

Preserving America's Heritage

July 8, 2010

Ms. Laurel Bauer  
Acting Chief  
Environmental Projects Branch 2  
Division of Site and Environmental Reviews  
Office of New Reactors  
Nuclear Regulatory Commission  
Washington DC 20555-0001

**Ref:** *Florida Power and Light's application for two new nuclear power plants, Turkey Point site, Homestead, Florida*

Dear Ms. Bauer:

On June 29, 2010, the Advisory Council on Historic Preservation (ACHP) received the Nuclear Regulatory Commission's (NRC) notification pursuant to Section 800.8(c) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR 800). We appreciate receiving your notification, which establishes that NRC will use the process and documentation required for the preparation of an EIS/ROD to comply with Section 106 of the National Historic Preservation Act in lieu of the procedures set forth in 36 CFR Sections 800.3 through 800.6.

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

- identifying consulting parties either pursuant to § 800.3(f) or throughout the NEPA scoping process with results consistent with § 800.3(f);
- identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5;
- consult regarding the effects of the undertaking on historic properties with the State and, as appropriate, Tribal Historic Preservation Officers, Indian tribes, other consulting parties and the ACHP;
- involve the public; and

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the DEIS.

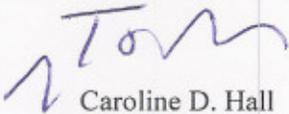
To meet the requirement to consult with the ACHP, the NRC should notify us in the event NRC determines, in consultation with the SHPO/THPO and other consulting parties, that the proposed undertaking(s) may adversely affect properties listed, or eligible for listing, on the National Register of Historic Places (historic properties). In addition, § 800.8(c)(2)(i) requires that NRC 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.

Please note that, in the case of an objection from the ACHP or another consulting party, §§ 800.8(c)(2)(ii) and (c)(3) provide for ACHP review of a DEIS or EIS to determine whether its preparation has met the standards set forth in § 800.8(c)(1) and/or to evaluate whether the substantive resolution of the effects on historic properties proposed in DEIS or EIS is adequate.

The ACHP's decision to review a 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 Dr. Tom McCulloch at 202-606-8554, or via e-mail at [tmcculloch@achp.gov](mailto:tmcculloch@achp.gov).

Sincerely,



Caroline D. Hall  
Assistant Director  
Office of Federal Agency Programs  
Federal Property Management Section