

December 17, 2009

**In reply refer to:
R&C#: 020457029**

Christopher R. Costanzo, Vice-President
Duane Arnold Energy Center
NextEra energy Duane Arnold, LLC
3277 DAEC Road
Palo, Iowa 52324

RE: NRC – LINN COUNTY – NG-09-0845 – DUANE ARNOLD ENERGY CENTER – NEXTERA ENERGY DUANE ARNOLD, LLC – PHASE I ARCHAEOLOGICAL INVESTIGATION OF A PROPOSED WORK AREA ALONG THE SOUTHEAST CORNER OF THE DUANE ARNOLD ENERGY CENTER PROPERTY BOUNDARY

Dear Mr. Costanzo,

Thank you for sending additional information to our office regarding the above referenced proposed project. We understand that this project will be a federal undertaking for the Department of Health and Human Services and will need to comply with Section 106 of the National Historic Preservation Act and with the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36 CFR part 800 (revised, effective August 5, 2004).

We have received and reviewed the submitted archaeological survey prepared by Louis Berger Group, Inc. concerning the above referenced project. Based on the submitted archaeological survey, we concur with the consultant's recommendations that no archaeological sites were identified within the Area of Potential Effect. We concur with their recommendation that no further work is recommended for the project. Therefore, we could concur with a determination of **No Historic Properties Affected** for this proposed project once that determination has been provided to our office by the responsible federal agency if this project will be a federal undertaking. We also recommend that the surveyed area should be added to the Land Disturbance Map for the facility as defined in the Duane Arnold Energy Center Cultural Resources Protection Plan for future property management considerations.

Be advised that the successful conclusion of consultation with the SHPO in no way abrogates the agency's responsibility to consult with other parties that may have an interest in properties that may be affected by this project. Nor does it subjugate the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.

If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the Agency Official's determination of effect. If project activities uncover an item(s) that might be of

archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered in the project APE, the contractor should make reasonable efforts to avoid further impacts to the property until an assessment can be made by an archaeologist, architectural historian, or historian meeting the appropriate Secretary of the Interior's standards.

We have made these **comments** and **recommendations** according to our responsibility defined by Federal law pertaining to the Section 106 process. The responsible Federal agency does not have to follow our **comments** and **recommendations** to comply with the Section 106 process. It remains the responsible Federal agency's decision on whether or not to provide additional information to our office. It also remains the responsible Federal agency's decision on how you will proceed from this point forward. **If you choose not to follow our recommendations, please consult 36 CFR Part 800.4(d)(1)(ii) or 36 CFR Part 800.5(c)(2)(i), as appropriate, for guidance on how to conclude the Section 106 consultation.**

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. Should you have any questions please contact me at the number below.

Sincerely,



Douglas W. Jones, Archaeologist and Review and Compliance Program Manager
State Historic Preservation Office
State Historical Society of Iowa
(515) 281-4358

cc: Jennifer Davis, Senior Environmental Project Manager, Nuclear Regulatory Commission
Herb Giorgio, License Renewal Environmental Lead, NextEra Energy Duane Arnold, LLC
Charles Eccleston, Environmental Project Manager, Nuclear Regulatory Commission
Randall Withrow, Principal Investigator, Louis Berger Group