appropriate actions to take.
- Any land-disturbing activities that impact cultural resources require a cultural resource assessment.

Land-disturbing activities in areas of known cultural or archaeological resources should be avoided if possible and minimized at all times.

Employees and contractors should contact their appropriate Environmental Support Organization (ESO) if archaeological or cultural resources are inadvertently encountered during land-disturbing activities.

All work should be halted while the ESO permitting specialists consult with the appropriate State Historic Preservation Office to determine appropriate actions to take.

## **2.2 Federal**

Section 106 of the National Historic Preservation Act of 1966 requires that historic properties are considered when federal agencies are involved in any aspect of permitting an activity. Federal agencies will consult with the SHPO and/or Tribal Preservation Office and give the Advisory Council on Historic Preservation and the public an opportunity to comment before projects are implemented.

## **2.3 Florida**

The Florida Historical Resources Act (Chapter 267, Florida Statutes (F.S.)) requires that the Florida Division of Historical Resources provide environmental review of State and federal actions affecting historic and archaeological properties in Florida.

Other State legislation addressing the preservation of the state's historical resources includes:

- The Emergency Archaeological Properties Acquisition Act of 1988 (Chapter 253.027, F.S.);
- Offenses Concerning Dead Bodies and Graves (Chapter 872, F.S.).

## **2.4 North Carolina**

The Archaeological Resources Protection Act, Chapter 70, Articles 1-3, General Statutes (G.S.) requires that the SHPO, working in conjunction with local historic preservation commissions, provides environmental review of State and federal actions affecting historic and archaeological properties in North Carolina.

Other pertinent legislation includes:

- Cemetery protection, G.S. 14, G.S. 65; and
- Protection and Enhancement of the Historical and Cultural Heritage of North Carolina, Executive Order XVI.

## **2.5 South Carolina**

Sections of The South Carolina Code of Laws require that the SHPO provides environmental review of State and federal actions affecting historic and archaeological properties in South Carolina.

Pertinent legislation includes:

- Title 16, Chapter 17 and Title 27, Chapter 43, pertaining to abandoned cemeteries and burials;
- Title 54, Chapter 7 Article 5-610 et seq., The South Carolina Underwater Antiquities Act of 1991;
- Title 48, Chapter 39, The Coastal Zone Management Act of 1976; and
- The South Carolina Department of Health and Environmental Control's regulations regarding Hazardous Waste Management Facilities, SC Code of Regulations 61-104.

### **3.0 PERMITS & CERTIFICATIONS**

#### **3.1 Company**

N/A

#### **3.2 Federal**

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

National Register properties are distinguished by having been documented and evaluated according to uniform standards.

#### **3.3 Florida**

Work in culturally important areas requires review by the state historical preservation office. A cultural resources assessment may be required.

Typically authorization to proceed is granted in the form of a letter from the SHPO.

- If important sites are present, any restrictions or guidelines on how to proceed would be outlined in the letter.

Individuals that survey, dig, remove, and/or catalog artifacts are typically required to be licensed, and their activities are regulated.

**3.4 North Carolina**

Work in culturally important areas requires review by the state historical preservation office. A cultural resources assessment may be required.

Typically authorization to proceed is granted in the form of a letter from the SHPO.

- If important sites are present, any restrictions or guidelines on how to proceed would be outlined in the letter.

Individuals that survey, dig, remove, and/or catalog artifacts are typically required to be licensed, and their activities are regulated.

**3.5 South Carolina**

Work in culturally important areas requires review by the state historical preservation office. A cultural resources assessment may be required.

Typically authorization to proceed is granted in the form of a letter from the SHPO.

- If important sites are present, any restrictions or guidelines on how to proceed would be outlined in the letter.

Individuals that survey, dig, remove, and/or catalog artifacts are typically required to follow the South Carolina Standards and Guidelines for Archaeological Investigations, with additional requirements for investigations that fall under the Underwater Antiquities Act.

**4.0 TRAINING REQUIREMENTS**

**4.1 Company**

N/A

**4.2 Federal**

N/A

**4.3 Florida**

N/A

**4.4 North Carolina**

N/A

**4.5 South Carolina**

N/A

**5.0 RECORD KEEPING REQUIREMENTS**

**5.1 Company**

Copies of cultural resource assessments shall be kept on file during ownership of the property and made available on request.

**5.2 Federal**

N/A

**5.3 Florida**

N/A

**5.4 North Carolina**

N/A

**5.5 South Carolina**

N/A

**6.0 SELF-ASSESSMENTS**

N/A

**7.0 REFERENCES**

**7.1 Company**

Agency links

EVC-SUBS-00030 Environmental Organizations: Roles and Responsibilities

**7.2 Federal**

Legislation: U.S. Code, Title 16, Chapter 1A, Subchapter II, National Historic Preservation (National Historic Preservation Act of 1966)

Regulation: Code of Federal Regulations Title 36 Part 800: Protection of Historic Properties

**7.3 Florida**

Legislation: Florida Statute Title XVIII, Chapter 267: Historical Resources (Florida Historical Resources Act)  
Florida Statute Title XVIII, Chapter 253.027: Emergency Archaeological Properties Acquisition Act of 1988  
Florida Statute Title XLVI, Chapter 872: Offenses Concerning Dead Bodies and Graves

**7.4 North Carolina**

Legislation: North Carolina General Statutes Chapter 14, Article 22-147: Removing, altering or defacing landmarks  
North Carolina General Statutes Chapter 14, Article 22-148: Defacing or desecrating grave sites  
North Carolina General Statutes Chapter 14, Article 22-149: Desecrating; plowing over or covering up graves  
North Carolina General Statutes Chapter 65: Cemeteries  
North Carolina General Statutes Chapter 70, Article 1: Indian Antiquities  
North Carolina General Statutes Chapter 70, Article 2: Archaeological Resources Protection Act  
North Carolina General Statutes Chapter 70, Article 3: Unmarked Human Burial and Human Skeletal Remains Protection Act  
Protection and Enhancement of the Historical and Cultural Heritage of North Carolina, Executive Order XVI

**7.5 South Carolina**

Legislation: South Carolina Code of Laws Title 16 Chapter 17, Article 1-600 et seq.: Destruction or desecration of human remains or repositories  
South Carolina Code of Laws Title 27, Chapter 43: Removal of abandoned cemeteries  
South Carolina Code of Laws Title 48, Chapter 20-10 et seq.: The South Carolina Mining Act of 1990  
South Carolina Code of Laws Title 54, Chapter 7, Article 5-610 et seq.: The South Carolina Underwater Antiquities Act of 1991  
South Carolina Code of Laws Title 48, Chapter 39: The Coastal Zone Management Act of 1976  
South Carolina Code of Laws Title 60, Chapter 12: Protection of State Owned or Leased Historic Properties

Regulation: South Carolina Code of Regulations 61-104: Hazardous Waste Management Location Standards