

	Nuclear Regulatory Commission
	Exhibit # - AES000095-MA-BD01
	Docket # - 07007015
	Identified: 07/12/2011
Admitted: 07/12/2011	Withdrawn:
Rejected:	Stricken:

Exh. AES000095

AES RESPONSES TO THIRD SET OF ENVIRONMENTAL QUESTIONS

The Licensing Board noted that all of the environmental questions could be answered by both the Nuclear Regulatory Commission (“NRC”) Staff and AES, although the Licensing Board explained that at least one party must respond to each question. AES and the NRC Staff have conferred regarding which party is best positioned to respond to the Licensing Board’s questions. Based on those discussions, AES is providing a response to the following question: 23. Below, AES repeats the question, identifies the person(s) providing a response to the question, and responds to the question. Affidavits and statements of qualification for each expert are also provided, as necessary.

ASLB Question 23:

In its answer to environmental question 15(b), applicant AREVA Enrichment Services, LLC, (AES) indicated that the focus of its Phase I “sensitive properties” screening process was upon sites that included monuments, forests, wildlife refuges, scenic river parkways, and recreation areas. AES also indicated that the Hell’s Half Acre Wilderness Study Area near the EREF did not fall into these categories because that area bears the designation of a “National Natural Landmark” (NNL). How is an NNL different from the other designated “sensitive properties” (e.g., a national monument or forest, a wildlife refuge, or a recreation area) such that it did not warrant consideration as a “sensitive property” under the Phase I screening process?

Response to Question 23 (Poyser, Redente, Harper):¹

Based on the professional judgment of the site selection team that performed the Phase I screening, National Natural Landmarks (“NNL”) sites do not rise to the same level of sensitivity as other nationally-designated property types used to define the “Sensitive Properties”

¹ Exhibits AES000096 (Poyser Affidavit) and AES000094 (Poyser Professional Qualifications); Exhibits AES000097 (Redente Affidavit) and AES000084 (Redente Professional Qualifications); Exhibits AES000098 (Harper Affidavit) and AES000011 (Harper Professional Qualifications).

criterion. The team’s professional judgment was based on the differences between the manner in which NNLs are designated, owned, administered, and protected relative to other nationally-designated property types, such as National Parks, National Monuments, and National Forests.

The following attributes of NNLs² also informed the team’s judgment:

- The NNL designation, by itself, does not afford special protections under federal law, and administration of the NNL Program does not provide mandatory protection status to NNLs;
- Designation of an area by the Secretary of Interior as a NNL does not constitute a federal land withdrawal, does not change the ownership of an area, does not dictate or limit activities within the area, and does not cause the designated area to become part of the National Parks, National Forest, or any other federal land management system; and
- Designation as a NNL does not require or mandate, under Federal law, the development or application of any further State or local planning, zoning, or other land-use actions or decisions that would be afforded other nationally-designated lands (*e.g.*, National Parks, National Monuments, or National Forests).

Based on the above factors and the site selection team’s judgment, NNLs were not included in the “sensitive properties” screening factor for the Phase I screening.

² “National Natural Landmarks Program; Final Rule,” 64 Fed. Reg. 25708 (May 12, 1999).