

PMLevyCOLNPEm Resource

From: Bruner, Douglas
Sent: Wednesday, August 31, 2011 12:42 PM
To: Scherpelz, Robert I; 'Miller, Beverly M'
Cc: LevyCOL Resource
Subject: FW: LNP Draft Cultural Resources Special Conditions (UNCLASSIFIED)
Attachments: LNP Draft CR conditions 08-31-2011.docx

Bob/Bev,

The Corps held a teleconference call with the Seminole Tribe on August 17, 2011, and the Corps has drafted draft conditions for its ROD to address tribal concerns. I believe that I sent the summary of that teleconference to you and PNNL. The attached is being provided FYI. Please pass on to Tara.

Thanks,

Doug

-----Original Message-----

From: Hambrick, Gordon A SAJ [<mailto:Gordon.A.Hambrick@usace.army.mil>]
Sent: Wednesday, August 31, 2011 11:32 AM
To: Snead, Paul; Bruner, Douglas
Cc: Palmer, John C SAJ; Pugh, David W SAJ; Collazo, Osvaldo SAJ
Subject: LNP Draft Cultural Resources Special Conditions (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good morning Paul:

As we have discussed at our last couple of meetings, please find attached draft cultural resources special conditions, for PEF's review. Please provide to me any comments/suggestions you may have. If possible by COB Tuesday, Sept. 6 would be good. After the Corps reviews your comments and makes changes as appropriate, we will coordinate the draft with the NRC and STOF.

Doug: Provided, FYI.

Oz: FYSA.

Thanks, Don.

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From: Bruner, Douglas

Created By: Douglas.Bruner@nrc.gov

Recipients:

"LevyCOL Resource" <LevyCOL.Resource@nrc.gov>
Tracking Status: None
"Scherpelz, Robert I" <scherpelz@pnnl.gov>
Tracking Status: None
"Miller, Beverly M" <Beverly.Miller@pnnl.gov>
Tracking Status: None

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**Progress Energy Florida - Levy Nuclear Plant
(SAJ-2008-00490)**

Special Condition xx: Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register.

b. *Cultural Resources Work Plan for the Proposed Levy Nuclear Plant Project, Levy, Citrus, Marion, Hernando, Sumter, Polk, Hillsborough, and Pinellas Counties, Florida (April 2011)*, Southeastern Archaeological Research, Inc (*Work Plan*) (Attachment #).

1. Prior to the start of any construction work or ground disturbing activities associated with any of the individual project components, as listed and identified in Table 1 of the *Work Plan*, the permittee shall implement the *Work Plan* to conduct a Phase I Cultural Resource Survey to identify any unknown archaeological sites and historical properties within the individual project component. The individual project components, as identified and listed in Table 1, include the transmission lines, the blowdown pipeline, site access/wetland mitigation parcels, and training site parcel.

2. The results of the Phase I Cultural Resource Survey shall be coordinated with the State Historic Preservation Officer (SHPO) and the US Army Corps of Engineers Regulatory Project Manager and Archeologist, for review and analysis. Pursuant to comments returned by the SHPO, measures shall be identified to avoid, minimize, or mitigate adverse impacts to historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of archeological or historical value. Coordination will continue until all parties are satisfied that the requirements of Section 106 of the National Historic Preservation Act are fulfilled.

3. The permittee shall provide the results of the Phase I Cultural Resource Survey to the US Army Corps of Engineers Regulatory Project Manager, Native American Coordinator, and Archeologist, who will coordinate with and provide to the Tribal Historic Preservation Office (THPO) of concerned federally recognized Native American Tribes the results of the Phase I Cultural Resource Survey for review and comment. Pursuant to comments returned by the THPO, measures shall be identified to avoid, minimize, or mitigate adverse impacts to historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of archeological or historical value. Coordination will continue until all parties are satisfied that the requirements of Section 106 of the National Historic Preservation Act are fulfilled.

4. No construction work or ground disturbing activities associated with any of the individual project components, as listed and identified in Table 1 of the *Work Plan*, may proceed until written verification is issued to the permittee by the Corps that the permittee has complied with the provisions of Special Condition xx.b.1, 2 & 3.

c. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify SHPO at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

d. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the SHPO and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the SHPO and the Corps.