



June 1, 2026

Jennifer Davis
Senior Environmental Project Manager/Archaeologist
U.S. Nuclear Regulatory Commission
Environmental Technical Review Branch 1
Office of Nuclear Material Safety & Safeguards
Washington, D.C. 20555

Ref: *Reauthorization of Power Operations at Duane Arnold Energy Center (Docket Number: 50-331)*
Linn County, Iowa
ACHP Case Number: 25032

Dear Ms. Davis:

On May 17, 2026, the Advisory Council on Historic Preservation (ACHP) received the U.S. Nuclear Regulatory Commission's (NRC) notification pursuant to 36 CFR § 800.8(c) of Section 106 of the National Historic Preservation and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). We appreciate receiving your notification that the NRC will use the process and documentation required by the National Environmental Policy Act (NEPA) to comply with Section 106 in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.7.

In addition to notifying the ACHP, the NRC must also notify the Iowa State Historic Preservation Officer (SHPO) of the NRC's decision to comply with Section 106 via the NEPA process. During the preparation of NEPA documentation, the NRC must meet the standards in 36 CFR §§ 800.8(c)(1)(i) through (v) and describe its efforts in the resulting environmental document:

- identify consulting parties either pursuant to 36 CFR § 800.3(f) or through the NEPA scoping process with results consistent with 36 CFR § 800.3(f);
- identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of 36 CFR §§ 800.4 through 800.5. The scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process;
- consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian Tribes and Native Hawaiian organizations that might attach religious and cultural significance to the affected historic properties, other consulting parties, and the ACHP, where appropriate, during the NEPA scoping, environmental analysis, and the preparation of NEPA documents;
- involve the public in accordance with the agency's published NEPA procedures; and

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- develop and fully consider, in consultation with identified consulting parties, alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the appropriate NEPA document.

Section 800.8(c)(2)(i) requires that you submit to the ACHP any draft Environmental Impact Statement (DEIS) or Environmental Impact Statement (EIS) you prepare. Inclusion of your adverse effect determination in both the DEIS/EIS and in your transmittal letter will help ensure a timely response from the ACHP regarding its decision to participate in consultation. Please indicate in your cover letter the schedule for Section 106 consultation and a date by which you require a response from the ACHP.

The regulations do not specifically require that an agency submit an Environmental Assessment (EA) to the ACHP; however, should a consulting party object that the preparation of the EA, DEIS, or EIS has not met the standards described above or that the substantive resolution of the effects on historic properties proposed is inadequate, the NRC must refer the matter to the ACHP. The NRC cannot complete the Section 106 process without resolving such objections.

We encourage the NRC to review the ACHP's guidance regarding integrating NEPA and Section 106 which is available [here](#). Thank you for your notification pursuant to 36 CFR § 800.8(c). Should you have any questions or require additional assistance, please contact Emma Diehl at ediehl@achp.gov or (202) 517-0212 and reference ACHP Case Number: 25032.

Sincerely,



Jaime Loichinger
Director
Office of Federal Agency Programs