

February 28, 2012

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

SUBJECT: NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED GENERAL ELECTRIC-HITACHI GLOBAL LASER ENRICHMENT, LLC LASER-BASED URANIUM ENRICHMENT FACILITY NEAR WILMINGTON, NORTH CAROLINA

Dear Mr. Nelson:

The U.S. Nuclear Regulatory Commission (NRC) has completed the "Final Environmental Impact Statement for the Proposed GE-Hitachi Global Laser Enrichment LLC Facility in Wilmington, North Carolina" (NUREG-1938). The Final Environmental Impact Statement (EIS) includes analysis of relevant environmental issues, including impacts to historic and cultural resources, and documents the NRC's determination regarding the environmental impacts from the preconstruction (e.g., site preparation), construction, operation, and decommissioning of the proposed uranium enrichment facility. The Final EIS includes an update on the information presented in the Draft EIS on impacts to historic and cultural resources.

In a letter dated June 17, 2010, the NRC staff informed the Advisory Council on Historic Preservation (ACHP) that it had completed the Draft EIS, as part of its review of the application submitted by General Electric-Hitachi Global Laser Enrichment LLC (GLE) for a license to construct and operate, and eventually decommission (under a separate NRC licensing action) a uranium enrichment facility on the existing General Electric Company site near Wilmington, North Carolina (Wilmington Site). Pursuant to Title 36 of the *Code of Federal Regulations*, Part 800.8(c), a copy of the Draft EIS was enclosed for your review and comment under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969, as amended. The NRC staff also sent the Draft EIS to the State Historic Preservation Officer (SHPO), potentially interested Tribes, and potentially interested consulting parties.

Archaeological site 31NH801 was identified during the NRC staff's review and was determined to be eligible for listing on the *National Register of Historic Places* (NRHP). The North Carolina Department of Cultural Resources confirmed the eligibility via a letter dated June 2, 2009. This site is located adjacent to one of the access roads that was identified in the original construction designs. The applicant has reconfigured the access roads plans for the plant and will no longer develop the road adjacent to site, therefore, no impacts are expected from preconstruction or construction activities. However, due to the close proximity of numerous significant resources, there is the possibility for unanticipated discovery. On March 28, 2011, the NRC staff provided a draft license condition to the North Carolina SHPO for review and comment. This license

condition would require GLE to consider the potential effects on historic and cultural resources from any ground-disturbing activities in unsurveyed areas of the site. On April 5, 2011, the North Carolina SHPO stated that with inclusion of the license condition, a determination of no adverse effect is appropriate. In addition, GLE has developed internal procedural guidance for unexpected archaeological discoveries and/or human remains. In the event that historic and cultural resources are encountered in the area of potential effect, GLE would implement these procedures, which include notification of certain local and State agency representatives, including the State Archaeologist.

The NRC staff also contacted 16 Native American Tribes, Nations, or organizations identified as having potential interest in the proposed undertaking. Two groups responded. One indicated they had no connection to the area and the other indicated they had no objection to the project, but would like to be contacted if inadvertent discoveries are made.

A copy of the Final EIS is included with this letter for your information.

If you have any questions or need additional information, please contact Jennifer A. Davis, Senior Project Manager, by phone at 301-415-3835, or by email at Jennifer.Davis@nrc.gov.

Sincerely,

/RA by Christopher McKenney Acting for/

Andrew Persinko, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 70-7016

Enclosure:
Final EIS

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