

**APPENDIX B:
LETTERS OF CONSULTATION¹**

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 24, 2001

Mr. John Ross, Chief
United Keetowah Band
of Cherokee Indians
PO Box 746
Tahlequah, OK 74465-0746

Dear Mr. Ross:

The U.S. Nuclear Regulatory Commission (NRC) is evaluating the potential impacts associated with the construction, operation, and deactivation of a proposed Mixed Oxide (MOX) Fuel Fabrication Facility (Facility) to be constructed at the Department of Energy's (DOE) Savannah River Site (SRS) in South Carolina. The NRC has regulatory responsibility for approving and licensing the construction and operation of the proposed MOX facility.

On March 7, 2001, pursuant to the National Environmental Policy Act, the NRC issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) for its action (66 FR 13794). The EIS will address the potential environmental effects of manufacturing MOX fuel from surplus weapons plutonium. Public scoping meetings for the MOX Facility EIS were held on April 17 and 18, 2001, in North Augusta, SC and Savannah, GA, respectively, and on May 8, 2001, in Charlotte, NC.

Two maps are enclosed. The first map shows the general location of the proposed MOX Facility and the locations of two potential recipients of the MOX fuel assemblies, the Catawba Nuclear Station and the William B. McGuire Nuclear Station. Transportation corridors between SRS and the two reactor stations have not yet been identified. The second map shows the proposed location of the MOX Facility at SRS.

Argonne National Laboratory (ANL) is assisting the NRC in preparing the MOX Facility EIS and will be evaluating potential impacts to cultural resources as part of their analysis. An archaeologist from ANL is in the process of researching available documents from SRS on archaeological surveys, historic building inventories, and resources of interest to Native Americans.

The proposed project area has been surveyed for archaeological sites. These surveys have identified five archaeological sites (38AK155, 38AK330, 38AK548, 38AK546/547, and 38AK757) in the project vicinity. Only Site 38AK546/547 will likely be affected by the construction of the MOX Facility. This site has been determined to be eligible for listing on the National Register of Historic Places (NRHP), and a data recovery plan is being implemented to mitigate impacts to this site. The possibility of indirect effects to other nearby sites from activities associated with the construction or operation of the facility will be analyzed during preparation of the EIS. Sites 38AK155 and 38AK757 have also been determined eligible for the NRHP and can be avoided during construction and operation of the MOX Facility to mitigate the potential for adverse impacts to these sites. The remaining two sites were determined not

J. Ross

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eligible. No traditional cultural properties have been identified in the project area to date. Through previous consultations with Native Americans, some interest has been expressed in traditional plant resources that could exist at SRS. However, none of these plant resources is currently known to exist at the MOX Facility construction site.

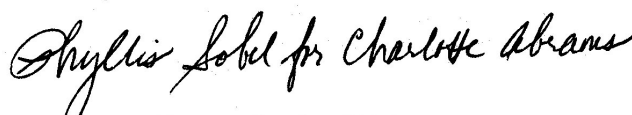
The NRC is also initiating consultations regarding the proposed project with points of contact (Tribal Historic Preservation Officers or designated representatives) from the following Native American Tribes, Bands, and Nations, as well as with the South Carolina Department of Archives and History.

Catawba Indian Nation
Ma Chis Lower Alabama Creek Indian Tribe
Pee Dee Indian Association
Muscogee Creek Nation
National Council of the Muscogee Creek
Yuchi Tribal Organization, Inc.

We would appreciate receiving information on concerns or issues you may have regarding the proposed project. We are especially interested in your assistance in identifying properties of known religious or cultural significance that may be affected by the construction and operation of the proposed facility. Sensitive information will remain confidential as stipulated under 36 CFR Part 800.11. Please submit comments to me within 30 days. Your time and consideration are greatly appreciated.

In the meantime, if you have any questions or require further clarification regarding the project please call me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,



Charlotte E. Abrams, Section Chief
Environmental and LLW Section
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

Enclosures: Location maps

cc: See attached list

Letter dated September 24, 2001 to:

Gilbert Blue, Chairperson,
Catawba Indian Nation
PO Box 188
Catawba, SC 29704

Virginia Montoya
Pee Dee Indian Association
101 E. Tatum Avenue
McColl, SC 29570-057

Nancy Carnley
Ma Chis Lower Alabama Creek Indian Tribe
Route 1, 708 S. John Street
New Brockton, AL 36351

John Ross, Chief
United Keetowah Band of Cherokee Indians
PO Box 746
Tahlequah, OK 74465-0746

Tom Berryhill
Council Member
National Council of the Muscogee Creek
PO Box 158
Okmulgee, OK 74447

Andrew Skeeter, Chairman
Yuchi Tribal Organization, Inc.
PO Box 1990
Sapulpa, OK 74067

Julie Moss
United Keetowah Band
Tahlequah, OK 74464

R. Perry Beaver, Principal Chief
Muscogee Creek Nation
PO Box 580
Okmulgee, OK 74447

Letter dated September 24, 2001

Distribution:

cc: Arthur B. Gould, Jr.
DOE Savannah River Indian Relations
Officer
PO Box A
Aiken, SC 29802

Mary Birch, P.E., C.H.P.
Environment, Safety and Health Manager
Duke COGEMA Stone & Webster
PO Box 31847
Charlotte, NC 28231-1847

Edwin D. Pentecost
Argonne National Laboratory
9700 South Cass Avenue
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James Johnson
U.S. Department of Energy
MD-12
1000 Independence Avenue, SW
Washington, DC 20585

Henry Potter
Division of Waste Management
Bureau of Land and Waste Management
SC Dept of Health & Environmental Control
2600 Bull Street
Columbia, SC 29201

File Center
EPAB r/f
NMSS r/f
JPiccone
MWeber
ELeeds
APersinko
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JHull
AFernandez
R Martin
TEssig
DAyres/Rll
THarris
DBrown
EMcAlpine/Rll

Dennis Ryan
DOE Savannah River Site
PO Box A
Aiken, SC 29802

Don Moniak
Blue Ridge Defense League
PO Box 3487
Aiken, SC 29802

Glenn Carroll
Georgians Against Nuclear Energy
PO Box 8574

Ruth Thomas
Environmentalists, Inc.
1339 Sinkler Road
Columbia, SC 29206

John T. Conway, Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, Suite 700
Washington, DC 20004



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

September 24, 2001

Mr. Roger Banks, Field Supervisor
U.S. Fish and Wildlife Service
Charleston Ecological Services Field Office
176 Croghan Spur Road, Suite 200
Charleston, SC 29404

SUBJECT: INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED
SPECIES ACT FOR THE MIXED OXIDE FUEL FABRICATION FACILITY

Dear Mr. Banks:

The U.S. Nuclear Regulatory Commission (NRC) published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for construction, operation and deactivation of a Mixed Oxide Fuel Fabrication Facility (MOX FFF) in the Federal Register (66 FR 13794) on March 7, 2001 (copy of NOI enclosed). The MOX FFF would be used to manufacture mixed oxide fuel from surplus weapons plutonium.

The proposed MOX FFF would be constructed in F Area at the Department of Energy's (DOE) Savannah River Site (SRS) in Aiken County, South Carolina (see three enclosed figures). The F Area of SRS is within the Savannah River watershed. NRC requests that the U.S. Fish and Wildlife Service provide information regarding federally listed threatened and endangered species (including candidate and proposed species) that may occur on or in the vicinity of F Area at SRS that should be considered in preparing the EIS.

The MOX FFF and associated infrastructure would occupy approximately 6.9 ha of the 16.6 ha project site. The remainder of the site will be landscaped. The F area is an upland plateau that is designated for industrial use. A portion of the MOX FFF project site was previously used to store excavation material from another facility constructed in the F Area. About 68 percent of the MOX FFF site is composed of planted longleaf and slash pine forest. No wetlands occur within the area proposed for the MOX FFF (see enclosed land cover figure), but wetlands associated with Upper Three Runs Creek are adjacent to and downslope of the project site. Operational impacts would be minimized as airborne and aqueous releases would comply with applicable standards and permit requirements. Preliminary analyses presented in the environmental report for the MOX FFF prepared by the applicant DCS (a consortium formed by Duke Engineering & Services, COGEMA, Inc., and Stone and Webster) indicate that the impacts to ecological resources from facility construction and operation would be limited to the immediate project site vicinity.

R. Banks

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I wish to thank you in advance for the information on the threatened, endangered, candidate, and proposed species that you believe should be addressed in the EIS. Please mail your response to me within 30 days of the date of this letter.

If you have any questions, please contact me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,



Charlotte E. Abrams, Section Chief
Environmental and LLW Section
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

Enclosures: Notice of Intent
F Area Figures
Land Cover Figure

cc: See attached list

R. Banks

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Letter to Roger Banks, U.S. Fish and Wildlife Service, SC
dated September 24, 2001

cc: Mary Birch, P.E., C.H.P.
Environment, Safety and Health Manager
Duke COGEMA Stone & Webster
PO Box 31847
Charlotte, NC 28231-1847

Edna Foster
120 Balsam Lane
Highlands, NC 28741

Edwin D. Pentecost
Argonne National Laboratory
9700 South Cass Avenue
Argonne, IL 60439

James Johnson
U.S. Department of Energy
MD-12
1000 Independence Avenue, SW
Washington, DC 20585

Henry Potter
Division of Waste Management
Bureau of Land and Waste Management
SC Dept of Health & Environmental Control
2600 Bull Street
Columbia, SC 29201

John T. Conway, Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, Suite 700
Washington, DC 20004

Don Moniak
Blue Ridge Defense League
PO Box 3487
Aiken, SC 29802

Glenn Carol
Georgians Against Nuclear Energy
PO Box 8574
Atlanta, GA 30306

Ruth Thomas
Environmentalists, Inc.
1339 Sinkler Road
Columbia, SC 29206



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

September 24, 2001

Mr. Jon Ambrose, Program Manager
Georgia Department of Natural Resources
Wildlife Resources Division
Nongame Wildlife & Natural Heritage Section
Georgia Natural Heritage Program
2117 US Hwy 278 SE
Social Circle, GA 30025

SUBJECT: STATE LISTED THREATENED, ENDANGERED AND RARE SPECIES IN THE VICINITY OF THE MIXED OXIDE FUEL FABRICATION FACILITY

Dear Mr. Ambrose:

The U.S. Nuclear Regulatory Commission (NRC) published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for construction, operation and deactivation of a Mixed Oxide Fuel Fabrication Facility (MOX FFF) in the Federal Register (66 FR 13794) on March 7, 2001 (copy of NOI enclosed). The MOX FFF would be used to manufacture mixed oxide fuel from surplus weapons plutonium.

The proposed MOX FFF would be constructed in F Area at the Department of Energy's (DOE) Savannah River Site (SRS) in Aiken County, South Carolina, (see three enclosed figures). The SRS borders several counties of Georgia (i.e., Burke and Screven Counties) and the F Area is within the Savannah River watershed. NRC requests that the Georgia Department of Natural Resources provide information regarding state listed threatened, endangered, and rare species that may occur on or in these areas that should be considered in preparing the EIS.

The MOX FFF and associated infrastructure would occupy approximately 6.9 ha of the 16.6 ha project site. The remainder of the site will be landscaped. The F area is an upland plateau that is designated for industrial use. A portion of the MOX FFF project site was previously used to store excavation material from another facility constructed in the F Area. About 68 percent of the MOX FFF site is composed of planted longleaf and slash pine forest. No wetlands occur within the area proposed for the MOX FFF (see enclosed land cover figure), but wetlands associated with the Upper Three Runs Creek are adjacent to and downslope of the project site. Operational impacts would be minimized as airborne and aqueous releases would comply with applicable standards and permit requirements. Preliminary analyses presented in the environmental report for the MOX FFF prepared by the applicant DCS (a consortium formed by Duke Engineering & Services, COGEMA, Inc., and Stone and Webster) indicate that the impacts to ecological resources from facility construction and operation would be limited to the immediate project site vicinity.

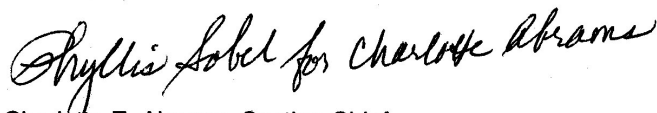
J. Ambrose

2

I wish to thank you in advance for the information on the threatened, endangered and rare species in Georgia that you believe should be addressed in the EIS. Please mail your response to me within 30 days of the date of this letter.

If you have any questions, please contact me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,



Charlotte E. Abrams, Section Chief
Environmental and LLW Section
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

Enclosures: Notice of Intent
F Area Figures
Land Cover Figure

cc: See attached list

J. Ambrose

3

Letter to Jon Ambrose, Georgia Department of
Natural Resources, dated September 24, 2001

cc: Mary Birch, P.E., C.H.P.
Environment, Safety and Health Manager
Duke COGEMA Stone & Webster
PO Box 31847
Charlotte, NC 28231-1847

Edna Foster
120 Balsam Lane
Highlands, NC 28741

Edwin D. Pentecost
Argonne National Laboratory
9700 South Cass Avenue
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 24, 2001

Ms. Julie Holling
South Carolina Department of Natural Resources
Wildlife and Freshwater Fisheries Division
P.O. Box 167
Columbia, SC 29202

SUBJECT: STATE LISTED THREATENED, ENDANGERED AND RARE SPECIES IN THE VICINITY OF THE MIXED OXIDE FUEL FABRICATION FACILITY

Dear Ms Holling:

The U.S. Nuclear Regulatory Commission (NRC) published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for construction, operation and deactivation of a Mixed Oxide Fuel Fabrication Facility (MOX FFF) in the Federal Register (66 FR 13794) on March 7, 2001 (copy of NOI enclosed). The MOX FFF would be used to manufacture mixed oxide fuel from surplus weapons plutonium.

The proposed MOX FFF would be constructed in F Area at the Department of Energy's (DOE) Savannah River Site (SRS) in Aiken County, South Carolina, (see three enclosed figures). NRC requests that the South Carolina Department of Natural Resources provide information regarding state listed threatened, endangered, and rare species that may occur on or in the vicinity of F Area at SRS that should be considered in preparing the EIS.

The MOX FFF and associated infrastructure would occupy approximately 6.9 ha of the 16.6 ha project site. The remainder of the site will be landscaped. The F area is an upland plateau that is designated for industrial use. A portion of the MOX FFF project site was previously used to store excavation material from another project site facility constructed in the F Area. About 68 percent of the MOX FFF site is composed of planted longleaf and slash pine forest. No wetlands occur within the area proposed for the MOX FFF (see enclosed land cover figure), but wetlands associated with Upper Three Runs Creek are adjacent to and downslope of the project site. Operational impacts would be minimized as airborne and aqueous releases would comply with applicable standards and permit requirements. Preliminary analyses presented in the environmental report for the MOX FFF prepared by the applicant DCS (a consortium formed by Duke Engineering & Services, COGEMA, Inc., and Stone and Webster) indicate that the impacts to ecological resources from facility construction and operation would be limited to the immediate project site vicinity.

J. Holling

2

I wish to thank you in advance for the information on the threatened, endangered, and rare species in South Carolina that you believe should be addressed in the EIS. Please mail your response to me within 30 days of the date of this letter.

If you have any questions, please contact me at (301) 415-7293, or Jennifer Davis at (301) 415-5874.

Sincerely,



Charlotte E. Abrams, Section Chief
Environmental and LLW Section
Environmental and Performance
Assessment Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

Enclosures: Notice of Intent
F Area Figures
Land Cover Figure

cc: See attached list

J. Holling

3

Letter to Julie Holling, South Carolina Department of
Natural Resources, dated September 24, 2001

cc: Mary Birch, P.E., C.H.P.
Environment, Safety and Health Manager
Duke COGEMA Stone & Webster
PO Box 31847
Charlotte, NC 28231-1847

Edna Foster
120 Balsam Lane
Highlands, NC 28741

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Division of Waste Management
Bureau of Land and Waste Management
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PO Box 3487
Aiken, SC 29802

Glenn Caroll
Georgians Against Nuclear Energy
PO Box 8574
Atlanta, GA 30306

Ruth Thomas
Environmentalists, Inc.
1339 Sinkler Road
Columbia, SC 29206

Enclosures to letter from Abrams not included.



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

September 25, 2001

Dr. Roger Stroup
South Carolina State Historic Preservation Officer
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, South Carolina 29223

Subject: Designation of Department of Energy as Lead Agency for Mitigation at
Proposed Location of the Mixed Oxide Fuel Fabrication Facility

Dear Dr. Stroup:

This letter is to notify you that the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) are designating DOE as the lead federal agency, pursuant to 36 C.F.R. 800.2 (a)(2), for mitigation of potential effects to Register-eligible site 38AK546. That site is located at the proposed location of the Mixed Oxide Fuel Fabrication Facility (MOX FFF) at DOE's Savannah River Site in South Carolina.

In May 2000, your office concurred with DOE's recommendation that archaeological site 38AK546/547 was eligible under Criterion (d), 36 C.F.R. 60.4, for inclusion in the National Register of Historic Places. Following consultation, your office also concurred with the Mitigation Plan for the site. The mitigation field work is expected to begin in October, 2001.

The MOX FFF, which could affect site 38AK546, is being funded by DOE and is part of DOE's program for the disposition of surplus plutonium. The MOX FFF is also subject to NRC licensing. Thus, the MOX FFF constitutes an undertaking by both DOE and NRC pursuant to 36 C.F.R. 800.16 (y) and sections 106 and 301 of the National Historic Preservation Act, 16 U.S.C. 470f and 470w(7).

Because the potential MOX FFF and affected archaeological site are located at DOE's Savannah River Site, they are also within the purview of DOE's 1990 "Programmatic Memorandum of Agreement Among the Savannah River Operations Office, United States Department of Energy, the South Carolina State Historic Preservation Officer and the Advisory Council on Historic Preservation Concerning the Management of Archaeological Sites on the Savannah River Site, Aiken, Allendale and Barnwell Counties, South Carolina." Under these circumstances, DOE and NRC have determined that it is appropriate to identify DOE as the lead federal agency for



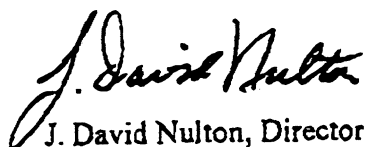
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mitigation of site 38AK546.

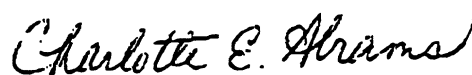
Please be advised that the NRC will analyze archaeological impacts and related mitigation in its Environmental Impact Statement, pursuant to the National Environmental Policy Act (NEPA), for the proposed licensing of the MOX FFF. As part of the NEPA process, archaeological information has also been submitted to NRC in the Environmental Report prepared by Duke, Cogema, Stone and Webster (DCS), the MOX FFF license applicant under contract with DOE.

The lead agency approach outlined above has been discussed previously with your office by staff from DOE's Savannah River Site. Both agencies agree that any written correspondence from the SHPO to DOE should be sent to NRC as well. If you should have any additional questions regarding the MOX program or the identification of DOE as lead agency, please feel free to contact Mr. James Johnson at (202) 586-5960 for appropriate coordination.

Sincerely,



J. David Nulton, Director
Reactors Group
Office of Fissile Materials Disposition



Charlotte E. Abrams, Section Chief
Environmental and Low Level Waste Section
Division of Waste Management
U.S. Nuclear Regulatory Commission

cc:

Peter Hastings, DCS
Andrew Persinko, NRC
Allison Blackmon, SRS, ODNN
James V. Johnson, DOE, NN-61

OCT 24 2002

Mr. Chad Long
South Carolina State Historic Preservation Office
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223

Dear Mr. Long:

SUBJECT: Data Recovery Projects 38AK546 and 38AK757 at the Savannah River Site

I am writing to inform you that the Savannah River Archaeological Research Program (SRARP) has completed the data recovery projects conducted at 38AK546 and 38AK757. The excavations were conducted to mitigate impacts caused by construction of the Mixed Oxide Fuel Facility and the Pit Disassembly and Conversion Facility on the Department of Energy's Savannah River Site.

Investigations at 38AK546 were completed on 19 April 2002 and the excavations at 38AK757 ended on 15 September 2002. Exceeding the recommendations in the data recovery plans for each site, a total of 427 square meters was excavated at 38AK546 and 300 square meters were investigated at 38AK757. Except for monitoring ground disturbing activities associated with actual construction of these facilities, all fieldwork outlined in the data recovery plans has been completed. Staff members from the SRARP will monitor the removal of fill on the site areas when construction begins late next year.

Pending environmental documentation requires that DOE-SR have written concurrence from the SC SHPO that our field obligations have been met. At your convenience please send a written concurrence or if you have questions or need additional information before sending that concurrence, then call Dennis Ryan at (803) 725-8162. Thank you for your assistance in this matter.

Sincerely,

Original Signed by
A. B. Gould
A. B. Gould, Director
Environmental Quality
Management Division

EQMD:DR:orc

OE-03-003

bc: EQMD Read File
Dennis Ryan, EQMD
A. M. Blackmon, ODNN

AMEST Read File
A. King, SRARP



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November 21, 2002

Mr. A.B. Gould, Director
Environmental Quality
Department of Energy, Savannah River Operations Office
P.O. Box A
Aiken, SC 29802

RE: Data Recovery Projects 38AK546 and 38AK757 at the Savannah River Site

Dear Mr. Gould:

I am writing to inform you that our office concurs with the Department of Energy's determination that field obligations have been met for data recovery investigations at 38AK546 and 38AK757. The excavations exceeded the requirements of the approved data recovery plans. We look forward to reviewing the results.

This letter was written to assist you with your obligations under Section 106 of the National Historic Preservation Act, as amended, and the regulations codified at 36 CFR Part 800. Please contact me at 803-896-6181 if you have any questions or comments regarding this matter.

Sincerely,

Chad C. Long
Staff Archaeologist
State Historic Preservation Office

cc: Mark Brooks

