



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 12, 2016

Dr. Ann Early  
State Archeologist  
Arkansas Archeological Survey  
2475 N. Hatch Avenue  
Fayetteville, AR 72704

SUBJECT: REQUEST FOR RETURN OF ARTIFACTS REMOVED FROM SITES LOCATED  
IN CRAIGHEAD COUNTY, ARKANSAS TO LANDOWNER MR. GREGORY  
GARNER

Dear Dr. Early:

I am writing to you at the request of Dr. Tuttle, the principal investigator of the United States Nuclear Regulatory Commission (NRC) project, entitled, "Paleoliquefaction Studies in Moderate Seismicity Regions with a History of Large Events." According to Dr. Tuttle, you requested confirmation of this NRC project in order to de-accession artifacts gathered during the project so that they could be returned to the owner of the property from which they had been collected. Specifically, I am writing about the artifacts that were removed from land owned by Mr. Gregory Garner, located in Craighead County, Arkansas. These artifacts have been accessioned by the Arkansas Archeological Survey (AAS) and are currently being analyzed by Mary Evelyn Starr, who is the project archeologist along with Robert Lafferty. It is our understanding that Mr. Garner has requested the return of these artifacts. The artifacts were removed from three sites on Mr. Garner's land, designated as 3CG1255, 3CG1256, and 3CG1257, at various times between 2012 and 2015.<sup>1</sup>

Beginning in 2012, the NRC has been conducting the aforementioned research project to study geologic features in Arkansas and other nearby states in an effort to better determine the likelihood and nature of future earthquakes. This information will be used by the NRC in considering license applications for future nuclear power plants, with respect to site selection, and to assess the design basis resistance to earthquake damage of operating nuclear power plants. This research project involves the survey and excavation of land to study the various geologic features. The NRC's contractor for this project is M. Tuttle & Associates of which Dr. Tuttle is the director.

As a private owner, Mr. Garner graciously allowed Dr. Tuttle and other personnel associated with the project to access his land and conduct various survey and excavation activities. The NRC's ability to carry out this important research project would not have been possible without the permission granted by Mr. Garner and other landowners. During these survey and excavation activities, the artifacts were identified and then removed from Mr. Garner's land. The artifact collections, at least under applicable Federal law, are and remain Mr. Garner's personal property. The identification and collection of the artifacts are incidental to the NRC's research project and the NRC's project does not, in any way, diminish, convert, convey, or extinguish

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<sup>1</sup> These site designations are not real property designations. The designations appear to be "Smithsonian Trinomials" used by members of the archaeological profession. Presumably, the AAS is the designating authority for these sites.

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Mr. Garner's title to the artifacts nor does it create a property interest in the artifacts on behalf of another party.

Therefore, we request that the AAS de-accession the artifacts, so that Dr. Tuttle or other project personnel can return the artifacts to Mr. Garner this fall. If you have any questions, please contact Sarah Tabatabai by phone at (301) 415-2382 or by email at [Sarah.Tabatabai@nrc.gov](mailto:Sarah.Tabatabai@nrc.gov).

Sincerely,

*/RA/*

Brian E. Thomas  
Director, Division of Engineering  
Office of Nuclear Regulatory Research

cc:

Mr Greg Garner  
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Ms. Sarah Tabatabai, NRC/RES/DE/SGSEB  
Mr. Andrew Pessin, Esq., NRC/OGC/GCLR/RMR

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**ADAMS Accession No.: ML16278A044**

OFFICE	RES/DE/SGSEB	RES/DE/SGSEB	OGC (via email)	D: RES/DE
NAME	S. Tabatabai	J. Burke	A. Pessin	B. Thomas
DATE	10/04/2016	10/04/2016	09/30/2016	10/12/2016

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