

APR 21 1978

Docket Nos. 50-275  
and 50-323

Mr. Garland J. Gordon  
Interagency Archaeological  
Services, HCRS  
450 Golden Gate Avenue  
Box 36063  
San Francisco, California 94102

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DSE Reading  
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MErnst  
WGammill  
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OELD  
JJackson/GKnighton  
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SFeld  
EHawkins  
REngelken, Region V  
TYoung, Region V  
FHahn, CERC&DC  
*Applicant  
plus services list*

Dear Mr. Gordon:

This letter is in response to your March 27, 1978 telephone conversation with Jeremiah D. Jackson of my staff. The conversation dealt with the subject of compliance with the National Historic Preservation Act (NHPA) and the Diablo Canyon Nuclear Generating Station, located in San Luis Obispo County, California. The Diablo Canyon facility is currently in its final stages of review for an operating license; consequently, the facility is essentially complete.

In his conversation with you, Mr. Jackson stated that we would be sending you information on the topic of NHPA compliance at Diablo Canyon. Enclosed you will find this information. Because of its complexity and bulk of the enclosures, I have summarized and itemized their contents in three attachments.

Attachment 1 gives a brief history of the construction activities at Diablo Canyon and the archaeological activities associated with the licensing of the facility. The important points summarized in this attachment are as follows:

- a) The utility company, Pacific Gas and Electric Company (PG&E), contracted with archaeologists prior to any construction related activities.
- b) The archaeologists, in turn, completed a preliminary reconnaissance of the overall area. This included both the area of the site and the area of the access road to the site.
- c) Based upon the archaeological reconnaissance, PG&E next contracted out for a complete survey and excavation of

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*GA*

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TO: DIRECTOR, FBI  
FROM: SAC, [illegible]  
SUBJECT: [illegible]

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the archaeological sites. The resulting report was published by the San Luis Obispo County Archaeological Society (SLOCAS) (i.e., the Greenwood report).

- d) PG&E had requested the California State Office of Historic Preservation (CSOHP) to review and comment on the project; their comments were included in the AEC draft environmental statement (DES). In general, the comments included a listing of the disclosed sites, a request that their office be kept up-to-date regarding construction plans, and a statement that there are no sites within or near the project which have been placed on the National Register of Historic Places.
- e) The Advisory Council on Historic Preservation (ACHP) commented on the DES, and its comments were included in the final environmental statement (FES). The ACHP brought to our attention that a newer listing was available and should be consulted, and requested further details on those concerns expressed by the CSOHP. The FES addressed these two items in an augmented Section 2.3 and in Section 14.2.
- f) Since the publication of the FES in May 1973, no exceptions or adverse comments were received regarding NHPA compliance. None, that is, except for the recent (January 23, 1978) letter from the CSOHP.

Let me now explain the developments which led up to the change of position offered by the most recent CSOHP letter. To help you fully understand the necessary background, I have included as Attachment 2 a list which illustrates the relationship between various interagency correspondence on this subject. I will briefly summarize this series of events:

- a) The Chumash Indians contacted the Native American Heritage Commission (NAHC) during the summer of 1977 concerning their people's archaeological interest in Diablo Canyon. The NAHC subsequently contacted the NRC by letter dated September 21, 1977. The major points of the NAHC letter were that the Tsuhanu was undergoing destruction, the local Chumash have been denied access back to the Tsuhanu, and the NAHC desired documentation of NRC's compliance with the NHPA.
- b) Upon receiving a copy of the NAHC letter, the ACHP requested the NRC to review the matter.
- c) Upon reviewing the concerns expressed by the NAHC, the NRC (to date) has determined that:

the Tsuhanu site is not on the Diablo Canyon site;

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- PG&E has established a visitation policy for the Chumash (although there are further negotiations going on to reach a mutually acceptable policy);
- the NRC is indeed in compliance with the NHPA.

(Details of the above are found in subsequent NRC letters to the ACHP and the NAHC, and in applicable meeting summaries, all of which are enclosed.)

d) During the exchange of correspondence and the related meetings between the agencies, additional Chumash concerns were expressed. These were:

- the 66 burial remains should be returned to the Chumash (SLOCAS complied with this request);
- burial-related artifacts should be returned to the Chumash (PG&E is negotiating a settlement of this request).

At about the time that the most recent developments regarding the Chumash concerns were being resolved, the CSOHP wrote their January 23, 1978 letter. This letter included their opinion that the NRC was not now in compliance with the NHPA. We met with members of the CSOHP staff on February 22, 1978 to discuss their opinion, and we visited the Diablo Canyon site the following day.

As a result of the second review of events, we have reached a conclusion identical to the earlier one; namely, NRC and PG&E actions regarding the licensing of Diablo Canyon are in compliance with the NHPA. This conclusion is based upon the two reconnaissance surveys and the archaeological excavations done onsite prior to facility construction, the earlier review by the CSOHP at the operating license review stage, the review by the ACHP at the DES stage, and the response by the AEC at the FES stage.

Therefore, we appear to have a conclusion which differs from that of the CSOHP, and in an attempt to resolve this difference, we are requesting your professional input into the review.

Thus, we ask that you review the enclosed information in order to assist our staff in preparing a response to the CSOHP. Attachment 3 lists chronologically the enclosed reports, as well as the most recent interagency correspondence. Mr. Jackson, the environmental project manager for Diablo

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THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

REPORT OF THE  
COMMISSION ON THE ORGANIZATION  
OF THE DEPARTMENT OF CHEMISTRY

FOR THE YEAR 1964-1965

BY  
THE COMMISSION ON THE ORGANIZATION  
OF THE DEPARTMENT OF CHEMISTRY

CHICAGO, ILLINOIS  
1965

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CHICAGO, ILLINOIS  
1965

Mr. Garland J. Gordon

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Canyon, may be contacted for any necessary further clarification; he may be reached at (301) 492-8427.

Thank you for your assistance.

Sincerely,

George W. Knighton, Chief  
Environmental Projects Branch 1  
Division of Site Safety and  
Environmental Analysis

Enclosures:  
As listed

OFFICE >	DSE:EP-1	OELD	DSE:EP-1			
SURNAME >	JJackson:aj	RGoddard	GKnighton			
DATE >	4/5/78	4/ /78	4/ /78			



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Attachment 1  
Relationship Between Diablo Canyon Construction  
Activities and Archaeological Activities

- November 1966: Riddell conducts archaeological reconnaissance of Diablo Cove vicinity (published: December 1966)<sup>1</sup>
- February 1968: Riddell conducts archaeological reconnaissance of access road area (published March 1966)<sup>1</sup>
- March 1968: Greenwood, using two Riddell reports as guides, begins archaeological survey and excavation
- April 1968: AEC issues construction permit for Unit 1
- June 1968: Greenwood completes archaeological survey and excavation
- August 1968: Construction excavation begins
- December 1968: Construction excavation complete
- May 1971: CSOHP comments on project<sup>2</sup>
- December 1972: DES issued
- January 1973: ACHP comments on DES<sup>2</sup>
- April 1973: Greenwood report published<sup>1</sup>
- May 1973: FES issued<sup>2</sup>
- Late 1973: Landslide occurred along coastal bluff near midden area.
- November 1974: Consulting engineers publish report on landslide<sup>1</sup>

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Notes:

- 1) Report included in its entirety as enclosure, see Attachment 3 for listing.
- 2) Included in the "FES excerpts" enclosure, see Attachment 3 for listing.

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Attachment 2

Relationship Between Enclosed Interagency Correspondence

NAHC/NRC

September 21, 1977

Rios (NAHC) letter sent to Lazo (NRC) raising concerns regarding the Chumash and access to the Tsuhanu.

September 27, 1977

Lazo (NRC) reply to Rios (NAHC) noting matter is being forwarded to appropriate licensing board.

November 15, 1977

Pursuing the issues raised by the Rios letter, NRC met with various State and Federal agencies, as well as the Chumash (Summary dated November 29, 1977).

December 6, 1977

Knighton (NRC) responds to Rios (NAHC).

ACHP/NRC

October 11, 1977

Wall (ACHP) letter sent to Muller (NRC) requesting documentation of compliance with the National Historic Preservation Act (NHPA) of 1966.

December 5, 1977

Muller (NRC) responds to Wall (ACHP) concluding that NRC is in compliance with NHPA.

CSOHP/NRC

January 12, 1978

NRC staff met with CSOHP staff and Chumash (Summary dated January 24, 1978)

January 23, 1978

Mellon (CSOHP) letter sent to Muller (NRC) stating their opinion that Diablo archaeological sites should be nominated for inclusion in National Register, and that NRC is in non-compliance with NHPA.

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February 22, 1978

NRC staff met with CSOHP staff to discuss their January 23, 1978 letter (Summary dated March 9, 1978).

February 23, 1978

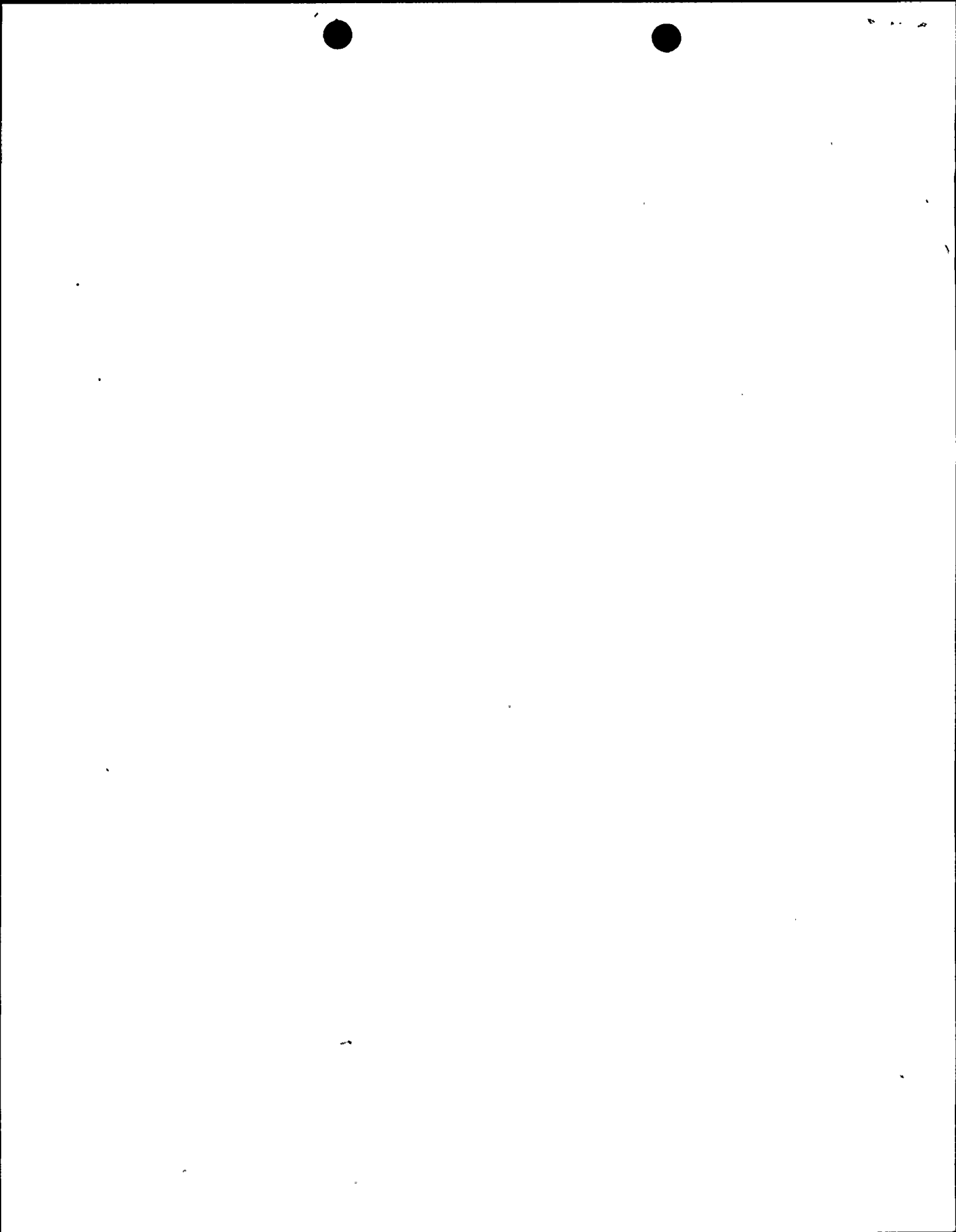
NRC staff visit site to observe areas of concern and to gather additional information (Summary dated March 28, 1978)

SLOCAS/NRC

December 17, 1977

As a result of November 15, 1977 meeting, Sawyer (SLOCAS) sends comments to Jackson(NRC)

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Attachment 3

Chronological Listing of  
Enclosed Information

Reports

"An Archeological Reconnaissance of the Diablo Creek Vicinity, San Luis Obispo County, California," Francis A. Riddell, December 1966.

"An Archeological Reconnaissance of the Access Road to the Diablo Canyon Power Generating Plant, San Luis Obispo County, California," Francis A. Riddell, March 1968.

"9000 Years of Prehistory at Diablo Canyon, San Luis Obispo County, California," Roberta S. Greenwood, 1972.

Excerpts from "Final Environmental Statement, Diablo Canyon Nuclear Generating Station," USAEC, May 1973.

"Landslide Investigation, Diablo Canyon Site, San Luis Obispo County, California," Harding-Lawson Associates, November 1974.

Correspondence

September 21, 1977	Rios (NAHC) letter to Lazo (NRC)
September 27, 1977	Lazo (NRC) letter to Rios (NAHC)
October 11, 1977	Wall (ACHP) letter to Muller (NRC)
November 29, 1977	Meeting Summary - November 15, 1977
December 5, 1977	Muller (NRC) letter to Wall (ACHP)
December 6, 1977	Knighton (NRC) letter to Rios (NAHC)
December 17, 1977	Sawyer (SLOCAS) letter to Jackson (NRC)
January 23, 1978	Mellon (CSOHP) letter to Muller (NRC)
January 24, 1978	Meeting Summary - January 12, 1978
March 9, 1978	Meeting Summary - February 22, 1978
March 28, 1978	Meeting Summary - February 23, 1978

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