

APPENDIX B
SUMMARY OF SECTION 106 CONSULTATION CORRESPONDENCE

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APPENDIX B
SUMMARY OF SECTION 106 CONSULTATION CORRESPONDENCE

This appendix provides a chronological list of Section 106 related correspondence and information broken down by government organizations, Tribal organizations, consulting parties, and interested members of the public. Section B.1 (beginning on page B-3) lists information related to Federal, State, and local government agencies. Section B.2 (beginning on page B-55) lists information related to Tribal governments, and Section B.3 (beginning on page B-161) lists information related to consulting parties and interested members of the public. All of this correspondence can be found on NRC's website at the following link:
<http://www.nrc.gov/materials/fuel-cycle-fac/summ-section-106.html>.

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**B.1 COMMUNICATIONS TO/FROM FEDERAL, STATE, AND
LOCAL GOVERNMENT AGENCIES**


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NRC FORM 699 (9-2003)		U.S. NUCLEAR REGULATORY COMMISSION	DATE 11/23/2004
CONVERSATION RECORD			TIME
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU <i>David Snyder</i>		TELEPHONE NO. 6142982000	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION <i>Ohio Historic Preservation Office (OHPO)</i>			
SUBJECT <i>USEC</i>			

SUMMARY (Continue on Page 2)

Brief conversation w/ David Snyder of OHPO indicating that NRC is planning to send out a section 106 consultation letter to Mark Epstein regarding information on historic resources. Clarified to Mr. Snyder that initial consultations were done by USEC and not on NRC's behalf - NRC needs to confirm that information is correct and complete.

Continue on Page 2

ACTION REQUIRED <i>NONE</i>		
NAME OF PERSON DOCUMENTING CONVERSATION Ron C. Linton	SIGNATURE 	DATE NOV 23 2004
ACTION TAKEN		
TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE

December 28, 2004

Mr. Mark Epstein, Department Head
Ohio Historic Preservation Office
Resource Protection and Review
567 East Hudson Street
Columbus, OH 43211-1030

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Epstein:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium -235 in uranium hexafluoride (UF6), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two preliminary phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed).

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding other parties that may be entitled to be consulting parties by this action. As required by 36 CFR 800.4(a), the NRC is requesting the views of the State Historic Preservation Officer and your office on further actions to identify historic properties that may be affected by the proposed ACP.

M. Epstein

-2-

As part of the EIS preparation, the NRC will be hosting a public scoping meeting on Tuesday, January 18, 2005, at the Zahns Corner Middle School in Piketon from 7:00 - 9:45. The meeting will include NRC staff presentations on the environmental review process, after which members of the public will be given the opportunity to present their comments. This scoping information, along with any information you provide, and material provided by USEC in the ER, will be used to document effects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

M. Epstein

-2-

As part of the EIS preparation, the NRC will be hosting a public scoping meeting on Tuesday, January 18, 2005, at the Zahns Corner Middle School in Piketon from 7:00 - 9:45. The meeting will include NRC staff presentations on the environmental review process, after which members of the public will be given the opportunity to present their comments. This scoping information, along with any information you provide, and material provided by USEC in the ER, will be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental and Performance
Assessment Branch
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

DISTRIBUTION: EPAD r/f

Log No.: 04-126

ML043550032

OFC	DWMEP		DWMEP	
NAME	RLinton		JDavis	
DATE	12/21/04		12/28/04	

USEC Service List

cc:

William Szymanski
U.S. Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Michael Marriott
Nuclear Information and resource Service,
1424 16th St., NW
Washington, DC 20036

The Honorable Robert W. Ney
Member, United States House of
Representatives
2438 Rayburn HOB
Washington, DC 20515

The Honorable George V. Voinovich
United States Senator
317 Hart Senate Office Building
Washington, DC 20510

The Honorable Rob Portman
Member, United States House of
Representatives
238 Cannon House Office Building
Washington, DC 20515

The Honorable Mike DeWine
United States Senator
140 Russell Senate Office Building
Washington, DC 20410

The Honorable Bob Taft
Governor of Ohio
77 South High Street
30th Floor
Columbus, Ohio 43215-6117

Ms. Mary Glasgow
601 Chillicothe Street
Portsmouth, Ohio 45662

Mr. Teddy L. Wheeler
Pike County Auditor
Pike County Government Center
230 Weaverly Plaza, Suite 200
Weaverly, Ohio 45690-1289

Mr. Harry Rioer
Pike County Commissioner
230 Weaverly Plaza Suite 1000
Weaverly, Ohio 45690

Mr. Larry E. Scaggs
Township Trustee
230 Weaverly Plaza Suite 1400
Weaverly, Ohio 45690

Kara Willis
16 North Paint St., Suite 102
Chillicothe, Ohio 45601

Jim Brushart
Pike Co. Comm. Chair
230 Weaverly Plaza Suite 1000
Weaverly, Ohio 45690

Mr. Gary Hager
ATTN: Mailstop-4025
P.O.Box 628
Piketon, Ohio 45661

Mr. Blaine Beekman
Executive Director
Pike County Chamber of Commerce
P.O. Box 107
Weaverly, Ohio 45696

Billy Spencer, Mayor of Piketon
Mayor of Piketon
P. O. Box 547
Piketon, Ohio 45661

Rocky Brown, Mayor of Beaver
7677 State sr335
Beaver, Ohio 45613

Mr. Peter J. Miner, Director
Regulatory and Quality Assurance
USEC Inc.
6903 Rockledge Drive
Bethesda, MD 20817

Randall Devault, Regulatory Oversight Manager
Department of Energy - Oak Ridge
P.O. Box 2001
Oak Ridge, TN 37831-8651

Dan Minter
Southern Ohio Development Initiative,
P.O. Box 467
Piketon, OH 45661

Mr. James R. Curtiss, Winston & Strawn,
1400 L Street, NW
Washington, DC. 20005-3502

Teddy West
2170 Wakefield Mound Road
Piketon, OH 45661

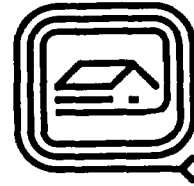
Carol O'Claire, Supervisor
Radiological Branch
Ohio Emergency Management Agency
2855 West Dublin-Granville Road
Columbus, OH 43235-2206

Rod Krich, Vice President
Licensing Projects
Exelon Generation Co.
4300 Winfield Road
Warrenville, IL 60555

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

Visit us at www.ohiohistory.org



OHIO
HISTORICAL
SOCIETY
SINCE 1885

February 2, 2005

Ron Linton
Environmental and Performance Assessment Branch
Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Docket No. 70-7004, American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Linton,

This is in response to correspondence from your office dated December 28, 2004 (received January 3) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

Your correspondence initiates consultation by the Nuclear Regulatory Commission (NRC) for the above referenced project. We acknowledge that the NRC will be following regulations at 36 CFR 800.8 in the review process integrating the Section 106 review with the development of the Environmental Report (ER) for this project. Your correspondence also requests information on consulting parties.

This office has previously reviewed information on the proposed project and has responded to the position that the proposed new construction will include buildings of similar design and size to the nearby buildings and that there will be similar functions carried out in these new buildings. Given the available information on the size, design, and function of the existing and the proposed buildings, we were able to offer our opinion that the proposed project will not adversely affect the Portsmouth Gaseous Diffusion Plant historic property.

As you are aware, private citizens have raised concerns about the potential for this project to affect historic properties, including prehistoric archaeological sites. The National Historic Preservation Act encourages federal agencies to include comments and concerns from the public throughout the Section 106 review process.

In addition to other consulting parties that your agency may have identified, we recommend that you consider notifying Native American Federally-Recognized Tribal authorities that are historically associated with south-central Ohio and may have information on historic properties in this area. Attached please find a partial list of Tribes with historical ties to Ohio. We believe that this list may be helpful in finalizing your list of potential consulting parties to whom you will be providing notification of the project.

I think that it is important for you to clearly convey to consulting parties and to the public the extent of the efforts to identify historic properties and to assess the potential for the project to adversely affect historic properties. I am concerned that the discussions in your correspondence and in the attached sections from the draft ER should be clearer and more precise. For example, the archaeological surveys were not preliminary, but their conclusions are preliminary and we are still working at interpreting the results and developing a consensus on the findings. In some cases it might be appropriate to describe an archaeological survey as preliminary, especially when the primary objective of the work for a survey is to

Mr. Ron Linton
February 2, 2005
Page 2

lay the ground work for the next phase of an intended and expected survey. The predictive model work that you reference might be described as preliminary but it also provides important information on the distribution of known sites in the vicinity of the Portsmouth Gaseous Diffusion Plant. Also, at least one additional archaeological study has been conducted within the facility at archaeological site 33-PK-210. This study may not be relevant to this project, but language in the draft ER might lead some to conclude that all of the previous archaeological work is referenced rather than only a portion of the previously completed work. The survey methods employed in the predictive model work are likely quite different from the survey methods employed in identification efforts.

I think that it would be more helpful to describe the conclusions of the Schweikart 1997 archaeological survey as recommendations, not as determinations. In the past we have encountered some confusion in descriptions of known archaeological sites both within and in the general area surrounding the facility. For example, not all archaeological sites with prehistoric components are burial grounds and many archaeological sites are quite small, less than 100 square meters.

Similar kinds of concerns could also be raised concerning the presentation of the information on architectural properties in the Environmental Report.

In summary, it would be helpful for the documentation to provide greater clarity and to provide greater precision to facilitate the integration the discussions on archaeological sites, architectural properties, and other kinds of cultural resources within the overall assessment of effects.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds (OHPO Serial Number 105834)

Enclosure

To assist you in the event that consultation with federally recognized tribal authorities is needed, OHPO maintains a list of federally recognized tribal authorities including listings from the Bureau of Indian's Affairs' Tribal Leaders Directory. This list is not all-inclusive; it represents a first step in developing procedures to address issues of disposition and repatriation. There are currently no federally recognized tribal authorities in Ohio since Ohio does not have any Native American Reservations or Land. However, there are many active Native American groups and organizations in Ohio. Also, in some cases, the Ohio Historic Preservation Office may be able to assist agencies and individuals contact individuals who have expressed an interest in the issues involving reburial. If the need develops we can provide assistance to get you started in compiling a list of interested parties.

Endnote. For further information, you may wish to contact the following:

Tim McKeown, National Center for Cultural Resources, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, (202) 343-1142

Francis McManamon, National Center for Cultural Resources, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, (202) 343-4101

The following are representatives of Federally-recognized Tribal Authorities of some tribes having historic connections to Ohio (based on the Tribal Leaders Directory, Bureau of Indian Affairs, Division of Tribal Government Services, January 1992 - for more information phone: 202/208-4400):

Mr. James Leaffe, Chief
Cayuga Nation
P.O. Box 11
Versailles, NY 14168
Attn: Mr. Clint Halftown, THPO
Representative
Telephone: 716-532-4847

Mr. Charles Todd, Chief
Ottawa Tribe of Oklahoma
P.O. Box 110
Miami, OK 74355
Attn: Mr. Roy Ross
Telephone: 918-540-1536
FAX: 918-542-3214

Cherokee Nation of Oklahoma
P.O. Box 948
Ada, OK 74820

Mr. John P. Froman, Chief
Peoria Tribe of Oklahoma
P.O. Box 1527
118 S. Eight Tribes Trail
Miami, OK 74355
Attn: Mr. Bud Ellis, Repatriation
Committee Chairman
Telephone: 918-540-2535
FAX: 918-540-2538

Turtle Mountain Band of Chippewa Indians
P.O. Box 900
Belcourt, ND 58316
Attn: Mr. Kade M. Ferris, Tribal Historic
Preservation Officer, Office of
Archaeology and Historic
Preservation
THPO: Mr. Kade M. Ferris

Mr. Harold Frank, Chairperson
Forest County Potawatomi
P.O. Box 340
Community of Wisconsin Potawatomi
Crandon, WI 54520
Attn: Ms. Clarice M. Werle, NAGPRA
Contact
Telephone: 715-478-7381 (Werle)
FAX: 715-478-7385

Mr. Bruce Gonzales, President
Delaware Tribe of Western Oklahoma
P.O. Box 825
Anardarko, OK 73005
Attn: Ms. Tamara Francis, Delaware
Nation NAGPRA Office
Telephone: 405-247-2448
FAX: 405-247-9393
Email: aapanahkih@westerndelaware.nsn.us

Mr. John A. Barrett, Jr., Chairperson
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801
Attn: Mr. Jeremy Finch
Telephone: 405-275-3121
FAX: 405-275-0198
800 Number: 800-880-9880

Mr. John Pryor, Executive Officer
Miami Tribe of Oklahoma
P.O. Box 1326
202 South Eight Tribes Trail
Miami, OK 74355
Attn: Ms. Julie Olds, THPO
THPO: Ms. Julie Olds
Telephone: 918-542-1445 X16 (Olds)
FAX: 918-542-7260
Email: jolds@miamination.com

Mr. Calvin John, President
Seneca Nation of Indians
P.O. Box 231
Salamanca, NY 14779
Attn: Ms. Kathleen Mitchell, THPO
THPO: Ms. Kathleen Mitchell
Telephone: 716-945-9427
FAX: 716-945-1989
Email: snithpo@netscape.net

Mr. Jerry Dilliner, Chief
Seneca-Cayuga Tribe of Oklahoma
P.O. Box 1283
R2301 E. Steve Owens Blvd.
Miami, OK 74355
Attn: Mr. Paul Barton
Telephone: 918-542-6609
FAX: 918-542-3684
Email: maimit5@onet.net

Mr. Charles D. Enyart, Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865
Attn: R.C. Kisse
Telephone: 918-666-2435 X241
FAX: 918-666-3325
Email: estochief@hotmail.com

Mr. James Squirrel
Loyal Shawnee Tribe
Route 4, Box 30
Jay, OK 74346

Mr. Kenneth Daugherty, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381
Attn: Ms. Karen Kaniatobe
Telephone: 405-275-4030 X124
FAX: 405-275-1922
Email: jenniferm@astribe.com

Mr. Leaford Bearskin, Chief
Wyandotte Nation
P.O. Box 250
Wyandotte, OK 74370
Attn: Ms. Sherri Clemons

From: Ron Linton
To: Matthew Blevins
Date: 3/10/05 4:13PM
Subject: USEC sect 106 tribal consultation, NPS contact

Matt:

I put together a short memo (see attached) about my conversation with Tim McKeown of the NPS regarding Indian tribes with historical connections to the south-central Ohio area.

Ron

Mail Envelope Properties (4230B861.750 : 22 : 21859)

Subject: USEC sect 106 tribal consultation, NPS contact
Creation Date: 3/10/05 4:13PM
From: Ron Linton

Created By: rcl1@nrc.gov

Recipients	Action	Date & Time
nrc.gov		
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MXB6 (Matthew Blevins)	Opened	03/10/05 04:13PM

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Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
 Send Notification when Opened

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

Memorandum

To: Matthew Blevins, Senior Project Manager

From: Ron Linton, Project Manager

Date: March 10, 2005

Subject: USEC American Centrifuge Plant, National Historic Preservation Act (NHPA) Section 106 consultation process and American Indian Tribes identified with historical connections to south-central Ohio

By letter dated February 2, 2005, David Snyder, Archaeology Reviews Manager, Ohio Historical Society (Ohio State Historical Preservation Office) responded to our letter requesting assistance with identifying other consulting parties under the NHPA Section 106 process. In his letter, he identified 15 Native American Federally-recognized tribal authorities that are historically associated with south-central Ohio and may have information on historic properties in the area. He also indicated that more information may be obtained on Native American Federally-recognized tribal authorities by contacting individuals with the National Park Service.

On March 7, 2005, I contacted Mr. Tim McKeown, Archeologist, with the National Park Service, to discuss tribal authorities that are historically associated with south-central Ohio. Mr. McKeown was very helpful and indicated that all of the State of Ohio was secured from Native American Indian tribes via several treaties. While on the phone together, we concurrently visited several web sites to determine what tribes were involved in treaties with the United States in Ohio. We were able to determine that all of south-central Ohio was obtained by the United States on August 3, 1795 after the signing of the Treaty of Greenville. The Treaty of Greenville was signed by Chiefs of the Wyandot, Delaware, Shawnee, Ottawa, Miami, Eel River, Wea, Chippewa, Potawatomi, Kickapoo, Piankashaw, and Kaskaskia Indians. After determining what tribes were involved with the treaty we went to the Native American Consultation Database (NACD) at <http://cast.uark.edu/other/nps/nacd/> which is a tool for identifying consultation contacts for Indian tribes and other Native-American organizations. The NACD database is one database under the National Native American Graves Protection and Repatriation Act Online Databases of the National Park Service. At that point, Mr. McKeown indicated that I could query the database using the tribes we identified as being involved in the Treaty of Greenville.

I queried the database for the 12 tribes identified as signors of the treaty and printed out the results. After review, I determined contact names for Federally-recognized Indian tribes with land claims in Ohio. Nine of the tribal contact names supplied by Mr. Snyder were on the lists. Six of the tribal contact names supplied by Mr. Snyder were not on the lists. Two additional tribal contact names were identified that were not supplied by Mr. Snyder. I have sent Section 106 consultation letters to the 15 tribal contacts listed by Mr. Snyder (9 of which were on the NACD database) as well as the two additional tribal contacts identified through the NACD search, for a total of 17 tribal consultation letters. The consultation letters request any known information on historical or cultural resources at the DOE reservation at Piketon, Ohio.

NRC FORM 699 (9-2003)	U.S. NUCLEAR REGULATORY COMMISSION	DATE 3/7/05
CONVERSATION RECORD		TIME 2:45 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mr. Tim McKeown	TELEPHONE NO. 202-354-2206	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION NPS		
SUBJECT TPHO contacts		

SUMMARY (Continue on Page 2)

Treaty # 11 Treaty of Greenville, Aug 3, 1795
 Aug 3, 1795 - the following tribes - Wyandot, Delaware, Shawnee,
 Ottawa, ^{Chippewa}Chippewa, Potawatomi, Miami, EEL River,
 Wea, Kickapoo, Piankishaw, Kaskaskia - (Peoria
 (Wen
 Peoria
 Kaskaskia)

<http://www.cast.uark.edu/other/nps/nacd/>

Spoke @ length w/ Tim McKeown. We searched several databases. He found that land in central + southern Ohio was subject to the Treaty of Greenville, Aug 3, 1795 and involved the tribes listed above. I downloaded and searched NPS database for contact w/ historical land claims to OH. All noted that I found were already identified by Ohio SHPO as well as several others. Seems the OHIO SHPO list is comprehensive of those tribes w/ historical claims and connections w/ Southern + central Ohio.

ACTION REQUIRED NONE

NAME OF PERSON DOCUMENTING CONVERSATION RON LINTON	SIGNATURE 	DATE 3/7/05
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ACTION TAKEN

TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE
-------------------------------	-----------------------------------	------

March 14, 2005

Mr. James Brushart
President, Pike County Commissioners
230 Waverly Plaza, Suite 1000
Waverly, Ohio 45690

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Brushart:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Brushart

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

From: Ron Linton
To: Matthew Blevins
Date: 3/24/05 3:15PM
Subject: USEC ACP, Scioto Township Works I and Piketon Mounds

Matt:

Memo to you of my conversation with David Snyder, Ohio SHPO, clarifying the Scioto Township Works I and the Piketon Mounds that are listed on the National Register in Piketon, Ohio. Hope this is helpful.

Ron C. Linton
Project Manager
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Mail Stop T7 J08
Washington, DC 20555-0001
301-415-7777 phone
301-415-5397 fax
rcl1@nrc.gov

CC: Marian Zabler

Mail Envelope Properties (42431FF9.AD8 : 22 : 16483)

Subject: USEC ACP, Scioto Township Works I and Piketon Mounds
Creation Date: 3/24/05 3:15PM
From: Ron Linton

Created By: RCL1@nrc.gov

Recipients	Action	Date & Time
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nrc.gov		
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Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
 Send Notification when Opened

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

Memorandum

To: Matthew Blevins, Senior Project Manager

From: Ron Linton, Project Manager

Date: March 24, 2005

Subject: Discussion with David Snyder, Archaeology Reviews Manager, Resource Protection and Review, Ohio Historic Preservation Office, concerning the Scioto Township Works I and Piketon Mounds listed on the *National Register* in Piketon, Ohio

On March 24, 2005, I contacted Mr. David Snyder to discuss the prehistoric earthworks that are in proximity to the proposed American Centrifuge Plant (ACP). These earthworks were discussed by Mr. Geoffrey Sea in written comments received by the NRC during the scoping period and in a subsequent contention in Mr. Sea's petition to intervene.

Mr. Snyder relayed to me that the earthworks referenced on the *National Register* as the Scioto Township Works I (74001600) comprise the square and circle connected by a linear feature, and several other smaller features, as depicted by Squier and Davis, 1846. This circle, square, connecting linear feature and several other smaller features are reproduced by Mr. Sea from Squier and Davis, 1846, and are included in Mr. Sea's scoping statement. This is also depicted by Mr. Sea as exhibit A in his list of contentions attached to his petition to intervene filed February 28, 2005. In both his petition to intervene and in his scoping statement, Mr. Sea has depicted a much larger circle encompassing the square (see exhibit A of his petition to intervene). He has noted in his petition that the larger circle has not been professionally surveyed. Mr. Snyder indicated that there is no archeological evidence at this time to make any conclusions about the larger circle identified by Mr. Sea. Mr. Snyder indicated that approximately 90% of the Scioto Township Works I have been obliterated over the years by a sand/gravel/quarry operation and other construction.

Additionally, the earthworks depicted by Mr. Sea near the DOE water-supply wells, referenced by Mr. Sea as "section of Piketon Works", were referred to by Mr. Snyder as a "graded way" that may be isolated from the Scioto Township Works I. Mr. Snyder indicated that to make the connection between the "graded way" earthworks by the DOE water-supply wells and the Scioto Township Works I would take further study by a professional archeologist. I confirmed that the Piketon Mounds (74001599) listed on the *National Register* are not to the west of the DOE reservation and are not the "graded way" referenced by Mr. Snyder near the DOE water-supply wells. This may cause some confusion in the future as the Piketon Mounds on the *National Register* are also known as "Piketon Mounds and Graded Way". Mr. Snyder indicated that a linear feature is often referred to as a "graded way" and that this is a very generic term.

Mr. Snyder indicated that there are earthworks every few miles along the Scioto River from Portsmouth to Circleville, Ohio which is approximately 75 miles.

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

3/24/05

CONVERSATION RECORD

TIME

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

David Snyder

TELEPHONE NO.

614-298-2000

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Ohio SHPO

SUBJECT

USCZ

SUMMARY (Continue on Page 2)

DAVID SNYDER

Traced west of Sixth across road
known @ Scioto Township Work 1

Wakes every few miles along the River

75 miles from Portsmouth to Circleville - along that
Stream - 1820 - Atwater -

Complexes are very big -

90% - obliterated by Sand / Gravel ^(quarry) operation
"graded way" - by walls - may be isolated - hard to make the
connection -

no archeological evidence at this point to
well field to development - could be helpful - understanding access road -
helpful

Continue on Page 2

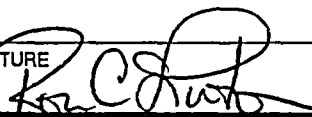
ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE



DATE

3/24/05

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

May 20, 2005

ACHP, Office of Federal Agency Programs
Attention: Don Klima, Director
1100 Pennsylvania Avenue NW, Suite 809
Washington, D.C. 20004

SUBJECT: COORDINATION OF NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 REQUIREMENTS AND NATIONAL ENVIRONMENTAL POLICY
ACT REVIEW FOR THE PROPOSED AMERICAN CENTRIFUGE PLANT, PIKE
COUNTY, OHIO

Mr. Klima:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The proposed facility is to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an environmental impact statement (EIS) as required by the NRC's National Environmental Policy Act (NEPA) implementing regulations. The proposed facility will use gas centrifuge technology to enrich the isotope uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the proposed facility.

Two preliminary phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed in section 3.8 of USEC's ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of USEC's ER (enclosed).

As described in 36 CFR 800.8 we are notifying you that we intend to use the NRC's NEPA review process for Section 106 purposes. In using the NRC's NEPA process in lieu of the procedures set forth in 36 CFR 800.3 through 800.6 we will ensure the standards set forth in 800.8(c)(1) through 800.8(c)(5) are met.

We have previously notified the Ohio State Historical Preservation Officer of our intent to utilize the NRC's NEPA review process to comply with Section 106 requirements in a letter dated December 28, 2004 (enclosed). Additionally, we have solicited information from 17 Indian tribes and one local official in letters dated March 14, 2005 and March 18, 2005. Also, as part of our NEPA review process, we hosted a NEPA public scoping meeting on January 18, 2005, in Piketon, Ohio. At this meeting, we solicited information on cultural and historic properties. A full transcript of this meeting as well as all project related correspondence is available at the NRC's public web site: <http://www.nrc.gov/reading-rm/adams.html>.

-2-

We plan to issue the draft EIS in September 2005 and will include you in our distribution. If you have any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosures:

1. Section 3.8 and Section 4.8 of USEC's Environmental Report (ML043550029)
2. December 28, 2004 letter to Ohio SHPO (ML043520095)

We plan to issue the draft EIS in September 2005 and will include you in our distribution. If you have any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosures:

1. Section 3.8 and Section 4.8 of USEC's Environmental Report (ML043550029)
2. December 28, 2004 letter to Ohio SHPO (ML043520095)

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ML050970090

OFC	DWMEP		DWMEP		OGC		DWMEP	
NAME	MBlevins		RLinton		MZobler		BJDavis	
DATE	04/07/05		04/12/05		04/08/05		05/20/05	

OFFICIAL RECORD COPY

USEC Service List cc:
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Elisa Young
48360 Carmel Road
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NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

6/6/2005

CONVERSATION RECORD

TIME

3:00 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

David Snyder - Archaeology Reviews Manager.

TELEPHONE NO.

614 278-2000

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Ohio Historic Preservation Office

SUBJECT

Section 106 consults ACP - USEC

SUMMARY (Continue on Page 2)

Discussed sendy drafts of Chapter 3 + 4 (DEIS) to see if we have clarified information for consulty parties. Discussed w/ him on ongoing ^{informal} consultations w/ Tribes and formal consultation w/ Absentee Shawnee. We are looking for info from Shawnee on cultural attributes of Sec to Township waters and why important to them, comments on finding of Id efforts + evaluation efforts, comment on proposed determination of effort on Sec to T-W. Should we ask for informal review from him on DEIS sects 3 + 4 or can we proceed w/ formal report even though we are still consulting w/ A-Shawnee. He is ok either way. Ok to ask for formal concurrence of determinations if concurred your findings and determinations will hold - speeds up as ok. They are not shy about their opinions in Ohio and will tell us if

Continue on Page 2 problems or fof.

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

Ron Linton

SIGNATURE

Ron Linton

DATE

6/6/05

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

September 6, 2005

ACHP, Office of Federal Agency Programs
Attention: Don Klima, Director
1100 Pennsylvania Avenue NW, Suite 809
Washington, D.C. 20004

SUBJECT: TRANSMITTAL OF DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE
PROPOSED AMERICAN CENTRIFUGE PLANT IN PIKETON, OHIO IN
ACCORDANCE WITH NATIONAL HISTORIC PRESERVATION ACT SECTION
106 COORDINATION REQUIREMENTS

Dear Mr. Klima,

This letter follows a letter of May 20, 2005, in which the Nuclear Regulatory Commission (NRC) indicated that we were using the NRC's National Environmental Policy Act review process for Section 106 requirements of the National Historic Preservation Act in our review of USEC Inc.'s proposal to build the American Centrifuge Plant in Piketon, OH.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

In accordance with 36 CFR 800.8(c)(2) we are providing copies of the draft Environmental Impact Statement to the State Historic Preservation Officer, interested Indian tribes, consulting parties, and members of the public. We will hold a public meeting in Piketon, OH on September 29, 2005, during which we will solicit additional comments on the draft Environmental Impact Statement.

D. Klima

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosure, see attached list

D. Klima

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov.

Sincerely,

/RA/

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Docket No.: 70-7004

Enclosures: As stated

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ML052450243

OFC	DWMEP:PM	DWMEP:SC	OGC
NAME	MBlevins	BJDavis	MZobler
DATE	8/30/05	9/02/05	8/31/05

OFFICIAL RECORD COPY

USEC Service List

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Chief, Bureau of Radiation Protection
Ohio Dept. of Health
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Columbus, OH 43266

Donald J. Silverman
Morgan, Lewis & Bockius
1111 Pennsylvania Ave. N.W.
Washington, DC 20004

September 6, 2005

Mr. Mark Epstein, Department Head
Ohio Historic Preservation Office
Resource Protection and Review
567 East Hudson Street
Columbus, OH 43211-1030

SUBJECT: TRANSMITTAL OF DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE PROPOSED AMERICAN CENTRIFUGE PLANT IN PIKETON, OHIO IN
ACCORDANCE WITH NATIONAL HISTORIC PRESERVATION ACT SECTION
106 COORDINATION REQUIREMENTS

Dear Mr. Epstein:

This letter follows a letter of December 28, 2004, in which the Nuclear Regulatory Commission (NRC) indicated that we were using the NRC's National Environmental Policy Act review process for Section 106 requirements of the National Historic Preservation Act in our review of USEC Inc.'s proposal to build the American Centrifuge Plant in Piketon, OH.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

In accordance with 36 CFR 800.8(c)(2) we are providing copies of the draft Environmental Impact Statement to the Advisory Council on Historic Preservation, interested Indian tribes, consulting parties, and members of the public. We will hold a public meeting in Piketon, OH on September 29, 2005, during which we will solicit additional comments on the draft Environmental Impact Statement.

M. Epstein

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o Enclosure, see attached list

M. Epstein

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
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Docket No.: 70-7004

Enclosures: As stated

cc: w/o Enclosure, see attached list

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JClifford DMartin MBurrell, OE

ML052450265

OFC	DWMEP:PM	DWMEP:SC	OGC
NAME	MBlevins	BJDavis	MZobler
DATE	8/30/05	9/02/05	8/31/05

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USEC Service List

cc:

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1000 Independence Ave, SW
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Nuclear Information and Resource Service,
1424 16th St., NW
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9/8/05
70FR 53396
(3)



October 5, 2005

RECEIVED

2005 OCT 14 AM 9:20

RULES AND DIRECTIVES
BRANCH
US:RRC

Ron Linton
Environmental and Performance Assessment Branch
Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Draft Environmental Impact Statement, Docket No. 70-7004, American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Linton,

This is in response to correspondence from your office dated September 6, 2005 (received September 9) providing a copy of the Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment, U.S. Nuclear Regulatory Commission, dated August 2005, regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The draft Report provides detailed discussions of many factors under consideration during the review for the proposed project. Our comments are intended to provide some clarification regarding the discussions of cultural resources. We are substantially in agreement regarding consideration of cultural resources. The differences in phrasing and interpretation, and clarification recommended, should not be interpreted as disagreement.

Throughout the discussions of cultural resources and consultation with the Ohio Historic Preservation Office, the Report offers the impression that there is concurrence that there will be no historic properties affected by the proposed and cumulative project development. The inset table on Page xxii defines "Small" as "...effects that are not detectable or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource." In Table 2-7 (Page 2-38), the report presents the finding that the impacts to historic and cultural resources would be small. This finding is repeated in Table 2-8 (Page 2-50). On Pages 4-5 and 4-6, the report states that there is concurrence with this office on a finding of "no effect" for the undertaking and that the impacts would be "SMALL". It was the intent of our correspondence, specifically our letter dated May 20, 2004, to set forth as part of ongoing consultation our interpretation that the proposed project would not adversely affect historic properties. That is, there are historic properties in the Area of Potential Effects, but the proposed project will not diminish the qualities and characteristics that make them significant. We believe that the changes will be noticeable. In some ways we feel that the immediate impacts from the proposed undertaking are perhaps more along the lines of MODERATE as compared to SMALL impacts. From a philosophical perspective, as the Gaseous Diffusion technology is replaced there will be changes to the Cold War buildings but since science is not static we shouldn't expect our recognition of significance based on science and technology to require static preservation.

SESP Review Complete

ERIDS = ADM-03

See = M. Blavin's
(MXBL)

OHIO HISTORICAL SOCIETY
Ohio Historic Preservation Office
567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037
www.ohiohistory.org

Template = ADM-013

Mr. Ron Linton
October 5, 2005
Page 2

Also, here are some additional points for consideration. On Page 2-42, the Report states that Alternate Locations B and C within the Reservation were graded during construction of the Gaseous Diffusion facility. From my limited understanding of this area, it appears to me that the majority of both of these areas lie outside of the area that was severely disturbed by previous construction. In my opinion, the lack of severe disturbance throughout the entirety of Alternate Locations B and C increases concerns for historic preservation, and likely for other factors as well, and thus the lack of severe disturbance further supports your selection of Location A as the preferred site for the undertaking.

The Report provides information on the size of the Reservation in several places and it appeared to me that the numbers aren't always the same. For instance, on Page 2-2 the Reservation is described as encompassing 3,700 acres with 1,300 acres inside the perimeter loop road while on Page 3-1 (and also see Page 3-5) the report states that within the Reservation there are 750 security-fenced acres with 550 acres in the central area surrounded by the Perimeter Road.

On Page 3-7, the Report states that an initial archaeological survey of the DOE reservation was completed in 1952 and reportedly found no evidence of archaeological materials with reference to a 1977 Environmental Impact Statement. Is it possible to obtain a copy of relevant portions of this 1977 document? It might be helpful to include copies of selected portions in the final EIS report for this undertaking. It can be difficult to compare meaningfully work completed in 1952 when there was no authority to take into account affects of undertakings on historic properties with work being conducted today (and since 1986) under authority of the National Historic Preservation Act of 1966, as amended, and its implementing regulations at 36 CFR 800.

There are several places where the Report refers to sites, buildings, structures, and districts with potential National Register eligibility. For instance, the Report states that identified archaeological sites that have not yet been fully evaluated for National Register eligibility (and refers to them as potentially eligible) be treated as eligible for inclusion in the National Register (Page 4-5 – inset text box). There are also references to the potentially eligible Barnes House and potentially contributing elements within the historic district. We believe that there is a slight and subtle shift in the meaning of the word potential differentiating potential effects and potential impacts from potential significance and potential eligibility, and that this shift in meaning could lead to some confusion if not clarified. Regarding the 14 identified archaeological sites that have not been fully evaluated for National Register eligibility, we suggest that you consider language that establishes the specific measures that will be taken to protect the sites from effects during this undertaking until such time as sufficient information is available to complete the evaluation. That is, treat them as archaeological sites that are being protected not as historic properties that are being protected. For the Barnes House, and for the listed Scioto Township Works I archaeological site, assess the potential for the undertaking to have effects based on those qualities and characteristics that are known and understood to contribute to the importance of these properties recognizing that we may have a better understanding of these properties in the future.

The Report carefully considers the use of existing wells and finds that this will not result in changes to the ground around the wells and will not result in increased maintenance activities around the wells that has the potential to adversely affect historic properties. If the wells immediately west of the Reservation are on an embankment that is part of an earthwork complex dating to some 2,000 years ago and if this archaeological site meets National Register criteria, we would agree with your inclusion of this area with the project's finding, that the use of the existing wells will not adversely affect historic properties, provided that sufficient safeguards and conditions are in place to continue consultation if future work is proposed

Mr. Ron Linton
October 5, 2005
Page 3

around these wells, or becomes necessary around these wells, that would have the potential to adversely affect historic properties. We recommend that you develop appropriate conditions to provide for preservation the areas around the wells until such time as these areas can be more fully evaluated.

The Report carefully considers the potential impacts from increased vehicular traffic and finds that the increased traffic will be small and will not introduce adverse effects. Within the limits defined in the Report, we agree with this finding provided that appropriate conditions are developed to reopen consultation if vehicular traffic increases above this level or if new construction of roads or railroads becomes necessary as a direct and foreseeable consequence of the development of this project.

In general we are in agreement the conclusions and findings presented in the Report. Within the integrated National Environmental Policy Act review process, this reaffirms our interpretation that the proposed American Centrifuge Plant undertaking will not adversely affect historic properties. There are some places in the Report where it would be helpful for the documentation to provide greater clarity and to provide greater precision to facilitate the integration the discussions on archaeological sites, architectural properties, and other kinds of cultural resources within the overall assessment of effects. It would also be helpful to reinforce language that establishes conditions to restrain effects from rising to adverse levels.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS/ds (OHPO Serial Number 1002038)

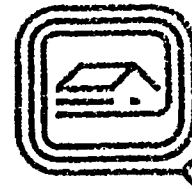
Enclosed: OHPO letter dated May 20, 2004
OHPO letter dated November 17, 2003

xc: Geoffrey Sea, 1832 Wakefield Mound Road, Piketon, OH 45662
Karen Kaniatobe, Absentee Shawnee Tribe of Oklahoma, 2025 S. Gordon Cooper Drive, Shownee, OK 74801-9381

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

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OHIO
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May 20, 2004

Peter J. Miner
USEC, Inc.
6903 Rockledge Drive
Bethesda, MD 20817-1818

Re: Installation and Operation of the American Centrifuge Commercial Plant
Portsmouth Gaseous Diffusion Plant (PORTS), Pike County, Ohio

Dear Mr. Miner,

This is in response to correspondence from your office dated March 2, 2004 (received March 5) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

Your correspondence offers the position that the proposed new construction will include buildings of similar design and size to the nearby buildings and that there will be similar functions carried out in these new buildings. Although not specifically stated in your correspondence, it appears that your discussion is to conclude that the qualities and characteristics that make PORTS significant will not be diminished by the proposed new construction. While we believe that clarification of those qualities that make PORTS significant would be helpful, given the available information on the size, design, and function of the existing and the proposed buildings, we are able to offer our opinion that the proposed project will not adversely affect the Portsmouth Gaseous Diffusion Plant historic property.

As you are aware, private citizens have raised concerns about the potential for this project to affect historic properties, including prehistoric archaeological sites. The National Historic Preservation Act strongly encourages federal agencies to include comments and concerns from the public throughout the Section 106 review process. It is our understanding the area of proposed new construction has been previously severely disturbed by previous construction, that the topsoil in this area was removed to a depth well into the subsoil and the contours were completed regraded during previous construction. However, we believe that it is an important responsibility to listen carefully to public concerns and to provide thoughtful and sensitive responses.

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Mark J. Epstein, Department Head
Resource Protection and Review

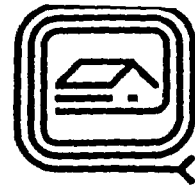
MJE:DMS/ds (OHPO Serial Number 100903)

xc: Gary S. Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 298-2000 Fax: 614/ 298-2037

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November 17, 2003

Russell J. Vranicar, Acting Site Manager
U.S. Department of Energy, PORTS
Portsmouth Site Office
P.O. Box 700
Piketon, OH 45661-0700

Re: Review of report, Testing at site 33-PK-210
Portsmouth Gaseous Diffusion Plant, Scioto Township, Pike County, Ohio

Dear Mr. Vranicar,

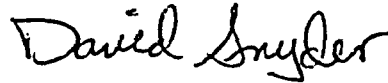
This is in response to correspondence from your office dated September 19, 2003 (received September 24) transmitting the report titled "Phase II Archaeological Testing at Site 33PK210, Scioto Township, Pike County, Ohio" by Christopher M. Hazel, July 2003. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Department of Energy serves as the lead federal agency.

The archaeological testing was restricted to the portion of site 33-PK-210 on Department of Energy property. It appears that more than half of the site extends south of Department of Energy property. The testing included background review, pedestrian walk-over, and shovel testing. Although the extent of site exposed through a combination of shovel testing, excavation units, and auger testing was quite small, we agree that the research design was sufficient to identify any pattern of artifacts or features within the tested portion of the site. We agree with the conclusions that no sensitive archaeological deposits were identified in the tested portion of site 33-PK-210 and that no further archaeological investigations are warranted within this portion of the site. We do not concur that sufficient testing has been conducted to conclude that the entire site doesn't meet the criteria for National Register eligibility. Given the modest assemblage recovered from site 33-PK-210 we do not believe that additional testing at this site is a preservation priority. Assuming that all development within PORTS takes place north of the fence line marking the southern boundary of the tested portion of the site, we concur that no further archaeological testing at site 33-PK-210 is necessary and that no further coordination with this office is necessary for this site.

Mr. Russell J. Vranicar
November 17, 2003
Page 2

Any questions concerning this matter should be addressed to David Snyder at (614) 298-2000, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,



David Snyder, Archaeology Reviews Manager
Resource Protection and Review

DMS:ds

xc: Gary Hartman, DOE - Oak Ridge, P.O. Box 2001, Oak Ridge, TN 37831
Kristi Wiehle, DOE - PORTS, P.O. Box 700, Piketon, OH 45661-0700

January 27, 2006

ACHP, Office of Federal Agency Programs
Attention: Don Klima, Director
1100 Pennsylvania Avenue NW, Suite 809
Washington, D.C. 20004

SUBJECT: SECTION 106 CONSULTATION REFERRAL FOR THE PROPOSED
AMERICAN CENTRIFUGE PLANT, PIKE COUNTY, OHIO

Dear Mr. Klima:

The U.S. Nuclear Regulatory Commission (NRC) is providing additional information relevant to the Section 106 consultation for USEC Inc.'s proposed American Centrifuge Plant (ACP). The NRC informed the Council by letter dated May 20, 2005, of its intent to use the National Historic Preservation Act (NEPA) process to fulfill NRC responsibilities under Section 106 of the NEPA. We subsequently transmitted a copy of the draft environmental impact statement (DEIS) by letter dated September 6, 2005.

This letter is submitted in fulfillment of 36 CFR 800.8(c)(2)(ii), to refer to you objections by a consulting party on the NRC's compliance with Section 106 through use of its NEPA process and of the NRC's findings of no effect on historic properties that were presented in the DEIS.

Enclosed is a complete chronological listing of Section 106 correspondence regarding the proposed undertaking that is directly available at the NRC's website: <http://www.nrc.gov/materials/fuel-cycle-fac/summ-section-106.html>. Table 1 provides a listing of all correspondence to and from Federal, state, and local government organizations. Table 2 provides a listing of all correspondence to and from Indian tribes. Table 3 provides a listing of all correspondence to and from the objecting party, Mr. Geoffrey Sea. The documents listed in Table 3 include Mr. Sea's scoping comments, his pleadings as an intervenor, his oral comments at a public meeting, email communications, and the appendices to his promised written comments submitted on the DEIS. The actual comments were not received by the NRC as Mr. Sea indicated that he would be providing them directly to the Council. Finally, Table 4 provides a listing of publicly available cultural resource surveys and related information. Additionally, the NRC is maintaining a public website, <http://www.nrc.gov/materials/fuel-cycle-fac/usecfacility.html>, that provides access to information concerning the NRC's safety and environmental review for the proposed ACP, and includes a link to the DEIS.

In the DEIS, the NRC staff presents a discussion of historic resources in Chapter 3 on pages 3-5 to 3-11. Subsequently, the staff presents a discussion of impacts to historic resources in Chapter 4 of the DEIS on pages 4-4 to 4-7. On page 4-5 of the DEIS, the NRC staff identifies historic properties and other properties that may be eligible for the National Register within the area of potential effects (APE) of the project. After consideration of the construction and operations activities that might affect these properties, the DEIS concludes that the project will have no effect on historic properties or potentially Register-eligible properties within the APE.

Because of Mr. Sea's concerns about effects on his house, known as The Barnes Home, which is adjacent to the APE, a structure that is likely Register-eligible under Criteria A and C, the DEIS also considered potential effects on this property. Similarly, because of the concerns of Mr. Sea and those of two Native American tribes about the possible project effects on the Scioto Township Works (approximately 1 kilometer from the proposed ACP), a prehistoric earthworks listed on the National Register for Criterion D values, the NRC also considered possible effects on this property. The visual setting, noise levels, and traffic levels around these properties are unlikely to change significantly from current conditions as a result of the project. Consequently, in both cases, the DEIS analysis on pages 4-5 to 4-7 found that activities associated with construction and operation of the American Centrifuge Plant would have no effect on the attributes that contribute to historic significance of the properties. The NRC's evaluation of effects on the Scioto Township works presumed that Native American concerns related to attributes under Criterion A. The NRC has asked the Native American tribes to provide more information about the values of concern associated with the Scioto Township works, but has received no information from the tribes beyond what is provided in the enclosed referenced materials.

Mr. Sea has also indicated concerns about what appeared to be prehistoric earthworks at one of the well fields that will supply water for the proposed ACP. The DEIS presents a discussion of impacts from the well field in question on page 4-7 and the NRC's findings that there would be no effect on these apparent earthworks. Subsequent to publication of the DEIS, the NRC received a statement from Mr. Blaine Bleekman (see Table 4 in enclosure), a local resident, who described construction of three levies along the Scioto River after a 1959 flood, including the levy that Mr. Sea is concerned about. While it appears most likely that these structures are recently constructed flood control levies, it is still the NRC's position that there will be no effect on these structures from continued pumping at this U.S. Department of Energy (DOE) well field

Mr. Sea is also concerned about several other properties, including the Rittenour Home, the Sargent Home, and the location where the last passenger pigeon was killed, but these are further from the proposed ACP than the Barnes House or Scioto Township Works and so were not considered in the DEIS analysis.

Finally, Mr. Sea believes that we have not properly carried out the Section 106 consultation requirements nor have we properly incorporated Section 106 compliance into the NRC's NEPA process as described in 36 CFR 800.8.

While you will be able to review the materials, it appears to the NRC that Mr. Sea believes there is a historic landscape linking the prehistoric Scioto Township Works; the historic Barnes Home, Rittenour Home, Sargents Home, and the passenger pigeon kill site; and the Portsmouth Gaseous Diffusion Plant Historic District. He disagrees that NRC has adequately identified historic properties because the NRC's analysis has not considered this historic landscape. Mr. Sea has a vision of promoting tourism to this landscape to enable public appreciation of the history represented on this landscape. He feels that NRC's action in approving the license for the ACP will lead to future operations on a DOE site that he believes would otherwise be closed. He believes that continuing operations at the DOE site would diminish the opportunity for public appreciation of the historic values in the landscape. He finds this to be an effect on those historic properties and cultural resources.

Additionally, the NRC has received comments from the Ohio Historic Preservation Office that suggest the usage of “small” to characterize impacts in the NEPA document following description of findings of “no effect on historic properties” may be confusing, and that there may be some observable impacts that are better described as “moderate” in level although these impacts do not extend to attributes that contribute to the properties’ National Register eligibility. The NRC will clarify this language in the DEIS.

The NRC believes that it has met its Section 106 obligations including the identification of consulting parties, identification of historic properties within and beyond the APE, and that its assessment of project effects are correct. We welcome the Council’s review of Mr. Sea’s objections and look forward to learning of the Council’s findings.

If you have any questions about this information or wish to provide any other additional information please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at MXB6@nrc.gov. Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

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If you have any questions about this information or wish to provide any other additional information please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at MXB6@nrc.gov. Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
 Environmental Review Section
 Division of Waste Management
 and Environmental Protection
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

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NAME	MBlevins	BJDavis	LClark	
DATE	01/23/06	01/27/06	01/17/06	

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USEC Service List

cc:

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c/o Carrie Mytinger
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Washington, DC 20510

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President and CEO
Chillicothe Chamber of Commerce
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Chillicothe, OH 45601

The Honorable Mike DeWine
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The Honorable Bob Taft
Governor of Ohio
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30th Floor
Columbus, Ohio 43215-6117

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Portsmouth, Ohio 45662

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Pike County Auditor
Pike County Government Center
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Waverly, Ohio 45690-1289

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Pike County Commissioner
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Waverly, Ohio 45690

Mr. Larry E. Scaggs
Township Trustee
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Waverly, Ohio 45690

Kara Willis
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Chillicothe, Ohio 45601

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Billy Spencer
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Piketon, Ohio 45661

Rocky Brown, Mayor of Beaver
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Beaver, Ohio 45613

Mr. Geoffrey Sea
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Piketon, OH 45661

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3706 McDermott Pond Creek
McDermott, Ohio 45652

Mr. Peter J. Miner, Licensing Manager
USEC, Inc.
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Bethesda, MD 20817

Mr. Randall De Vault
U.S. Department of Energy
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Oak Ridge, TN 37831

Mr. Dan Minter
Southern Ohio Development Initiative
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Piketon, OH 45661

Mr. James R. Curtiss
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Mr. Teddy West
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Piketon, OH 45661

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Ewan Todd
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Columbus, OH 43202

Ms. MarJean Kennedy
Regional Representative
Governor's Office
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Chillicothe, OH 45601

Ms. Joyce Leeth
Pike County Recorder
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Waverly, OH 45690

Mr. Dwight Massie
c/o The First National Bank
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Waverly, OH 45690-0147

Mr. Marvin Jones
President and CEO
Chillicothe Chamber of Commerce
165 South Paint Street
Chillicothe, OH 45601

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B.2 COMMUNICATIONS TO/FROM TRIBAL ORGANIZATIONS

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EXHIBIT N
Absentee Shawnee Tribe of Oklahoma

2025 S. Gordon Cooper

Shawnee, Oklahoma 74801-9381

(405) 275-4030

Fax: 405-878-4533

Cultural/Historic
Preservation Department

February 24, 2005

RE: Support of Geoffrey Sea's intervention in the USEC American Centrifuge Plant Licensing Action

To the Commissioners, Secretary and Atomic Safety and Licensing Board of the US Nuclear Regulatory Commission and to Whom it May Concern:

I am writing in support of the intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action. I am the Tribal Historic Preservation Officer for the Absentee Shawnee Tribe. Our interest in supporting Mr. Sea's is based on the fact that Ohio is part of our ancestral homelands. Through historical research we have identified a number of village sites in the Ohio Valley. In fact, quite a few are located along the Scioto River. Furthermore, if you look at a map, you will notice that the names of towns, cities and counties reflect the Shawnee's historical presence within the state of Ohio.

We are part of the Algonquian family of Native American peoples, and the Algonquian tribes of the Ohio/Great Lakes region are collectively believed to be descended from the culture called Ft Ancient. In turn the Ft Ancient are considered descendants of the Hopewell culture. The people of the Hopewell Culture built the many astounding geometric earthworks, including those called the Barnes Works in Scioto Township.

All of the historic and prehistoric sites in the region of Scioto Township have great meaning and significance. The Barnes Works, being one of the largest and most beautiful prehistoric architectural works in North America, is a site that has already suffered desecration and destruction--but what remains can be saved.

Many more historic sites may exist in the area, remaining to be found for lack of extensive survey. Surveys to find such sites should be conducted as part of any 106 review for the ACP.

The American Centrifuge Project may impact all these sites in many ways that have not been studied or considered. Physical destruction caused by new buildings is only one concern. We also need to consider potential destruction of earthworks along the river caused by additional water pumping, the impacts of herbicides used to defoliate a security zone around the DOE site perimeter, the impacts of keeping the area under national-security restriction, rather than opening the area to study and tourism, and the aesthetic impacts of marring a sacred area with security fences, more roads, and shipments of radioactive fuel and waste.



Absentee Shawnee Tribe of Oklahoma

2025 S. Gordon Cooper

Shawnee, Oklahoma 74801-9381

(405) 275-4030

Fax: 405-878-4533

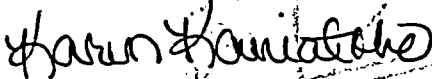
Cultural/Historic
Preservation Department

Our tribe has not been contacted by DOE about the American Centrifuge Project for consultation. We first learned about the American Centrifuge Project from Geoffrey Sea. Please note that we count on being included as a consulting party in future 106 and 110 reviews at the Piketon site.

We understand that the NRC has initiated a section 106 review as part of its licensing process. That is good. However this is an important test for preservation law. If a major federal nuclear project involving two different federal agencies can proceed without any consideration of one of the largest sacred sites in North America next door, then it means that the provisions of the National Historic Preservation Act have become meaningless.

Many alternatives to the proposed action deserve full study and consideration. USEC's environmental report mentions the possible alternatives of moving ACP to the north side of the Piketon site or moving it from Piketon to Paducah, Kentucky. Since the current site at the southwest corner of the DOE reservation involves many potential impacts, those alternatives among others need careful review.

Respectfully,



Karen Kaniatobe
Tribal Historic Preservation Officer

March 14, 2005

Mr. James Leaffe, Chief
Cayuga Nation
P.O. Box 11
Versailles, NY 14168
Attn: Mr. Halftown, THPO
Representative

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Leaffe:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Leaffe

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Cherokee Nation of Oklahoma
P.O. Box 948
Ada, OK 74820

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Cherokee Nation of Oklahoma:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

Cherokee Nation of Oklahoma

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Turtle Mountain Band
of Chippewa Indians
Attn: Mr. Kade M. Ferris
Tribal Historic Preservation Officer
Office of Archaeology
and Historic Preservation
P.O. Box 900
Belcourt, ND 58316

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Ferris:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

K. Ferris

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Bruce Gonzales, President
Delaware Tribe of Western Oklahoma
P.O. Box 825
Anardarko, OK 73005
Attn: Ms. Tamara Francis, Delaware
Nation NAGPRA Office

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Gonzales:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

B. Gonzales

-2-

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. John Pryor, Executive Officer
Miami Tribe of Oklahoma
P.O. Box 1326
202 South Eight Tribes Trail
Miami, OK 74355
Attn: Ms. Julie Olds, THPO

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Pryor:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Pryor

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Charles Todd, Chief
Ottawa Tribe of Oklahoma
P.O. Box 110
Miami, OK 74355
Attn: Mr. Roy Ross

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Todd:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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C. Todd

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. John P. Froman, Chief
Peoria Tribe of Oklahoma
P.O. Box 1527
118 S. Eight Tribes Trail
Miami, OK 74355
Attn: Mr. Bud Ellis, Repatriation
Committee Chairman

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Froman:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Forman

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Harold Frank, Chairperson
Forest County Potawtomi
P.O. Box 340
Community of Wisconsin Potawtomi
Crandon, WI 54520
Attn: Ms. Clarice M. Werle, NAGPRA
Contact

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Frank:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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H. Frank

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. John A. Barret, Jr., Chairperson
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801
Attn: Mr. Jeremy Finch

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Barrett:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Barrett

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 16, 2005

Mr. Calvin John, President
Seneca Nation of Indians
P.O. Box 231
Salamanca, NY 14779
Attn: Ms. Kathlenn Mitchell, THPO

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. John:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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C. John

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Jerry Dilliner, Chief
Seneca-Cayuga Tribe of Oklahoma
P.O. Box 1283
R2301 E. Steve Owens Blvd.
Miami, OK 74355
Attn: Mr. Paul Barton

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Dilliner:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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J. Dilliner

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Charles D. Enyart, Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 64865
Attn: R.C. Kisse

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Enyart:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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C. Enyart

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381
Attn: Ms. Karen Kaniatobe

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Daughtery:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

K. Daughtery

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. James Brushart
President, Pike County Commissioners
230 Waverly Plaza, Suite 1000
Waverly, Ohio 45690

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Brushart:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Brushart

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. Leaford Bearskin, Chief
Wyandotte Nation
P.O. Box 250
Wyandotte, OK 74370
Attn: Ms. Sherri Clemons

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Bearskin:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

L. Bearskin

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 14, 2005

Mr. James Squirrel
Loyal Shawnee Tribe
Route 4, Box 30
Jay, OK 74346

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Squirrel:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

J. Squirrel

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

J. Squirrel

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

DISTRIBUTION: EPAD r/f

ML050670006

OFC	DWMEP		DWMEP			
NAME	RLinton		JDavis			
DATE	03/09/05		03/14/05			

March 18, 2005

Mr. Ron Sparkman
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Sparkman:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

R. Sparkman

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

March 18, 2005

Mr. Rey Kitchkumme
Prairie Band of Potawatomi Nation
16277 Q Road
Mayetta, KS 66509-8970

SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO

Dear Mr. Kitchkumme:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

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As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

R. Kitchkumme

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

R. Kitchkumme

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

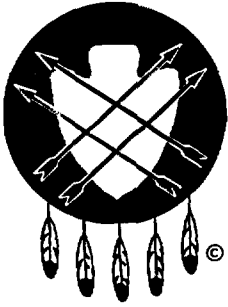
DISTRIBUTION: EPAD r/f

ML050750405

*See previous concurrence

OFC	DWMEP		DWMEP*			
NAME	RLinton		JDavis			
DATE	03/09/05		03/18/05			

Rec'd 3/29/05
RDB



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

12/29/04
69FR 7858

①

March 23, 2005

Chief, Rules and Directives Branch
Division of Administrative Services
Mail Stop T-6 D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Initiation of the National Historic Reservation Act Section 106 Consultation Process for the Proposed American Centrifuge Commercial Plant, Pike County, Ohio

Thank you for notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

SISP Review Complete

ERIS = ADM-03

Call = M. Blevins (MX06)

TREASURER
John Sharp

SECRETARY
Hank Downum

FIRST COUNCILMAN
Claude Landers

SECOND COUNCILMAN
Jenny Rampey

THIRD COUNCILMAN
Jason Dollarhide

Template = ADM-013

J. Faraz (XHF)

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

CONVERSATION RECORD

3/28/05

TIME

12:25

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Rebecca Hawkins

TELEPHONE NO.

918-542-2441

TYPE OF CONVERSATION

- VISIT
- CONFERENCE
- TELEPHONE
 - INCOMING
 - OUTGOING

ORGANIZATION

Shawnee Tube - THPO

SUBJECT

USEZ

SUMMARY (Continue on Page 2)

Not sure if Hopewell are linear descendants of Hopewell. Specifically no use to NRC - but from general record, they are interested in preservation of archeological features. She has been in contact w/ Dave Snyder - Ohio SHPO - she indicated she was comfortable that NRC + Ohio SHPO was aware and was doing due diligence about Scioto Township Works.

Some groups in Ohio - claim to be Shawnee - but not really Indians - try to get standing - be aware that they may try to interrupt or interfere. Video - Ohio Historical Society - good + interesting watch of S. Ohio History "Searching for the Great Hopewell Road" - Talks about Gradall mounds and extensive earthworks in S. Ohio.

Continue on Page 2

ACTION REQUIRED

NONE - She will follow-up w/ Letter to NRC.

NAME OF PERSON DOCUMENTING CONVERSATION

Row LINTON

SIGNATURE

DATE

3/28/05

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE



Seneca Nation Tribal Historic Preservation

Kathleen J. Mitchell
Officer

467 Center St. Salamanca, NY 14779
Phone: (716) 945-9427 • Fax: (716) 945-0351
E-mail: snithpo@nycountry.com

Lana K. Watt
Cultural Resource Tech.

April 5, 2005

Attention: Mr. Ron Linton
MS T7 J08
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Proposed American Centrifuge Commercial Plant, Pike County, Ohio

Dear Mr. Linton,

Our office has completed a review of submitted information regarding the above referenced project proposal. In order to further facilitate our review of the project we are requesting that copies of the Phase I Archaeological/Cultural Reports, along with any completed Phase II reports, be forwarded to our office at your earliest convenience.

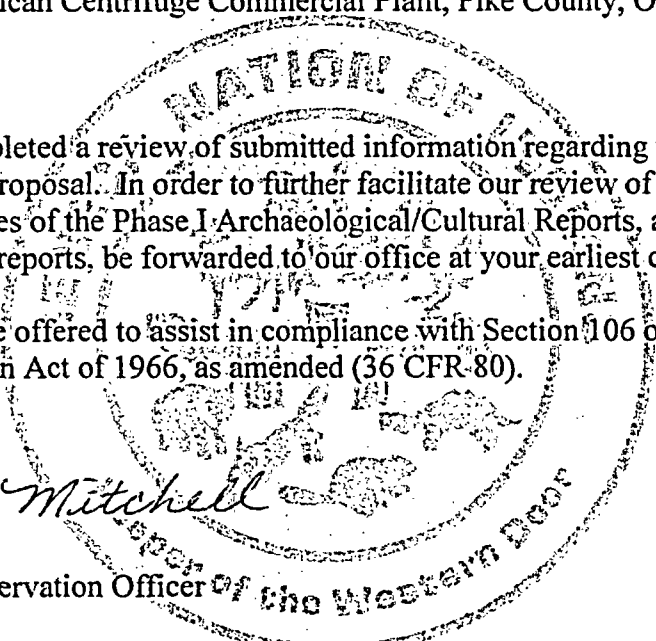
These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR-80).

Respectfully,

Kathleen Mitchell

Kathleen Mitchell

Tribal Historic Preservation Officer of the Western Door



NRC FORM 699 (9-2003)		U.S. NUCLEAR REGULATORY COMMISSION		DATE 6/1/05
CONVERSATION RECORD				TIME 4:10
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mr. Paul Barton		TELEPHONE NO. 918-542-6609		TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION Seneca Cayuga Tribe of OK				
SUBJECT ACP Sect 106 Consultation Process				

SUMMARY (Continue on Page 2)

Discussed ACP w/ Mr. Paul Barton. He had not seen the letter, but found it as we were discussing on the phone. He will look over and respond or call back with questions.

Continue on Page 2

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

Ron Linton

SIGNATURE



DATE

6/1/05

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

NRC FORM 699 (9-2003)	U.S. NUCLEAR REGULATORY COMMISSION	DATE 6/1/05
CONVERSATION RECORD		TIME 12:40

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Ms. Julie Olds	TELEPHONE NO. 918-542-1445	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION Miami Tribe of Oklahoma		
SUBJECT Sect 106 consultation papers		

SUMMARY (Continue on Page 2)

She had no seen letter directed to Mr. John Pryor. I gave her the ML# for the 15 letters sent to Tribes on 3/14/05, and told her the letter to Miami Tribe was about 4th on the list. I directed her to www.nrc.gov -> reading room - ADAMS web based search -> ML#. Also gave her the ML#s for ACP CR, Phase II Archeological Survey, and told her we should be getting the Schunkert phase I publication on ADAMS soon. If she needed to see it, to please contact me and I would provide ML# or copy. She may request by mail, or by email to me. I gave her my ~~work~~ e-mail address.

Continue on Page 2

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION Ron LINTON	SIGNATURE 	DATE 6/1/05
---	--	----------------

ACTION TAKEN

TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE
-------------------------------	-----------------------------------	------

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

6/1/05

CONVERSATION RECORD

TIME

12:22 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Tamara Francis,

TELEPHONE NO.

405-247-2448

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Delaware Tribe of Western Oklahoma

SUBJECT

sect 106 consultation - ACP

SUMMARY (Continue on Page 2)

Have no interests in Pike County, Ohio.

Spoke briefly w/ Ms. Tamara Francis, tribal contact, the Delaware have no interests in Pike County, Ohio. I explained I sent letter to Delaware b/c they were listed on Ohio SHPO letter dated 2/2/05 as a possible consulting tribe. She again reiterated that the Delaware of Western Ok have no interests in Pike Co, Ohio, and that's probably why they did not respond.

Continue on Page 2

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE

DATE

6/1/2005

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

From: Ron Linton
To: Matthew Blevins
Date: 10/14/05 10:57AM
Subject: Status: Section 106 Tribal consultations for USEC ACP, to date

Matt:

This is the status, to date, of the Section 106 Tribal consultations for the USEC ACP.

A list of 15 Tribes with historical ties to Ohio was provided by the Ohio Historic Preservation Office (SHPO) on February 2, 2005. An additional 2 tribes with historical ties to Ohio were identified with the assistance of the National Park Service. Initial 106 consultation letters were sent to 15 Tribes in letters dated March 14, 2005 and to two Tribes in letters dated March 18, 2005. Consultation letters were sent to both the Loyal Shawnee Tribe (March 14) and the Shawnee Tribe (March 18). In correspondence received later from the Shawnee Tribe, they clarified that the Loyal Shawnee Tribe name was changed to Shawnee Tribe several years ago. Therefore, a total of 16 tribes were contacted in total. To date, we have received written or verbal comments or replies from ten Tribes. These replies have been documented and are docketed in ADAMS. The following provides the attempts made to elicit comments from the additional six Tribes.

Cayuga Nation - The initial Section 106 consultation letter was sent to Mr. James Leaffe, Chief dated March 14, 2005. I followed up with phone calls to the Cayuga Nation on June 1 and June 2, 2005 and left messages to contact me in reference to the March 14, 2005 letter. I was not contacted. On August 24, 2005 I phoned the Cayuga Nation and spoke with a staff member who asked me to fax a copy of the March 14, 2005 letter. I faxed the March 14, 2005 letter to the tribe on August 25, 2005. To date, NRC has not received comments from the Cayuga Nation.

Cherokee Nation of Oklahoma - The initial Section 106 consultation letter was sent to the Cherokee Nation dated March 14, 2005. I did not have a phone number for the Cherokee Nation. In June 2005, I had attempted to find the Cherokee Nation in Ada, Oklahoma, as identified by the SHPO, through an Internet search. I could not locate the Cherokee Nation in Ada, Oklahoma. On August 25, 2005, I again tried an Internet search to identify the Cherokee Nation. I did identify the Cherokee Nation in Tahlequah, Oklahoma. On August 25, 2005, I contacted a general phone number and was referred to the cultural center. I was told by a Mr. David Rabon that the Tribe did not have a tribal historic preservation officer. I was given a phone number of a Dr. Richard Allen who might be able to assist with our consultation. I called Dr. Allen on August 25, 2005 and left a voice mail message. I did not hear back from him. To date, NRC has not received comments from the Cherokee Nation.

Forest County Potawatomi - The initial Section 106 consultation letter was sent to the Forest County Potawatomi dated March 14, 2005. I attempted to call Ms. Clarice Werle, the contact identified by the SHPO, but the number did not go through. I did an Internet search and called the Forest County Potawatomi and was told that Mr. Mike Alloway, Sr was the contact. I called and left a message on June 2, 2005 for Mr. Mike Alloway, Sr.. I again called on August 25, 2005 and left a message for Mr. Alloway. To date, NRC has not received comments from the Forest County Potawatomi.

Citizen Potawatomi Nation - The initial Section 106 consultation letter was sent to the Citizen Potawatomi Nation dated March 14, 2005. I called and left a message on June 1 and June 2, 2005 for Mr. Jeremy Finch. I again called on August 25, 2005 and left a message for Mr. Finch. To date, NRC has not received comments from the Citizen Potawatomi Nation.

Seneca Nation of Indians - The initial Section 106 consultation letter was sent to the Seneca Nation of Indians dated March 14, 2005. The Seneca Nation of Indians responded in a letter dated April 5, 2005 requesting copies of Phase I and Phase II archaeological/cultural reports. The reports were forwarded to the Tribe in an e-mail to Kathleen Mitchell dated August 25, 2005. A copy of the Draft Environmental Impact Statement (DEIS) was also sent to the Seneca Nation of Indians after it was published. To date, NRC has not received comments from the Seneca Nation of Indians.

Absentee-Shawnee Tribe of Oklahoma - The initial Section 106 consultation letter was sent to the Absentee-Shawnee Tribe of Oklahoma dated March 14, 2005. The Absentee-Shawnee tribe had commented earlier in correspondence sent to the ASLB. I called and left a message on June 1 or 2, 2005, but I don't have a record of leaving a message. I know I called because I was pronouncing Ms. Kaniatobie's name wrong after listening to the message on her voice mail. I call again on August 24, 2005 and left a message. A copy of the DEIS was also sent to the Seneca Nation of Indians after publication. To date, NRC has not received comments from the Absentee-Shawnee Tribe of Oklahoma other than those that were previously sent to the ASLB.

Let me know if you need any other information.
Ron

CC: Jennifer Davis

Mail Envelope Properties (434FC74C.A78 : 8 : 1314)

Subject: Status: Section 106 Tribal consultations for USEC ACP, to date
Creation Date: 10/14/05 10:57AM
From: Ron Linton
Created By: RCL1@nrc.gov

Recipients

nrc.gov
twf4_po.TWFN_DO
BJD1 CC (Jennifer Davis)
MXB6 (Matthew Blevins)

Post Office
twf4_po.TWFN_DO

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	5910	10/14/05 10:57AM

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification:
Send Notification when Opened

Concealed Subject: No
Security: Standard

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

CONVERSATION RECORD

DATE
6/2/05
TIME
4:10pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Jo Ann Beckham

TELEPHONE NO. X234

918-666-2435

TYPE OF CONVERSATION

- VISIT
- CONFERENCE
- TELEPHONE
 - INCOMING
 - OUTGOING

ORGANIZATION

Eastern Shawnee Tribe of OK - Admin Asst / NAG PRA contact

SUBJECT

Section 106 Consultation

SUMMARY (Continue on Page 2)

Called and spoke w/ Mrs. Jo Ann Beckham about 106 Consultation letter 3/14/05. I directed her to our web site and ADAMS search. She found the letter to Mr. Charles Elyant and downloaded a copy of letter. Also directed her to the USEZ ESR and Cultural Resource Sections in Section 3 and 4. She will contact me if she needs any other information and will research if they have or know of any sites in Pice Co near the ACP.

Continue on Page 2

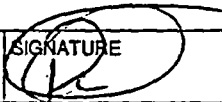
ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE



DATE

6/2/2005

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

NRC FORM 699 (9-2003)	U.S. NUCLEAR REGULATORY COMMISSION	DATE <div style="font-size: 1.2em; font-family: cursive;">6/2/2005</div>
CONVERSATION RECORD		TIME

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU <div style="font-family: cursive;">Sherri Clemons</div>	TELEPHONE NO. <div style="font-family: cursive;">918-678-2298</div>	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input type="checkbox"/> OUTGOING
ORGANIZATION <div style="font-family: cursive;">Wyaandotte Nation</div>		
SUBJECT <div style="font-family: cursive;">Section 106 consultation - ACP</div>		

SUMMARY (Continue on Page 2)

Wyaandotte doesn't show a presence in Pike County, Ohio. Tribe requests that "go with idea that you may find something" show respect and notify tribes if burial grounds are found.

No other information is needed @ this time to go forward with the US.

I gave her the USER Docket # 07007004 and several ~~USER~~ USER ER + Phase II Archeological Study - also let her know Schmitt would be available soon.

She indicated she did not need any further information, but if graves were found, would like to be contacted.

Continue on Page 2

ACTION REQUIRED <div style="font-family: cursive; font-size: 1.2em;">NONE</div>
--

NAME OF PERSON DOCUMENTING CONVERSATION <div style="font-family: cursive;">RON LINTON</div>	SIGNATURE 	DATE <div style="font-family: cursive;">6/2/2005</div>
--	---------------	---

ACTION TAKEN

TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE
-------------------------------	-----------------------------------	------

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

6/2/05

CONVERSATION RECORD

TIME

12:16 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Rhonda Dixon

TELEPHONE NO.

918-540-1536

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Ottawa Tribe of Oklahoma

SUBJECT

sect 106 consultation ACP

SUMMARY (Continue on Page 2)

No ties with Southern Ohio - all ties or presence is along Lake Erie in Northern Ohio. No further information is needed.

Mr. Roy Ross returned an earlier message - transferred me to tribal historian, Rhonda Dixon, who gave me info that tribe is connected to N. Ohio along the Lake Erie, and not S. Ohio or Pike County. She indicated she did have copy of 3/14/05 letter, but had not responded.

Continue on Page 2

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE



DATE

6/2/2005

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

From: "Eastern Shawnee Tribe Chief Enyart" <estochief@hotmail.com>
To: <rc11@nrc.gov>
Date: 6/3/05 4:52PM
Subject: 106 Consultation

June 3, 2005

RE: PROPOSED AMERICAN CENTRIFUGE COMMERCIAL PLANT, PIKE COUNTY, OH

To Whom It May Concern:

Thank you for notice of the referenced project(s). The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,
Jo Ann Beckham, Administrative Assistant
Eastern Shawnee Tribe of Oklahoma

Mail Envelope Properties (42A0C2FB.7FB : 12 : 47099)

Subject: 106 Consultation
Creation Date: 6/3/05 4:51PM
From: "Eastern Shawnee Tribe Chief Enyart" <estochief@hotmail.com>

Created By: estochief@hotmail.com

Recipients

nrc.gov
twf4_po.TWFN_DO
RCL1 (Ron Linton)

Post Office

twf4_po.TWFN_DO

Route

nrc.gov

Files	Size	Date & Time
MESSAGE	945	06/03/05 04:51PM
Mime.822	1946	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

CONVERSATION RECORD

6/7/05

TIME

10:55 am

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mr. Rey Kitchkumme

TELEPHONE NO.

785-966-2255

TYPE OF CONVERSATION

- VISIT
- CONFERENCE
- TELEPHONE
 - INCOMING
 - OUTGOING

ORGANIZATION

Prarie Band of Potawatomi Nation

SUBJECT

Section 106 consult - ACP

SUMMARY (Continue on Page 2)

They are not aware of cultural or historical sites in that area - live with the project. Come across inadvertent discoveries, please notify. No site aware of. For record - they were primarily located along the Lake - Lake One - and not in Southern Ohio. I indicated that we would most likely not contact him again since their presence was along the Lake and near the lake. He was ok with that. I told him we had several other tribes that we could/would contact if needed do to inadvertent discoveries or remains. Gave him a brief description of the project and how/why he was contacted (~~at~~ Potawatomi Chief was signature on Treaty of Greenville Continue on Page 2 in 1794).

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE

DATE

6/7/05

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

8/24/2005

CONVERSATION RECORD

TIME

4:45 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Mr. Brady Grant

TELEPHONE NO.

701-477-2600

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Turtle Mountain Band of Chippewa Indians

SUBJECT

Section 106 consultations, USEC ACP

SUMMARY (Continue on Page 2)

Brady Grant - Section 106 - If don't respond - not concerned with, Mr. Grant is very short staffed, he indicated the way he is working now with Section 106 consultations is that if he doesn't respond within a short period of time, he is not interested, or doesn't have the time to respond. He said that projects in Ohio he would not be responding to. I told him that if anything came up, please contact us and that we know alot about historic resources / cultural resources around and @ the site, but we were looking for the unknown. He then indicated that he was not, not interested, just doesn't have time to respond to issues in Ohio.

Continue on Page 2

ACTION REQUIRED

NONE

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE

DATE

8/24/2005

ACTION TAKEN

TITLE OF PERSON TAKING ACTION

SIGNATURE OF PERSON TAKING ACTION

DATE

NRC FORM 699 (9-2003)		U.S. NUCLEAR REGULATORY COMMISSION		DATE 8/24/2005
CONVERSATION RECORD				TIME 4:20 pm
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Mr. Paul Barton		TELEPHONE NO. 918-542-6609		TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING
ORGANIZATION Seneca-Cayuga Tribe of OK				
SUBJECT Section 106 Consultation, USOR ACP				

SUMMARY (Continue on Page 2)

No Comments - If during construction - any funeral objects or inadvertant discovries, remains, please contact. Seneca-Cayuga - Northern Part of the State primarily Logan County, etc. Not much in southern Ohio. Really don't know of any connection. I told him we were looking for the unknown, what we don't know. we know of Hopewell sites along Scioto River & on the National Register, info from the Phase I's and Phase II Cultural Report, but we are looking for culturally significant sites, etc, we don't know about. He was not aware of any or any persons that had any association w/ Pike County, Ohio.

Continue on Page 2

ACTION REQUIRED NONE

NAME OF PERSON DOCUMENTING CONVERSATION Ron Linton	SIGNATURE 	DATE 8/24/2005
---	---	-------------------

ACTION TAKEN		
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TITLE OF PERSON TAKING ACTION	SIGNATURE OF PERSON TAKING ACTION	DATE
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NRC FORM 699
(9-2003)

U.S. NUCLEAR REGULATORY COMMISSION

DATE

8/24/05

CONVERSATION RECORD

TIME

4:30 pm

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Unknown - Cayuga Nation

TELEPHONE NO.

716-532-4847

TYPE OF CONVERSATION

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ORGANIZATION

Cayuga Nation

SUBJECT

Section 106 Consult, USEC AC P

SUMMARY (Continue on Page 2)

Didn't get name - they were not aware of letter. asked
to refer @ 716-337-0268 Attn: Mr. Clint Halfstrom

Continue on Page 2

ACTION REQUIRED

~~Refer~~ FAX 3/14/05 letter

NAME OF PERSON DOCUMENTING CONVERSATION

RON LINTON

SIGNATURE

Ron Linton

DATE

8/24/05

ACTION TAKEN

FAXED 3/14/05 letter to Mr. Halfstrom. 8/25/05

TITLE OF PERSON TAKING ACTION

R-LINTON

SIGNATURE OF PERSON TAKING ACTION

R-L

DATE

8/25/05

MODE = MEMORY TRANSMISSION


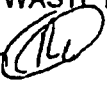
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***** - ***** - *****

 <p style="text-align: center;">UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001</p>	
FACSIMILE COVER PAGE	DATE: August 25, 2005
<p>TO:</p> <p>NAME: Mr. Clint Halftown</p> <p>COMPANY: Cayuga Nation</p> <p>FAX NUMBER: 716-337-0268</p> <p>TELEPHONE NUMBER:</p>	
<p>FROM:</p> <p style="text-align: center;">OFFICE OF MATERIAL SAFETY AND SAFEGUARDS DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION</p> <p>NAME: Ron C. Linton </p> <p>FAX NUMBER: (301) 415-5397</p> <p>TELEPHONE NUMBER: (301) 415-7777</p>	
<p>REMARKS:</p> <p>Copy of NRC letter dated March 14, 2005 as requested in my phone conversation with one of your staff yesterday.</p>	
PAGE 1 of 3	



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

FACSIMILE COVER PAGE

DATE: August 25, 2005

TO:

NAME: Mr. Clint Halftown

COMPANY: Cayuga Nation

FAX NUMBER: 716-337-0268

TELEPHONE NUMBER:

FROM:

OFFICE OF MATERIAL SAFETY AND SAFEGUARDS
DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION

NAME: Ron C. Linton 

FAX NUMBER: (301) 415-5397

TELEPHONE NUMBER: (301) 415-7777

REMARKS:

Copy of NRC letter dated March 14, 2005 as requested in my phone conversation with one of your staff yesterday.

PAGE 1 of 3

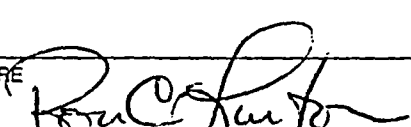
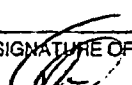
NRC FORM 699 (9-2003)		U.S. NUCLEAR REGULATORY COMMISSION		DATE 8/24/05
CONVERSATION RECORD				TIME 5:00 pm
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU Ms Rebecca Hawkins		TELEPHONE NO. 918-542-2441	TYPE OF CONVERSATION <input type="checkbox"/> VISIT <input type="checkbox"/> CONFERENCE <input checked="" type="checkbox"/> TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	
ORGANIZATION Shawnee Tribe				
SUBJECT Section 106 consultations, USEC ACP				

SUMMARY (Continue on Page 2)

Spoke to Ms. Hawkins. She indicated that she had meant to respond via the letter, but had not done so. She asked me to fax her a copy of the March 18, 2005 letter to 918-542-²⁹²²~~2441~~ so she could properly respond.

I asked her if the Shawnee Tribe was Federally recognized and she indicated that they were. I was just confirming what I thought was true from the NAG-PRA database I used to get her name - name of Ron Spulman - Mr. Sea had noted in an e-mail that the Shawnee Tribe of OK was not recognized.

Continue on Page 2

ACTION REQUIRED FAX 3/18/2005 letter to R. Hawkins		
NAME OF PERSON DOCUMENTING CONVERSATION RON LINTON	SIGNATURE 	DATE 8/24/2005
ACTION TAKEN FAXED 3/18/05 letter to R. Hawkins. 8/25/2005		
TITLE OF PERSON TAKING ACTION R. LINTON	SIGNATURE OF PERSON TAKING ACTION 	DATE 8/25/05

MODE = MEMORY TRANSMISSION



START=AUG-25 09:03

END=AUG-25 09:04

FILE NO.= 018

STN NO.	COM	ADDR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
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***** - ***** - *****

 <p style="text-align: center;">UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001</p>	
FACSIMILE COVER PAGE	DATE: August 25, 2005
TO: NAME: Ms. Rebecca Hawkins COMPANY: Shawnee Tribe FAX NUMBER: 918-542-2922 TELEPHONE NUMBER:	
FROM: <p style="text-align: center;">OFFICE OF MATERIAL SAFETY AND SAFEGUARDS DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION</p> NAME: Ron C. Linton  FAX NUMBER: (301) 415-5397 TELEPHONE NUMBER: (301) 415-7777	
REMARKS: Copy of NRC letter dated March 18, 2005 as requested in my phone conversation with you yesterday.	
PAGE 1 of 3	



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

FACSIMILE COVER PAGE

DATE: August 25, 2005

TO:

NAME: Ms. Rebecca Hawkins


COMPANY: Shawnee Tribe

FAX NUMBER: 918-542-2922

TELEPHONE NUMBER:

FROM:

OFFICE OF MATERIAL SAFETY AND SAFEGUARDS
DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION

NAME: Ron C. Linton 

FAX NUMBER: (301) 415-5397

TELEPHONE NUMBER: (301) 415-7777

REMARKS:

Copy of NRC letter dated March 18, 2005 as requested in my phone conversation with you yesterday.

PAGE 1 of 3

March 18, 2005

Mr. Ron Sparkman
Shawnee Tribe
P.O. Box 189
Miami, OK 74355

**SUBJECT: INITIATION OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION PROCESS FOR THE PROPOSED AMERICAN CENTRIFUGE
COMMERCIAL PLANT, PIKE COUNTY, OHIO**

Dear Mr. Sparkman:

The United States Nuclear Regulatory Commission (NRC) has received a license application from USEC, Inc. (USEC) for the construction, operation, and decommissioning of a gas centrifuge uranium enrichment facility known as the American Centrifuge Plant (ACP). The NRC is in the initial stages of developing an Environmental Impact Statement (EIS) for the proposed facility to be located at the Department of Energy (DOE) reservation in Piketon, Ohio. USEC's license application contained an Environmental Report (ER) that will be used to support the NRC's development of an EIS for the ACP. The proposed facility will use gas centrifuge technology to enrich the isotope Uranium-235 in uranium hexafluoride (UF₆), up to 10-weight percent. The proposed ACP will have a design capacity of seven million separative work units. The forthcoming EIS will document the impacts associated with the construction, operation, and decommissioning of the facility.

Two phase I archaeological surveys and one draft cultural resource report have been completed for the DOE reservation. Archaeological surveys and the cultural report results are discussed section 3.8 of the ER (enclosed). Historical and cultural resource impacts are discussed in section 4.8 of the ER (enclosed). The Area of Potential Effects (APE) is defined as the DOE reservation in Piketon, Ohio.

As required by 36 CFR 800.3 (f), the NRC is requesting any information you may have regarding historic sites or cultural resources within the APE. The NRC is interested in knowing if you have specific knowledge of any sites that you believe have traditional religious and cultural significance. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places. This will assure appropriate consideration in the Section 106 process.

Any information you provide may be used to document affects in accordance with 36 CFR 800.4 and 800.5. Additionally, we intend to use the EIS process for Section 106 purposes as described in 36 CFR 800.8.

R. Sparkman

- 2 -

If you any questions or comments, or need additional information, please contact Ron Linton at (301) 415-7777.

Sincerely,

/RA/

B. Jennifer Davis, Section Chief
Environmental and Low-Level
Waste Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

cc: USEC Service List

Enclosure: Section 3.8 and 4.8 Environmental Report

From: Ron Linton
To: sniarch@sni.org
Date: 8/25/05 8:24AM
Subject: NHPA 106 Consultation

Ms. Kathleen Mitchell
Tribal Historic Preservation Officer
Seneca Nation Tribal Historic Preservation

Re: National Historic Preservation Act Section 106 Consultation Process for the Proposed American Centrifuge Plant, Pike County, Ohio

Dear Ms. Mitchell:

This is a follow-up to your April 5, 2005 request for Phase I and Phase II Archaeological/Cultural Resource Reports related to the above referenced project. Your April 5, 2005 request followed our March 16, 2005 letter to Mr. Calvin John requesting if you have specific knowledge of any sites that you believe have traditional religious and cultural significance within the area of potential effects. In addition, we are interested in knowing if you are aware of or are concerned for any site, or object, eligible for inclusion on the National Register of Historic Places.

The Phase I and Phase II reports and other information can be obtained electronically on NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. ADAMS may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Click on the button for "Web Based Access" and, on the next page, "Begin ADAMS search." Enter the ML number (i.e., MLXXXXXXXXXX) in the search field. The following documents may be of interest:

ML052200307, Phase I Archaeological Survey for the Portsmouth Gaseous Diffusion Plant (PORTS Facility), Pike County, Ohio
ML051110118, Archaeological Testing at Site 33PK210, Scioto Township, Pike County, Ohio
ML051510305, Environmental Report for the American Centrifuge Plant in Piketon, Ohio, Revision 1
ML043620096, License Application for the American Centrifuge Plant in Piketon, Ohio

For other documents related to NRC's Section 106 compliance process, I suggest using the Advanced Search on this website, searching the Docket Number field with the value "07007004" and the Title field with various keywords such as "106," Phase 1," "Cultural Resources," etc.

Additionally, the Draft Environmental Impact Statement (DEIS) is scheduled to be published in September 2005. The DEIS will present NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect. If requested, a copy of the DEIS will be forwarded to you for your review and comment.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to PDR@nrc.gov.

Please contact me if you have any questions.

Sincerely;

Ron C. Linton
Project Manager
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Mail Stop T7 J08

Washington, DC 20555-0001
301-415-7777 phone
301-415-5397 fax
rcl1@nrc.gov

CC: Matthew Blevins

Mail Envelope Properties (430DB88D.281 : 16 : 1314)

Subject: NHPA 106 Consultation
Creation Date: 8/25/05 8:24AM
From: Ron Linton

Created By: RCL1@nrc.gov

Recipients	Action	Date & Time
nrc.gov		
twf4_po.TWFN_DO	Delivered	08/25/05 8:24 AM
MXB6 CC (Matthew Blevins)	Opened	08/25/05 8:25 AM

sni.org
sniarch (sniarch@sni.org)

Post Office	Delivered	Route
twf4_po.TWFN_DO	08/25/05 8:24 AM	nrc.gov
	Pending	sni.org

Files	Size	Date & Time
MESSAGE	4690	08/25/05 08:24AM

Options
Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
Send Notification when Opened

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

September 6, 2005

Ms. Kathleen Mitchell
Tribal Historic Preservation Officer
Seneca Nation Tribal Historic Preservation
467 Center Street
Salamanca, NY 14779

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: TRANSMITTAL OF
ADDITIONAL INFORMATION

Dear Ms. Mitchell:

This letter follows a letter of March 14, 2005, in which the Nuclear Regulatory Commission (NRC) initiated consultation for the proposed American Centrifuge Commercial Plant. In a letter dated April 5, 2005, you requested additional information about archaeological and historical studies in the project area.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project. Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect. The NRC hopes that this additional information allows the tribe to respond to the requests in our letter of March 14, 2005.

The NRC welcomes your input and comment on the findings of the inventory and evaluation effort and the preliminary determinations of effect on the identified historic properties. The NRC requests a response by October 24, 2005. Please feel free to respond in writing or to contact

K. Mitchell

- 2 -

Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o Enclosure, see attached list

K. Mitchell

- 3 -

Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o Enclosure, see attached list

DISTRIBUTION: EPADr/f LCamper SFlanders YFaraz BSmith
MFederline JStrosnider LMarshall RLinton CWalls
JHenson, RII RVirgilio, OSP LRakovan, EDO JGitter SEchols
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JClifford DMartin MBurrell, OE

ML052450146

OFC	DWMEP:PM	DWMEP:SC	OGC
NAME	MBlevins	BJDavis	MZobler
DATE	8/30/05	9/02/05	8/31/05

OFFICIAL RECORD COPY

USEC Service List

cc:

William Szymanski
U.S. Department of Energy
1000 Independence Ave, SW
Washington, D.C. 20585

Michael Marriott
Nuclear Information and Resource Service,
1424 16th St., NW
Washington, D.C. 20036

The Honorable Robert W. Ney
Member, United States House of
Representatives
2438 Rayburn HOB
Washington, D.C. 20515

The Honorable George V. Voinovich
United States Senator
317 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Rob Portman
Member, United States House of
Representatives
238 Cannon House Office Building
Washington, D.C. 20515

The Honorable Mike DeWine
United States Senator
140 Russell Senate Office Building
Washington, D.C. 20410

The Honorable Bob Taft
Governor of Ohio
77 South High Street
30th Floor
Columbus, Ohio 43215-6117

Ms. Mary Glasgow
601 Chillicothe Street
Portsmouth, Ohio 45662

Mr. Teddy L. Wheeler
Pike County Auditor
Pike County Government Center
230 Waverly Plaza, Suite 200
Waverly, Ohio 45690-1289

Mr. Harry Rioer
Pike County Commissioner
230 Waverly Plaza Suite 1000
Waverly, Ohio 45690

Mr. Larry E. Scaggs
Township Trustee
230 Waverly Plaza Suite 1400
Waverly, Ohio 45690

Kara Willis
16 North Paint St., Suite 102
Chillicothe, Ohio 45601

Jim Brushart
Pike County Comm. Chair
230 Waverly Plaza Suite 1000
Waverly, Ohio 45690

Mr. Gary Hager
ATTN: Mailstop-4025
P.O. Box 628
Piketon, Ohio 45661

Mr. Blaine Beekman
Executive Director
Pike County Chamber of Commerce
P.O. Box 107
Waverly, Ohio 45696

Billy Spencer, Mayor of Piketon
P.O. Box 547
Piketon, Ohio 45661

Rocky Brown, Mayor of Beaver
7677 State Route 335
Beaver, Ohio 45613

Mr. Geoffrey Sea
1832 Wakefield Mound Road
Piketon OH 45661

Ms. Vina K. Colley, President PRESS
3706 McDermott Pond Creek
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Donald J. Silverman
Morgan, Lewis & Bockius
1111 Pennsylvania Ave. N.W.
Washington, D.C. 20004

September 6, 2005

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
Attn: Ms. Karen Kaniatobe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: REQUEST FOR COMMENT ON
PROPOSED FINDINGS AND DETERMINATIONS OF EFFECT

Dear Mr. Daughtery:

Following transmittal of our letter of March 14, 2005, initiating consultation for the proposed American Centrifuge Commercial Plant, the U. S. Nuclear Regulatory Commission (NRC) became aware of a letter from Ms. Karen Kaniatobe, dated February 24, 2005. The letter indicates that the tribe wishes to be included as a consulting party in the Section 106 process. It mentions concerns about the Barnes Works in Scioto Township and states that surveys should be conducted to find other sites that may be present. Ms. Kaniatobe's letter indicates that the Absentee Shawnee Tribe, collectively with the Algonquian tribes of the Ohio/Great Lakes Region, considers itself to be descended from the people of the Fort Ancient culture who, in turn, were descendants of the people of the Hopewell Culture who built the Barnes Works.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Picketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

As indicated in these sections, the site referred to by Ms. Kaniatobe as the Barnes Works in Scioto Township is known as the Scioto Township Works and is listed on the National Register of Historic places under Criterion D, for sites "that have yielded or may be likely to yield information important in history or prehistory."

These sections also indicate that the Scioto Township Works site has cultural importance to the Absentee Shawnee tribe. NRC would welcome information about the site attributes that contribute to its importance to the Absentee Shawnee tribe. In the absence of that information NRC has assumed that the site may have importance related to Criterion A of the National

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
 Environmental Review Section
 Division of Waste Management
 and Environmental Protection
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

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ML052440393

OFC	DWMEP:PM	DWMEP:SC	OGC	
NAME	MBlevins	BJDavis	MZobler	
DATE	8/30/05	9/06 /05	8/31/05	

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Member, United States House of
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Rocky Brown, Mayor of Beaver
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Beaver, Ohio 45613

Mr. Geoffrey Sea
1832 Wakefield Mound Road
Piketon OH 45661

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Ohio Dept. of Health
35 East Chestnut Street
Columbus, OH 43266

Donald J. Silverman
Morgan, Lewis & Bockius
1111 Pennsylvania Ave. N.W.
Washington, DC 20004

From: "shawnee tribe" <shawneetribe@neok.com>
To: "Ron Linton" <RCL1@nrc.gov>
Date: 9/7/05 5:29PM
Subject: Re: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)

Dear Ron,

Indeed, we are one and the same (and we apologize for my being such a laggard in corresponding to you - it's been short-handed and very busy here of late). In 2000, with an Act of Congress, we officially changed our name from the Loyal Shawnee Tribe to the Shawnee Tribe. James Squirrel has never lived in Tahlequah and hasn't been chairman since 2000. David Snyder should know this, as I have told him, just this year! Anyhow, we used to be administered by Cherokee Nation, thus the (seemingly neverending) mix-up. Certainly not your fault, and good to know this confusion still exists. Tomorrow, I promise you, I will respond to your request for consultation,

Rebecca

----- Original Message -----

From: "Ron Linton" <RCL1@nrc.gov>
To: <Shawneetribe@neok.com>
Sent: Wednesday, September 07, 2005 3:59 PM
Subject: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)

Attn: Rebecca Hawkins
Shawnee Tribe
P. O. Box 189
Miami, OK 74355

Rebecca:

I'm trying to tie up a loose end. What if any is the relationship between the Shawnee Tribe and the Loyal Shawnee Tribe?

In our initial letter from David Snyder at the Ohio Historical Society, he listed the Loyal Shawnee as one Tribe we should contact. We sent a letter to a Mr. James Squirrel, Loyal Shawnee Tribe, Rt 4 Box 30, Jay, OK 74346. The letter was never returned. I recently did an internet search and the Loyal Shawnee Tribe was listed on a website that listed all Tribes in Oklahoma. The number listed, 918-456-0671 x333, turned out to be the number for the Cherokee Nation. When I called the number, I was transferred to the Cherokee Nation registration desk. I spoke with Lee at the registration desk. He looked up Loyal Shawnee Tribe on his contact list and gave me the number 918-542-7774, but he wasn't sure if it was still a valid number. When I called the number, I reached the office of Mr. Ron Sparkman of the Tax Commission and the Chairman of the Shawnee Tribe. The woman I spoke with at his office gave me the number 918-542-2441, which I recognized as your number. She also indicated that the Loyal Shawnee Tribe became the Shawnee Tribe a few years ago. Therefore, the Loyal Shawnee Tribe name may be an old name that is no longer used.

I thought I would ask you to clarify this for me. Any insights into this quandary?

Thanks for your help.

Ron C. Linton
Project Manager
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Mail Stop T7 J08
Washington, DC 20555-0001
301-415-7777 phone
301-415-5397 fax
rc11@nrc.gov

Very faint, mostly illegible text, possibly a letter or report, starting with "Dear Mr. Linton" and continuing through several paragraphs. The text is extremely faded and difficult to read.

Dear Mr. Linton,

I am writing to you regarding the information you provided...

The first part of the document discusses the importance of maintaining accurate records...

The second part discusses the specific procedures that should be followed...

I have reviewed the information you provided and have identified several areas that need further attention...

It is my understanding that you are currently working on these issues...

Please let me know if you need any further assistance or clarification...

Sincerely,

[Signature]

Mail Envelope Properties (431F5BAF.65C : 2 : 9820)

Subject: Re: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)
Creation Date: 9/7/05 5:28PM
From: "shawnee tribe" <shawneetribe@neok.com>
Created By: shawneetribe@neok.com

Recipients
nrc.gov
twf4_po.TWFN_DO
RCL1 (Ron Linton)

Post Office	Route
twf4_po.TWFN_DO	nrc.gov

Files	Size	Date & Time
MESSAGE	2604	09/07/05 05:28PM
Mime.822	3900	

Options

Expiration Date:	None
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

From: "shawnee tribe" <shawneetribe@neok.com>
To: "Ron Linton" <RCL1@nrc.gov>
Date: 9/9/05 1:04PM
Subject: Re: response to request for consultation

Dear Mr. Linton,

Thank you for your continued correspondence with the Shawnee Tribe, and for the U.S. Nuclear Regulatory Commission Office of Nuclear Material Safety and Safeguards' interest in establishing a consultative relationship with the Shawnee Tribe.

In particular reference to the Chillicothe, Ohio, project, we would like to continue consultation on an as-needed basis. However, the Shawnee Tribe does not have any cultural resources information specific to this project and unique to the Shawnee Tribe. In cases such as this, we are thus forced to rely on the State Historic Preservation Office for (1) an assessment of the need for archaeological or historical research, or, if such research already has been performed, for (2) the SHPO's concurrence with the research report's findings and recommendations.

You have shared with me already the results of site file searches and known sites in and around the area. We remain interested, if any additional research is performed or findings are garnered, in knowing the results, regarding which we may have some additional comment. We would appreciate it, if further research is performed, to be forwarded the formal summary section from the archaeologist's or historian's report to the SHPO. You may e-mail this or, alternatively, fax it to 918-542-2922. As well, in the event that archaeological materials are discovered during the course of construction or other project-related activities, we likely will wish to consult further.

Please continue to keep us informed regarding the SHPO's concerns and decisions; you may e-mail or fax copies of their official determination regarding the project. We applaud the thoroughness of your efforts in this matter.

We also appreciate your efforts to communicate with us electronically as much as possible and help us to decrease the amount of paper waste and storage.

s/s

Rebecca A. Hawkins

Tribal Administrator

THPO

Mail Envelope Properties (4321C087.0DE : 19 : 61662)

Subject: Re: response to request for consultation
Creation Date: 9/9/05 1:03PM
From: "shawnee tribe" <shawneetrib@neok.com>

Created By: shawneetrib@neok.com

Recipients

nrc.gov
twf4_po.TWFN_DO
RCL1 (Ron Linton)

Post Office
twf4_po.TWFN_DO

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	1976	09/09/05 01:03PM
Mime.822	3233	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

From: Ron Linton
To: shawnee tribe
Date: 10/14/05 10:03AM
Subject: Re: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)

Rebecca:

Yes, clearing up the Loyal Shawnee Tribe and the Shawnee Tribe name was a big help.

We have entered your comments into the docket 070-07004 for USEC. NUREG 1834, Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, draft report for comment, was issued a few weeks ago and is on our public website at www.nrc.gov. If you would like to see it, you can access the document from our public reading room and do an ADAMS search using "ML0524404330". If you enter that ML number, the report should appear. You can also do a keyword search to find it.

Thanks again for your comments and I enjoyed talking with you.
Ron

>>> "shawnee tribe" <shawneetrib@neok.com> 09/21/05 5:24 PM >>>
Hi Ron,

Was my e-response to you sufficient?

Rebecca

----- Original Message -----

From: "Ron Linton" <RCL1@nrc.gov>
To: <Shawneetrib@neok.com>
Sent: Wednesday, September 07, 2005 3:59 PM
Subject: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)

Attn: Rebecca Hawkins
Shawnee Tribe
P. O. Box 189
Miami, OK 74355

Rebecca:

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I thought I would ask you to clarify this for me. Any insights into this quandary?

Thanks for your help.

Ron C. Linton
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U.S. Nuclear Regulatory Commission
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301-415-7777 phone
301-415-5397 fax
rc11@nrc.gov

Mail Envelope Properties (434FBAB8.E66 : 8 : 1314)

Subject: Re: Nuclear Regulatory Commission Section 106 Consultation (Attn:R. Hawkins)
Creation Date: 10/14/05 10:03AM
From: Ron Linton
Created By: RCL1@nrc.gov

Recipients	Action	Date & Time
neok.com	Transferred	10/14/05 10:04 AM
shawneetribе (shawnee tribe)		

Post Office	Delivered	Route
		neok.com

Files	Size	Date & Time
MESSAGE	5598	10/14/05 10:03AM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
 Send Notification when Opened

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

November 29, 2005

Chief Hawk Pope
Shawnee Nation, United Remnant Band
2911 Elmo Place
Middletown OH 45042

SUBJECT: REQUEST FOR COMMENT ON PROPOSED FINDINGS AND
DETERMINATIONS OF EFFECT FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO

Dear Chief Pope:

The U.S. Nuclear Regulatory Commission (NRC) received a copy of your letter written in late March 2005, from Mr. Geoffrey Sea. We had intended to provide you a copy of the document "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment," (DEIS), however, it has come to our attention that you were inadvertently left off the mailing list. The DEIS is enclosed for your review.

The NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Within the DEIS, information on cultural and historic resources can be found in Section 3.3, "Historic and Cultural Resources," which provides a description of the identification and evaluation process. Also, Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

Specifically, the location of proposed ACP is described on pages 3-1 to 3-2. A description of existing cultural and historic resources near this location is provided on pages 3-5 through 3-11. Included in this description is the location and condition of the earthworks known as the "Barnes Works" or "Scioto Township Works."

Possible project effects are discussed on pages 4-4 to 4-7. The reasons that NRC does not expect the project to have any effects on the "Scioto Township Works" is discussed at the tops of pages 4-6 and 4-7, respectively. Specifically, the earthworks are more than one half mile from the construction area and outside the fenced reservation boundary. Construction and operation of the centrifuge plant will not change the existing setting and feeling of the earthworks site, which has been previously affected by agriculture, quarrying, and the construction and use of U.S. Route 23.

Mr. Sea had also expressed concern about what appear to be earthworks at the wellfield that will supply water for the project. The DEIS presents a discussion of impacts to the wellfield on

page 4-7 and the NRC's findings that there would be no effect on these apparent earthworks. Subsequent to publication of the DEIS, NRC received a statement from Mr. Blaine Bleekman (enclosure), a local resident, who described construction of three levies along the Scioto River after 1959, including the levy that Mr. Sea was concerned about. Thus, it is the NRC's position that the apparent earthworks at the wellfields are flood control levies.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If you can provide information about site's importance to the United Remnant Band, the NRC will be able to consider this in development of the final Environmental Impact Statement.

We hope that this information will be helpful in explaining the project and NRC's evaluation of its potential effect on historic and cultural resources. The NRC requests a response from the tribe by January 16, 2006. Please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at MXB6@nrc.gov. Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

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The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If you can provide information about site's importance to the United Remnant Band, the NRC will be able to consider this in development of the final Environmental Impact Statement.

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Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

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DMartin	MBurrell, OE				

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OFC	DWMEP:PM	DWMEP:SC	OGC	
NAME	MBlevins	BJDavis	LClark	
DATE	11/29/05	11/29/05	12/01/05	

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President and CEO
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Beaver, Ohio 45613

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McDermott, Ohio 45652

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Morgan, Lewis and Bockius
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Mr. Dwight Massie
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P.O. Box 147
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Mr. Marvin Jones
President and CEO
Chillicothe Chamber of Commerce
165 South Paint Street
Chillicothe, OH 45601

December 19, 2005

Ms. Kathleen Mitchell
Tribal Historic Preservation Officer
Seneca Nation Tribal Historic Preservation
467 Center Street
Salamanca, NY 14779

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: NEW INFORMATION
REGARDING THE U.S. DEPARTMENT OF ENERGY WELL FIELD

Dear Ms. Mitchell:

The U.S. Nuclear Regulatory Commission (NRC) is providing additional information relevant to the ongoing Section 106 consultation for USEC Inc.'s proposed American Centrifuge Plant (ACP). We have previously transmitted the draft environmental impact statement (DEIS) for the proposed ACP in September and requested your comments on our findings.

As you may be aware, one of the consulting parties, Mr. Geoffrey Sea, has indicated concerns about what appeared to be prehistoric earthworks at one of the well fields that will supply water for the proposed ACP. The DEIS presents a discussion of impacts from the well field in question on page 4-7 and the NRC's findings that there would be no effect on these apparent earthworks.

Subsequent to publication of the DEIS, the NRC received a statement from Mr. Blaine Bleekman (enclosure), a local resident, who described construction of three levies along the Scioto River after a 1959 flood, including the levy that Mr. Sea is concerned about. While it appears most likely that these structures are recently constructed flood control levies, it is still the NRC's position that there will be no effect on these structures from continued pumping at the U.S. Department of Energy (DOE) well field .

At this point Mr. Sea has provided several objections to our findings in the DEIS. In addition to his concerns about the DOE well field, Mr. Sea has also expressed concerns for historic properties bordering the DOE reservation as well as the NRC's compliance with the National Historic Preservation Act Section 106 compliance. We have previously received comments from the Ohio Historic Preservation Office (OHPO) (enclosure) and are working to incorporate their comments, however, we note that the OHPO has stated their agreement that the proposed ACP would not adversely affect historic properties.

K. Mitchell

- 2 -

If you have any questions about this new information or wish to provide any other additional information please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at MXB6@nrc.gov. Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

K. Mitchell

- 2 -

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Docket No.: 70-7004

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ML053490035

OFC	DWMEP:PM	DWMEP:SC	OGC	
NAME	MBlevins	BJDavis	LClark	
DATE	12/16/05	12/19/05	12/13/05	

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Mr. Marvin Jones
President and CEO
Chillicothe Chamber of Commerce
165 South Paint Street
Chillicothe, OH 45601

December 19, 2005

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
Attn: Ms. Karen Kaniatobe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: NEW INFORMATION
REGARDING THE U.S. DEPARTMENT OF ENERGY WELL FIELD

Dear Mr. Daughtery:

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K. Daughtery

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Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

K. Daughtery

- 2 -

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Docket No.: 70-7004

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NAME	MBlevins	BJDavis	LClark	
DATE	12/16/05	12/19/05	12/13/05	

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From: "Gail Thomspson" <gail.thompson@sni.org>
To: <MXB6@nrc.gov>
Date: 1/10/06 2:13PM
Subject: RE: American Centrifuge Plant, Pike Co., Ohio

RE: American Centrifuge Plant, Pike Co., Ohio

Dear Mr. Blevins,

Thank you for the recent update regarding the above referenced project. Our office has concluded that we have no further concerns with the project as long as the project/construction does not disturb the levee/earthwork. We do, of course, expect immediate notification in the event of an inadvertent discovery made over the course of the project's construction phase.

Respectfully,

Kathleen Mitchell

Tribal Historic Preservation Officer

Seneca Nation of Indians

Salamanca, NY 14779

716-945-9427

Mail Envelope Properties (43C4074E.E5A : 10 : 61018)

Subject: RE: American Centrifuge Plant, Pike Co., Ohio
Creation Date: 1/10/06 2:12PM
From: "Gail Thomson" <gail.thompson@sni.org>

Created By: gail.thompson@sni.org

Recipients

nrc.gov
twf4_po.TWFN_DO
MXB6 (Matthew Blevins)

Post Office

twf4_po.TWFN_DO

Route

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MESSAGE
Mime.822

Size

580
1656

Date & Time

01/10/06 02:12PM

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

**B.3 COMMUNICATIONS TO/FROM CONSULTING PARTIES AND
INTERESTED MEMBERS OF THE PUBLIC**

[This page intentionally left blank]

From: <GeoffreySeaNYC@aol.com>
To: <nrcprep@nrc.gov>, <yhf@nrc.gov>
Date: Wed, Feb 2, 2005 6:04 AM
Subject: Scoping Comments on ACP, Docket 70-7004

Scoping comments attached.

My contact information is:

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033
Tel: 212-568-9729
E-mail: _GeoffreySeaNYC@aol.com_ (mailto:GeoffreySeaNYC@aol.com)

*RDB received
2/5/05*

10/15/04

69FR 61268

(2)

*SISP Review Complete
TempRate = ADM-013*

*E-RIDS = ADM-03
Add = M. Plevins (MX136)
Y. F9192 (YHF)*

Mail Envelope Properties (4200B3A8.A60 : 5 : 64096)

Subject: Scoping Comments on ACP, Docket 70-7004
Creation Date: Wed, Feb 2, 2005 6:03 AM
From: <GeoffreySeaNYC@aol.com>

Created By: GeoffreySeaNYC@aol.com

Recipients

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 YHF (Yawar Faraz)

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MESSAGE 200
 TEXT.htm 1211
 Statement of Geoffrey Sea 2.doc
 Mime.822 4791642

Date & Time

Wednesday, February 2, 2005 6:03 AM
 3494400

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Statement of Geoffrey Sea

Presented in conjunction with the Environmental Scoping Hearing
for USEC's American Centrifuge Plant

Piketon, Ohio, January 18 2005

Submitted to the US Nuclear Regulatory Commission, Rules and Directives Branch,
Division of Administrative Services, Docket #70-7004

I'm not for the centrifuge plant. I'm not against the centrifuge plant. I do believe that the plant will never open. That it was never intended to open. That from the start of the project more than twenty-five years ago, the real intention was to stuff private pockets at public expense, to create a bureaucratic security apparatus to protect this massive expropriation of taxpayer funds, to set aside the Piketon atomic reservation as a national sacrifice zone for radioactive and toxic waste, and to extend this destructive charade with the false promise of future production, for as long as eyes are blindered to it.

I believe that that the scales are about to fall.

1. "Action Alternatives"

Twenty years ago I worked for the Oil, Chemical and Atomic Workers in Piketon. At that time, the Department of Energy began to build the Gas Centrifuge Enrichment Plant, all the while lying to the local community with the suggestion that the gaseous diffusion plant would remain open, even when GCEP had come online.

We at the union were not fooled. We knew that only one facility would operate, and we started a project called the Atomic Reclamation and Conversion Project to plan for the cleanup and conversion to alternate use of whichever facility had to close. Our project later evolved into the Southern Ohio Diversification Initiative.

In 1985, Congress cut the funding for GCEP, and so we asked DOE to enter into negotiations about alternative use for those buildings. Uses that would produce jobs for union members. But DOE did not want any new domain in which they might actually be answerable to the community for cleanup standards and economic planning, with the need to reveal the full extent of the legacy of toxic and radioactive dumping onsite. DOE managers knew that much of the dumping onsite had never been documented, and would become known to its full extent only if parts of the site were released from its control. And so, even after funding had been cut, DOE ran a test run of uranium through the GCEP centrifuges, just to set the buildings off-limits for community use.

The reign of spitefulness, crass stupidity and arrogance has continued for twenty years since, at the site. And now we see that the sad history repeats itself in a cycle. In USEC's environmental report, the only "alternative actions" considered are no action, or construction of the ACP at some other site. No mention is made of potential alternative uses of those GCEP buildings, even though such uses have been contemplated and planned for over twenty years.

Since the buildings already exist and are publicly owned, reasonable alternatives for those buildings include the full range of private leasing possibilities as well as other

governmental uses. SODI, the Southern Ohio Diversification Initiative, once located a private truck manufacturing company that expressed a desire to lease one of those buildings for a plant that would employ about 800 people. That option was rejected by DOE because of its special legislated commitment to USEC. But as part of NRC's environmental and cultural resource review process, that option must be revived and explored as a reasonable alternative use.

One pernicious aspect of the centrifuge proposal is that it is a relatively small operation that will nonetheless commandeer the entire site, primarily because of the security regime that must accompany it. In practice, DOE has prohibited discussion of community use of any part of the main site, so that an unbroken "security zone" can be maintained for USEC's ACP.

Therefore, the "reasonable alternatives" scenario must encompass not just a single other use for those centrifuge buildings, but a multiplicity of other uses for various parts of the very large site.

For example, what will happen to the old process buildings of the gaseous diffusion site? If the American Centrifuge Plant is built, the northern half of the site—the old diffusion plant—will wind up being cordoned off and left to decay, an enormous eyesore and environmental atrocity. That is clearly the intent of DOE and USEC, since they have built a new administrative office building on the south side of the site, intended to replace the old office building that will be fenced off with the diffusion plant, and perhaps demolished or entombed.

Another scenario is possible. In my essay, "A Pigeon in Piketon,"¹ I suggested that the X-326 building, the upper end of the Cascade, be entombed as a National Monument. Such a monument, with an environmental education center in a clean building, could become a major draw for tourists and students—entirely consistent with a manufacturing company leasing the GCEP buildings. Under that scenario, much of the surrounding forested land could be turned over to the National Park Service and added to Wayne National Forest, which borders in the east.

We wouldn't have to stop there. Since the site will be a location of ongoing environmental cleanup, employing cutting edge cleanup technologies, why not move that part of Oak Ridge National Laboratory that does research on environmental cleanup to Piketon? Piketon suffered under control from Oak Ridge for decades. Why can't Piketon benefit from new federal spending on research and development? It's already federal land, of immense historical and archaeological value. Why waste that? A multiplicity of new public and private uses all with an environmental theme must be considered as a "reasonable alternative" to the construction of one iffy and dirty centrifuge plant.

When NRC considers the full range of potential "reasonable alternatives," it must also consider that once the centrifuge facility is equipped and operated, that space will be irrevocably tainted, even if the project soon fails. That would be a repeat of the horror of 1985. And so NRC must act to stop the Lead Cascade from operating before the full project is licensed and funded.

2. Cultural Resources

We might say that the tragic history here has all been part of the American system, but it hasn't. Much of what has transpired at Piketon has been illegal, and would have been stopped if not for the abuse of the national security system, for the purpose of hiding corruption and

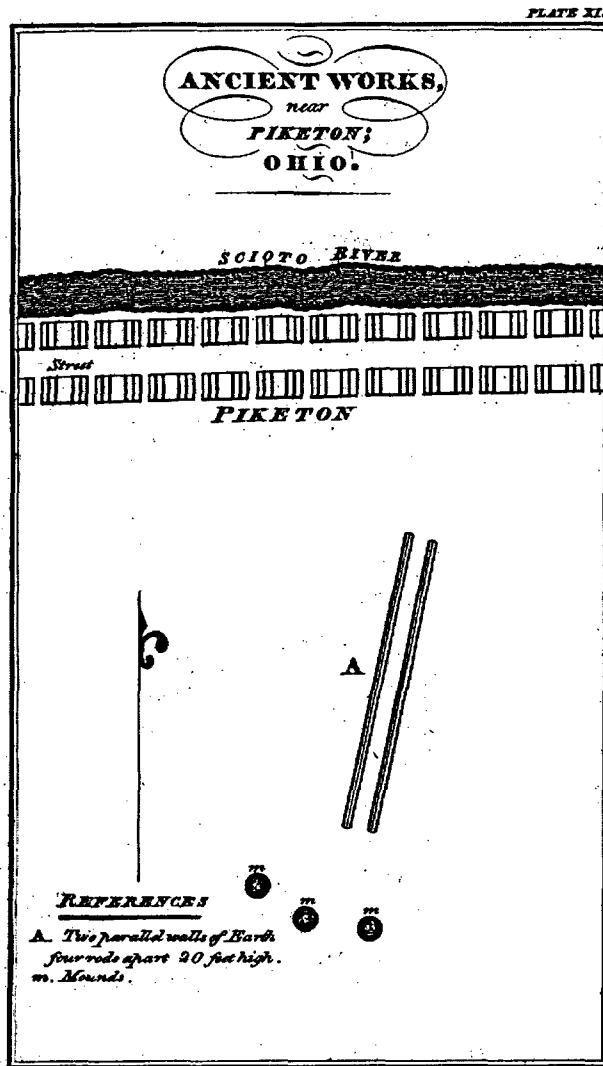
¹ Geoffrey Sea, "A Pigeon in Piketon," *The American Scholar*, Winter 2004, Volume 73, Number 1, pages 57-84.

greed.

One area of clear illegality has been the abject failure of DOE to comply with provisions of the National Historic Protection Act. NHPA was established to protect historic and prehistoric resources from adverse impacts of federal action. Section 106 of NHPA requires a complete cultural resource review when any action is contemplated that "may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register [of Historic Places] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association." (Section 800.5(a)(1)) Section 110 of NHPA requires a comprehensive stewardship program for any such properties that extend onto federal land.

Not only has DOE never implemented either a 106 or 110 review at Piketon, it has not even attempted to identify qualifying properties on or near its land. There is no evidence that anyone at DOE or USEC (or NRC for that matter) has ever logged onto the National Register website, to see what sites in Pike County might qualify for protection. Were they to do so, they would discover that of Pike County's two prehistoric sites, one is on DOE's property, and the other extends onto it. A third property that borders on the proposed centrifuge site and that once included the land underneath the proposed centrifuge buildings, the Barnes Home, is now under consideration for Register listing, which qualifies it for full protection.

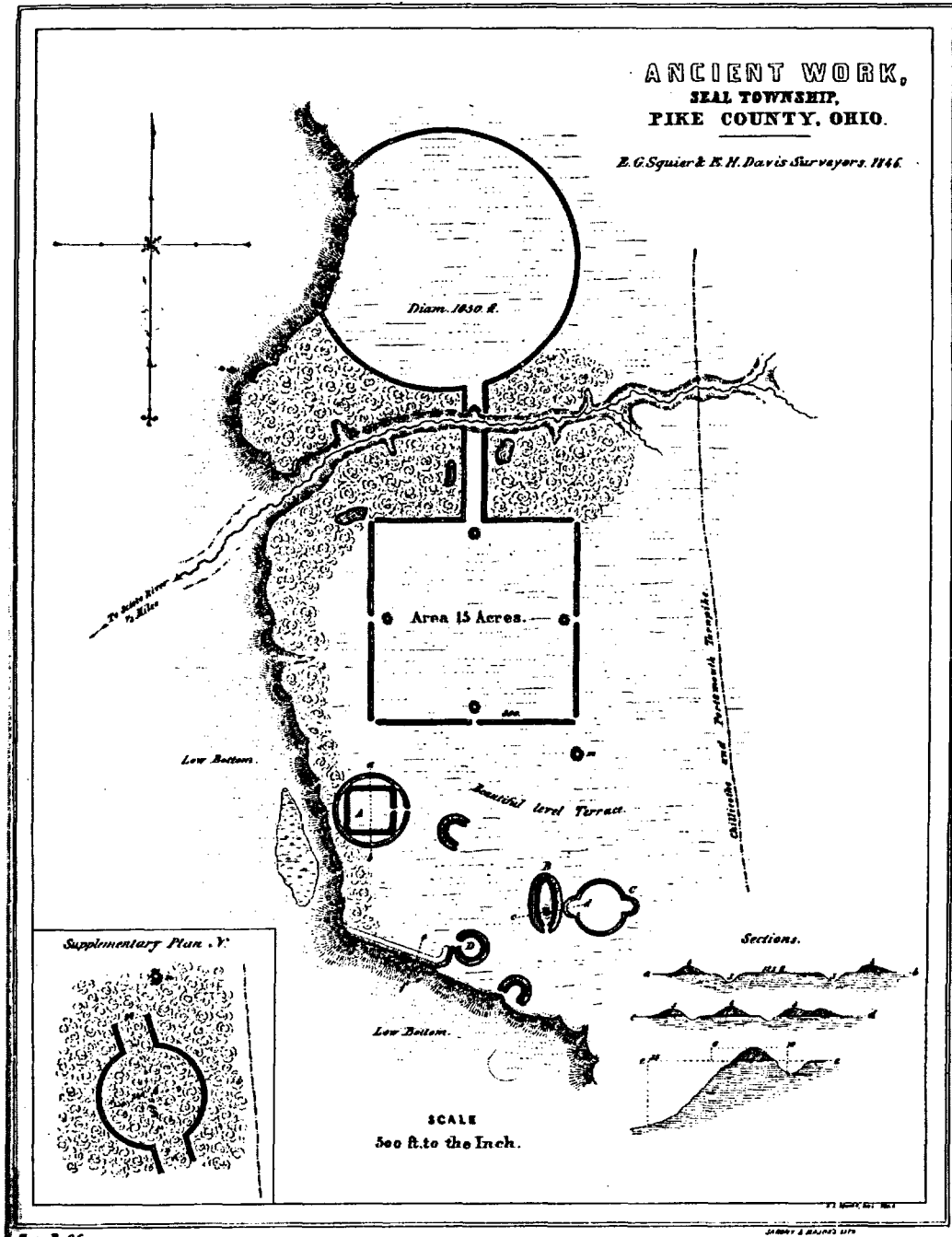
In 1820, Caleb Atwater surveyed "parallel walls of earth" along the Scioto River, and included a drawing of them in his treatise called *Description of the Antiquities Discovered in the State of Ohio and other Western States* (Plate XI):



This engraving has been misunderstood because of the careless label of the "street" between what look like modern road markings. In fact, as ground exploration and careful reading of the text make clear, those segmented walls are the primary earthworks. Between them, an ancient roadway once traversed, which survived so well for two millennia that white settlers built their first wagon road along the same trail. Later these were named the Piketon Works, now listed on the National Register (site 74001599). In the 1960s, the Department of Energy seized this property by eminent domain for its proximity to the river, apparently oblivious to the famous earthworks located there. DOE now uses the earthen embankments to shield its water wells, which provide all water to the atomic site. Pumping declined drastically with closure of the gaseous diffusion plant, but would resume with operation of the American Centrifuge. The possible effect of this water pumping on the earthworks above has never been studied.

In 1846, Isaac Newton Barnes invited the famous archaeologists Ephraim Squier and Edwin Davis onto his land, to survey the astounding Hopewell circle and square—each covering twenty acres—that he could see from his bedroom window, about a mile south of the Picketon Works. Squier and Davis dubbed these the Seal Township Works, and featured them prominently in their 1848 masterpiece, *Ancient Monuments of the Mississippi Valley* (Plate XXV). Following is the plate, on which certain inaccuracies should be noted. The square was larger and the circle smaller, so that they actually covered an approximately equal area. The connecting passage angled differently. And many features, both large and small, were missed due to overgrowth and absence of aerial perspective.

XXIV.

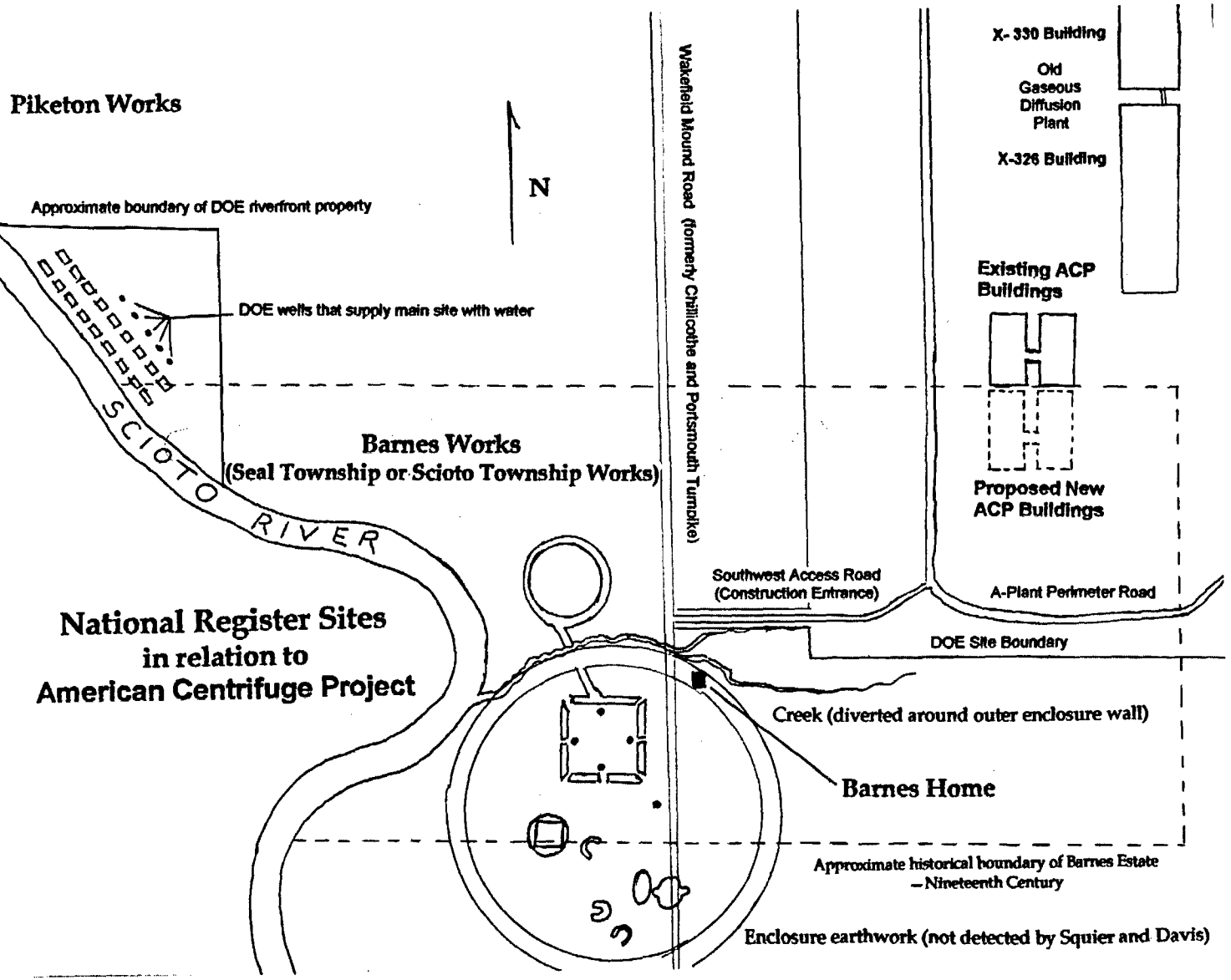


These works were surveyed again in the 1880s, and included in the 1889 Smithsonian study by Cyrus Thomas called *The Circular, Square, and Octagonal Earthworks of Ohio*. They were featured also in Gerard Fowke's *Archaeological History of Ohio* of 1902—Fowke called them the Barnes Works. More recently, William Morgan's *Prehistoric Architecture in the Eastern United States* of 1980 discussed the works as an exemplar of ancient geometric landscape art.

Called either the Barnes Works or the Scioto Township Works (since Scioto broke away from Seal) the small circle was largely destroyed by the modernization of Route 23 to accommodate increased traffic for the enrichment plant in 1952. The square and many of the smaller structures were partially destroyed around that same time by a gravel quarry, which included an asphalt plant that produced pavement for the atomic site. The Scioto Township Works are also now listed on the National Register (site 74001600), though little remains of what was apparent in the 19th century.

Because of this destruction wrought by the A-Plant and associated highways and gravel quarries, people forgot about these earthworks. No recent survey has been conducted. This is truly unfortunate because the nineteenth century surveyors lacked an essential tool for assessing the extent of the works—aerial photography. Today, if you examine an aerial photograph of the area from 1951—the year before the A-plant was built—you can see the circle and square quite clearly, but also something else, a much larger circle whose edge passed precisely between the smaller circle and the square. This larger circle, which has also not been professionally surveyed, passes right by the A-plant's southwest access road and right through the area that USEC might want to pave over to connect that road to Route 23. This large circular enclosure is more than twice the size of the largest Hopewell enclosure previously known, at Chillicothe.

To give a sense of the relation of the earthworks to the proposed American Centrifuge Plant, I have constructed a map that is admittedly anachronistic. It depicts the full extent of the earthworks as they existed prior to modern destruction, compiled on the basis of nineteenth century surveys as can be corrected by twentieth century aerial photographs. Alongside these ancient works I locate the main A-Plant buildings as USEC would like to build them in the future. I have attempted to represent the comparative scales and positions of different structures with approximate accuracy (though the widths of roads and earthworks are not correct):



8

A few things immediately become clear upon perusal of this map. Both the Hopewell mound-builders and the monument builders of the Atomic Energy Commission oriented their rectangular structures to the cardinal directions. For the Hopewell this was essential to the sacred purpose of tracking the movements of the sun; the atomic engineers probably had no commensurate rationale. And though the AEC often boasted of building the largest structure in the world in terms of ground cover at Piketon, the adjacent ancient earthwork enclosure, much of which still stands, actually extends over more acreage. The latter has lasted about two thousand years; the former only fifty. Which structure is most likely to endure a hundred years from now?

It's immediately clear that the Hopewell were engaged in an elaborate meditation on the forms of circle and square—a small circle encompassed a tangent square, and the juxtaposed circle and square may have been of equal area (impossible to tell with precision since the circle was destroyed). Ratios also suggest mathematical sophistication—the main square had a side exactly one quarter the diameter of the large enclosure circle that contained it. That these mathematicians were non-literate adds substantially to the wonder of these works. Hopewell Ohio emerges as the full and long-sought North American equivalent of ancient Mesoamerica and Peru. What secrets do they have yet to reveal?

Mapping the Piketon Works and the Barnes Works together clarifies the former's purpose. Undoubtedly, the roadway once connected to the ceremonial center just south of it—the rare straight section of the river has worked to preserve this one segment alone. Probably, this once extended all the way along the river to Chillicothe, and then on to Newark, where surviving road remnants have been dubbed "The Great Hopewell Road." The Piketon Works may be the last vestige of the whole middle part of the pathway that may have gone southward to Portsmouth, where substantial road segments also once were found (but have been destroyed).

When I asked Bill Murphee, DOE field manager with jurisdiction over Piketon, what was being done to protect this treasure, he said, "Nothing, it's not on our land." After a subordinate corrected him, he changed his story and said, "We protect it by keeping people away." Authors of section 110 of NHPA, which requires stewardship of cultural resources on federal land, did have a bit more in mind than that.

These works help explain one purpose of the large enclosures, in that the creek that now flows along the A-Plant's southwest access road, was originally diverted from its course to follow the outer circular wall of the great enclosure. The Hopewell then were engaging in large-scale terrestrial engineering, of the type not previously thought to have been practiced north of the Mayan Yucatan. This is stuff of big-time importance. DOE has a Babylon, a Teotihuacán, a Field of Nazca in its front yard.

The most astounding lesson of this map is just how close and interrelated the Hopewell Works and the A-Plant really are. How could these earthworks have been forgotten? Or have they been?

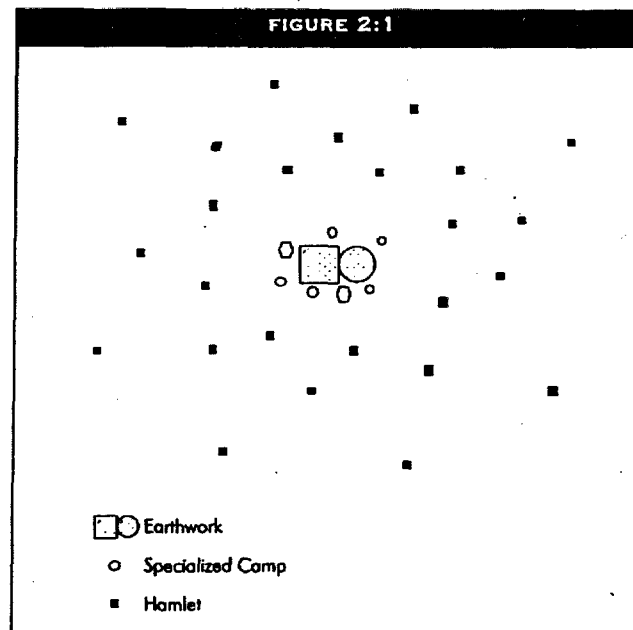
When the central portion of the A-Plant site was leveled by bulldozers in 1952, at least one ancient burial mound was encountered and destroyed. Other indigenous remains and artifacts found on the site since then have always been identified as Adena, as if to suggest that they are part of isolated and insignificant ancient burials. (The Adena did not build large ceremonial and cosmopolitan centers as did the Hopewell.) When asked to produce evidence that the artifacts found onsite are Adena, DOE cannot. (Nor does there appear to be a record of the 1952 excavations, except in local newspapers.)

In fact DOE has kept secret an archaeological survey conducted in 1996 and

referenced vaguely in the USEC environmental report for the ACP. I tried to obtain a copy of this survey report, or even determine when it would be released: no dice. It appears to be a perpetual "working draft," withheld from release under the Freedom of Information Act. DOE officials have suggested that the report cannot be released because it might contain unreliable or unanalyzed information. And yet they provided a copy to USEC, which uses vague references to it as support for its contention that no important cultural resources survive on the site. This is a flim-flam game. DOE claims the report as a working draft, unready for release, yet USEC cites the phantom report's authority to justify a license. (Obviously, the report must now be released so that the public can evaluate its contents.)

It's pretty clear what's really going on here. The "secret" contained in that report, or in its omissions, is that most artifacts on the A-Plant site are Hopewell, not Adena. Look at the map again. The Hopewell did not build isolated ceremonial sites. The giant earthworks were the public spaces at the centers of large residential and occupational complexes. The Barnes Works includes the largest Hopewell enclosure found to date. That means that Picketon may have been the largest cosmopolis in North America, two thousand years ago.

We must say "cosmopolis" and not "city" because the Hopewell did not live in ways familiar to our concept of civilization. Experts have dubbed their pattern the "Vacant Center Model." A large geometric earthwork—typically patterned around a large circle and square—would serve as ceremonial and economic center for a dispersed network of village sites, each with its own farmland, burial plot and local administration. Close to the central earthwork would be "specialized camps" for collective occupational pursuits like the manufacture of tools. Paul Pacheco has given us a generalized schematic for this mode of settlement²:



Generalized model of an Ohio Hopewell Community.

² Paul Pacheco, "Ohio Hopewell Regional Settlement Patterns," *A View From the Core: A Synthesis of Ohio Hopewell Archaeology*, Ohio Archaeological Council, 1996, page 22

Now look again at my map and try to swallow the DOE claim that artifacts found on the A-Plant site are mostly or exclusively Adena.

Why hasn't any of this been revealed before? For one thing, most Hopewell habitation sites have been discovered during the process of modern urban development, in cities like Chillicothe, Newark and Marietta. In rural Pike County, there hasn't been a lot of big earthmoving that would chance upon habitation sites, most of which must await discovery. Except of course for the earthmoving on the A-Plant site, and that's the other thing.

Construction at the A-Plant site very likely has run into all manner of archaeological treasure, in 1952 and since. But atomic secrecy has served as the perfect cover for sweeping it all under the rug and into that great dust heap called History. Who knows what we have not been told, and why has federal preservation law never been applied at Piketon?

There is no evidence that either DOE or USEC has ever taken its obligations under NHPA seriously. Both the Piketon Works and the Barnes Works were added to the National Register of Historic Places in 1974. That should have triggered an automatic review under the National Historic Preservation Act, which had been passed in 1966. It didn't happen.

In the recent Risk-Based End-State document for the Piketon site, the Department of Energy included a map that showed known "archaeological sites" on the atomic reservation. But the map did not include the known Indian mounds that were destroyed during plant construction in 1952, nor did it include any of the famous Hopewell earthworks that are just offsite, even though they are listed on the National Register and even though they are close enough to appear on the map. Nor did it include DOE's riverfront property, separated from the main site, where the Piketon Works are located. These obvious and illegal omissions have allowed DOE to avoid its obligation of conducting thorough cultural resource impact assessments, to match its elaborate environmental impact assessments.

Though I understood the motive, the question of how DOE managed to evade its legal responsibility so thoroughly did mystify me. So I looked into it, and I can now give a summary of that sad story.

When NHPA passed in 1966, most of the DOE (then AEC) complex was already in place, and because of the massive disruption involved in building facilities like the Gaseous Diffusion Plant (GDP) at Piketon, it was assumed that all or most of the preexisting historic value on these sites had been obliterated, so effectively no compliance measures were undertaken throughout the complex.

Jump to the 1990s. As the early Manhattan Project sites at Chicago, Oak Ridge, Los Alamos and Hanford reached their fifty-year anniversaries, it was realized that the buildings themselves had historic value as part of the nation's nuclear legacy. Therefore, DOE field offices began to initiate NHPA compliance programs at various sites in order of age. The Oak Ridge Operations Office, which had jurisdiction over all three uranium enrichment plants at Oak Ridge, Paducah and Piketon, initiated action-specific 106 reviews for new major projects in Oak Ridge that included solicitation letters to historic Indian tribes from the area. (No tribes expressed interest in a proposed new synfuels plant on the Clinch River.) Then they instituted a programmatic cultural resource compliance agreement for the Paducah site, the second oldest GDP.

Preparations were made to do the same for the youngest plant, Piketon, when it would turn fifty, in 2004, but before that could happen, the site was removed from Oak Ridge jurisdiction and put under the new Lexington KY field office. Lexington had enough on its hands and let the 2004 anniversary pass with no concerted action on 106 or 110 compliance.

Despite some unguarded claims to have consulted with Native American tribes, no tribal governments with historic connections to the Piketon site have ever been contacted. My attempts over two months to identify an official responsible for cultural resource issues at Piketon has yet to yield a result. I've spoken to over twenty DOE employees at Piketon, Lexington, Oak Ridge, and at headquarters in Washington DC. Always, the response is that "someone must have" fulfilled the agency's responsibility under federal preservation law. But no one can tell me who that individual was or is. I've heard every cockamamie cover story in the book—ranging from "we assign that responsibility to contractors" (illegal) to "we haven't undertaken any major federal action that would incur the act" (ahem—building a new uranium enrichment plant kinda qualifies).

The few tentative contacts that the plant has had with the State Historic Protection Office were mainly directed toward identifying DOE buildings that should be granted landmark status--like the X-326 building where bomb-grade and naval-propulsion-grade uranium was produced. Imagine if the Egyptian government failed to enact a preservation plan for the Great Pyramid, because the Rolex watches of the resident archaeologist had not yet qualified as antique.

3. The Shell Game

Now, no one quite understands how this process of a federal agency licensing a quasi-private company to operate on another federal agency's land is supposed to work. And no one even pretends to fathom what kind of creature USEC really is. So everybody is making stuff up as they go.

DOE is attempting to roll all of its preservation responsibility over to NRC—clearly inadequate since DOE will continue to own the site and equipment throughout ACP's operation. USEC can claim that as a non-governmental entity (at least of late), it has no direct responsibility to comply with federal preservation law. NRC has admirably initiated a Section 106 review process, but if that review isolates the licensing action as the only federal action in question, the mounds will have been missed for one molehill.

And all of the parties—DOE, USEC and NRC—seem to be claiming that responsibility for adverse impact extends only as far as the footprints of the proposed centrifuge buildings. Thus, in the two pages out of four hundred devoted to cultural resources in USEC's environmental report, reference is made to the "archaeological surveys" that DOE commissioned in the surface soil of the immediate area of the proposed ACP project. These surveys (though not publicly released) purportedly concluded that the topsoil there had already been "disturbed."

Now that's really brilliant. The entire area inside the perimeter road was bulldozed flat in 1952.

These rollovers and evasions are impermissible under law. Let's be clear. Both DOE and NRC, as separate federal agencies, have three separate responsibilities:

- 1) To assess the broad range of potential impacts on cultural resources of major federal actions as part of environmental impact assessment under the National Environmental Policy Act
- 2) To assess and mitigate adverse impacts of major federal actions on sites that qualify for the National Register of Historic Places under Section 106 of the National Historic Preservation Act

3) To protect (steward) any historic or prehistoric resources on federal land under Section 110 of the National Historic Preservation Act.

NRC has a lot of work to do to untangle this mess. First, it must greatly expand the scope of cultural resource impact as part of its EIS process. Second, it must conduct its 106 review in compliance with NHPA. It cannot now roll this into its NEPA process, because the option to do so was forfeited by DOE. Section 800 of the regulations establishing the Advisory Council on Historic Preservation (36 CFR) lays out the rules for combining an NHPA review with a NEPA review. Since this was never done, it can't be initiated now.

Third, NRC must assess whether the DOE-USEC agreement may be illegal and invalid. DOE officials have maintained that they are legally bound to lease facilities to USEC by the legislation that mandated enrichment privatization. However, that legislation did not exempt DOE from the requirements of NHPA, any more than it did from the requirements of NEPA. NRC must therefore consider that DOE made certain fatal errors in turning over the facilities for USEC use, without proper legal compliance, just as if DOE had failed to comply with NEPA. In other words, NRC must not only conduct its own Section 106 review process, but must also consider that in failing to conduct its 106 review properly, DOE may have undermined the legal basis of its agreement with USEC.

And that gets back, in a circular way, to the issue of action alternatives. USEC has managed to paint itself into a number of different corners simultaneously. In its environmental report, USEC specifies the main action alternative as siting ACP at Paducah instead of Piketon. Since impacts will be "the same," USEC argues, they might as well go ahead and build at Piketon, where two buildings that can accommodate ACP centrifuges stand at the ready.

Now we know that impacts would not be the same. The Piketon site has incomparable cultural value, with potential adverse impacts that have not begun to be studied. That ought to trigger two alternative considerations—moving ACP to Paducah as USEC itself has suggested, and opening part of the Piketon site as a cultural resource park with restoration of earthworks as has been done under the auspices of the National Park Service at Chillicothe.

Pike County's real potential future is in tourism, education and openness, not in a continuation of the national insecurity lock-down that has prevailed for fifty years.

But who's kidding whom? USEC can't pick up and move to Paducah, as they say they can, because without the taxpayer subsidies inherent in use of the Piketon site, USEC would crumble into fairy dust in a flash. The Paducah option is a shill—suggested to exact more fealty and loot from Ohio. But now they've suggested it, and they should be taken at their word.

At the site of what may be the largest prehistoric circle in the world, there is now a highway sign that points the way to "Centrifuge Circle." Some people might call this progress. But consider that in the nineteenth century, the Hopewell circles were considered wonders of the world, signs of the perennial character of human civilization. Abraham Lincoln stayed at the Barnes Home in 1848, in a bedroom from which he could admire the Barnes Works, at the same time that Squier and Davis were making those wonders world-famous. And Ralph Waldo Emerson said, in 1841:

"All inquiry into antiquity—all curiosity respecting the Pyramids, the excavated cities, Stonehenge, the Ohio Circles, Mexico, Memphis—is the desire to do away this wild, savage, and preposterous There and Then, and introduce in its place the Here and Now."

More than a century and a half later, amnesia seems to have set in, and USEC, that quasi-nonentity of a public-private corporation, is able to say in a submission to the government of the United States:

"There are no wetlands, critical habitat, cultural, historical or visual resources that will be adversely affected by the refurbishment, construction or operation of the ACP at the DOE reservation in Piketon, Ohio."

This is progress?

From: Matthew Blevins
To: GeoffreySeaNYC@aol.com
Date: 2/14/05 8:04AM
Subject: Re: testimony and questions

Geoffrey,

The comments have already been entered into the record. However, for the 106 process it would be helpful to have a correct location for the property; so please provide the correct location (email, fax to 301-415-5398, or mail to my attention, MS T7J8, US NRC, Washington DC 20555-001).

I'll also forward your request to Yawar as he has been handling that aspect.
Matt

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission
(301) 415-7684
>>> <GeoffreySeaNYC@aol.com> 02/14/05 06:41 AM >>>
Hello, Matt--a couple of questions.

First, would there be an opportunity to give you a corrected version of my scoping testimony before it is published or added to the record? Trying to make the deadline, a few typos crept in that irritate me. I also have learned that I made one material error related to the identification of one location. I'm faultless in this (I reproduced an error made by many past scholars), and it does not affect my argument, but I'd like the chance to correct myself if possible.

Second, if you are making hard copies of the USEC filings available to potential interveners, please add me to that list. I intended to request this at the scoping hearing but somehow neglected to hand over the request form.

Thanks much,

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033
Tel: (212) 568-9729

CC: YHF@nrc.gov

Mail Envelope Properties (4210A1F8.D19 : 12 : 23037)

Subject: Re: testimony and questions
Creation Date: 2/14/05 8:04AM
From: Matthew Blevins

Created By: mxb6@nrc.gov

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Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
 Send Mail Receipt when Undeliverable

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

From: <GeoffreySeaNYC@aol.com>
To: <mx6@nrc.gov>
Date: 2/14/05 8:47AM
Subject: Piketon Works

Matt Blevins, NRC

Dear Matt,

The locations I provided are all correct as near as the accuracy of my mapmaking ability allows.

The "mistake" I made was in reproducing a historic confusion about The Piketon Works. These "parallel walls of earth" were classically described by Atwater in 1820 and then again by Squier and Davis in 1848. Starting with Squier and Davis and including everyone who has written about these works since, there has been the assumption that they were describing the same site.

I have now determined, backed by expert opinion, that they were actually describing different sites. The confusion has been magnified by the fact that the one site is on DOE land, hence "off limits," while the other location is recognized but not disclosed by the State Historic Protection Office. In other words, there are two different sets of "parallel walls of earth"--the one described by Atwater that is on the DOE riverfront property as I described it, and the other set which is north of the A-Plant site that was described by Squier and Davis. Again, I'm the first to clarify the distinction, and I have written up a short paper for publication.

Technically, only the Squier and Davis site is listed on the National Register. However, because these two sites were historically confused, it could be argued that the term "Piketon Works" applies to both. In any case, the Atwater site certainly "qualifies" for listing on the register, under the meaning of the National Historic Protection Act, even though the SHPO has not yet officially designated it. (I have not even had a chance to inform the SHPO about this yet.)

One factor that generated the confusion is that Atwater's Plate XI, which I reproduce in my testimony, had its compass marker way off. The top of the plate, rather than representing north, is actually southwest. This threw off just about everyone who went looking for those walls.

When I told Bill Murphee of DOE about those walls, he offered to go look at them with me. I think that what needs to happen, given that this site has not been documented since 1820, is that Mr. Murphy from DOE, Dave Snyder from the SHPO, you or some representative of NRC, someone representing USEC, a Hopewell archaeologist or two, and I take a little field trip down there, so all parties know exactly what is there.

Please keep me informed about your implementation of the 106 review.

Sincerely,

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033
Tel: (212) 568-9729

Mail Envelope Properties (4210ABFB.D4D : 17 : 56653)

Subject: Piketon Works
Creation Date: 2/14/05 8:47AM
From: <GeoffreySeaNYC@aol.com>

Created By: GeoffreySeaNYC@aol.com

Recipients

nrc.gov
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MXB6 (Matthew Blevins)

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twf4_po.TWFN_DO

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Return Notification: None

Concealed Subject: No
Security: Standard

From: <GeoffreySeaNYC@aol.com>
To: <mx6@nrc.gov>
Date: 2/14/05 11:42AM
Subject: Piketon Works again

Matt,

Can you tear up that last e-mail I sent?

I'm honestly trying to grapple with Atwater's Plate XI from 1820, which included no scale and has been confusing everyone for 185 years. The classic interpretations of it were wrong, but now it's been pointed out that my interpretation of it is also wrong.

There really are segmented parallel walls along the river on DOE's property. Apparently they are not the walls that Atwater tried to describe. Whether they are Hopewell, as I suspect, or not, will require further investigation that should be part of the 106 review.

Thanks again,

Geoffrey Sea

Mail Envelope Properties (4210D4D8.7CA : 23 : 63434)

Subject: Piketon Works again
Creation Date: 2/14/05 11:41AM
From: <GeoffreySeaNYC@aol.com>

Created By: GeoffreySeaNYC@aol.com

Recipients

nrc.gov
twf4_po.TWFN_DO
MXB6 (Matthew Blevins)

Post Office

twf4_po.TWFN_DO

Route

nrc.gov

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Mime.822	3604	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

From: Marian Zobler
To: Geoffrey Sea; SargentsPigeon@aol.com
Date: Tue, Aug 9, 2005 2:29 PM
Subject: Follow-up on Phone Call

Mr. Sea,

During our phone call on Thursday, August 3, I agreed to provide you with additional information concerning the NRC Staff's activities pursuant to the National Historic Preservation Act. You specifically asked for a list of letters the Staff sent to various parties as part of the Section 106 consultation process. A list of the letters with their ADAMS accession numbers is attached to this e-mail. Additional information concerning the Staff's 106 consultations can be found in ADAMS under docket number 07007004. Using the search term "106" may help narrow the search.

You also mentioned an e-mail you had sent to Matt Blevins, Senior Project Manager for the environmental review, concerning being kept informed of the implementation of the consultation process. It is my understanding that you have been added to the distribution list for documents related to the consultation process.

Finally, you asked how the NRC will investigate and study the potential earthworks on the DOE reservation at Piketon. Please be advised that the NRC's investigation and evaluation of the impact of the proposed ACP on cultural and historic resources will be documented in the draft environmental impact statement (DEIS) associated with the ACP. The DEIS will be available shortly for public review and comment.

Marian Zobler
Counsel for NRC Staff

CC: dsilverman@morganlewis.com; Matthew Blevins; Melissa Duffy; Yawar Faraz

Mail Envelope Properties (42F8F5F8.6FB : 3 : 8714)

Subject: Follow-up on Phone Call
Creation Date: Tue, Aug 9, 2005 2:29 PM
From: Marian Zobler

Created By: MLZ@nrc.gov

Recipients

aol.com

geoffreyseanyc (Geoffrey Sea)
 SargentsPigeon (SargentsPigeon@aol.com)

morganlewis.com

dsilverman CC (dsilverman@morganlewis.com)

nrc.gov

OWGWPO01.HQGWDO01
 MLD5 CC (Melissa Duffy)

nrc.gov

twf4_po.TWFN_DO
 MXB6 CC (Matthew Blevins)
 YHF CC (Yawar Faraz)

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Return Notification: None

Concealed Subject: No
Security: Standard

ACHP, Office of Federal Agency Programs
Attn: Don Klima, Director
1100 Pennsylvania Avenue NW, Suite 809
Washington, DC 20004
May 20, 2005
ML050970073

Mr. Mark Epstein, Department Head
Ohio Historic Preservation Office
Resource Protection and Review
567 East Hudson Street
Columbus, OH 43211-1030
December 28, 2004
ML043550032

Mr. Ron Sparkman
Shawnee Tribe
P.O. Box 189
Miami, OK 74355
March 18, 2005
ML050750405

Mr. Rey Kitchkumme
Prairie Band of Potawatomi Nation
16277 Q Road
Mayetta, KS 66509-8970
March 18, 2005
ML050750405

Mr. James Leaffe, Chief
Cayuga Nation
P.O. Box 11
Versailles, NY 14168
March 14, 2005
Attn: Mr. Halftown, THPO Representative
ML050660146

Cherokee Nation of Oklahoma
P.O. Box 948
Ada, OK 74820
March 14, 2005
ML050660146

Turtle Mountain Band
of Chippewa Indians
Attn: Mr. Kade M. Ferris, Tribal Historic
Preservation Officer
Office of Archaeology
and Historic Preservation
P.O. Box 900
Belcourt, ND 58316
March 14, 2005
ML050660146

Mr. Bruce Gonzales, President
Delaware Tribe of Western Oklahoma
P.O. Box 825
Anardarko, OK 73005
Attn: Ms. Tamara Francis
Delaware Nation NAGPRA Office
March 14, 2005
ML050660146

Mr. John Pryor, Executive Officer
Miami Tribe of Oklahoma
P.O. Box 1326
202 South Eight Tribes Trail
Miami, OK 74355
Attn: Ms. Julie Olds, THPO
March 14, 2005
ML050660146

Mr. Charles Todd, Chief
Ottawa Tribe of Oklahoma
P.O. Box 110
Miami, OK 74355
Attn: Mr. Roy Ross
March 14, 2005
ML050660146

Mr. John P. Froman, Chief
Peoria Tribe of Oklahoma
P.O. Box 1527
118 S. Eight Tribes Trail
Miami, OK 74355
Attn: Mr. Bud Ellis, Repatriation
Committee Chairman
March 14, 2005
ML050660146

Mr. Harold Frank, Chairperson
Forest County Potawtomi
P.O. Box 340
Community of Wisconsin Potawtomi
Crandon, WI 54520
Attn: Ms. Clarice M. Werle,
NAGPRA Contact
March 14, 2005
ML050660146

Mr. John A. Barret, Jr., Chairperson
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801
Attn: Mr. Jeremy Finch
March 14, 2005
ML050660146

Mr. Calvin John, President
Seneca Nation of Indians
P.O. Box 231
Salamanca, NY 14779
Attn: Ms. Kathlenn Mitchell, THPO
March 16, 2005
ML050660146

Mr. Jerry Dilliner, Chief
Seneca-Cayuga Tribe of Oklahoma
P.O. Box 1283
R2301 E. Steve Owens Blvd.
Miami, OK 74355
Attn: Mr. Paul Barton
March 14, 2005
ML050660146

Mr. Charles D. Enyart, Chief
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
Seneca, MO 644865
Attn: R.C. Kissee
March 14, 2005
ML050660146

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381
Attn: Ms. Karen Kaniatobe
March 14, 2005
ML050660146

Mr. James Brushart
President, Pike County Commissioners
230 Waverly Plaza, Suite 1000
Waverly, OH 45690
March 14, 2005
ML050660146

Mr. Leaford Bearskin, Chief
Wyandotte Nation
P.O. Box 250
Wyandotte, OK 74370
Attn: Ms. Sherri Clemons
March 14, 2005
ML050660146

Mr. James Squirrel
Loyal Shawnee Tribe
Route 4, Box 30
Jay, OK 74346
March 14, 2005
ML050660146

From: <SargentsPigeon@aol.com>
To: <MLZ@nrc.gov>
Date: Tue, Aug 9, 2005 3:34 PM
Subject: Re: Follow-up on Phone Call

Ms. Zabler,

Thank you for your follow-up letter, but you did not reply to the principal questions.

First, who is contact person for NRC's Section 106 review? Who's in charge? This is an absurdly simple question. I contacted Matt Blevins about it in February, and heard nothing from him for six months, so he seems to not be the person. I contacted the Federal Preservation Officer for NRC, and he was absolutely clueless about the whole endeavor--my call to him resulted in a call back from you. You, however, told me that you are not the official in charge of the process. So who is? Please provide a name, address, e-mail and telephone number.

Second, I did not ask why I was not put on the distribution list, I asked why I have not been made a consulting party and was not sent a letter of consultation. The Commission has itself ruled that I am entitled to standing to intervene in the licensing proceeding on the basis of my ownership and residence interests in a historic property on the boundary of the proposed project. I believe I am the only individual in that category. Lest there be doubt, I do wish to be a consulting party in the Commission's 106 review. I have concerns that I have elaborated to the Commission at great length. Please explain to me why I was not put on the list of consulting parties at the beginning, and whether I am being added to the list of consulting parties now.

Please also forward to me all of the correspondence that has been shared with consulting parties since the beginning of the process.

Now some new questions. I am inferring that Commission staff is having some difficulty figuring out how it should communicate with a consulting party in a 106 review who is also an intervener or potential intervener in the licensing process. Please clarify how the Commission staff views the relationship between the 106 review process and the licensing proceeding.

In reviewing the list of parties to whom consultation letters were sent, there are two categories strikingly absent. No owners of historic homes are included on the list. (In my petition to intervene, I identified three historic homes in close proximity to the plant site--The Barnes Home, The Sargent Home and the Rittenour Home. I also conveyed the wish of Charles Beegle, owner of the Rittenour Home, to be a consulting party in the 106 review, and I included a letter from Mr. Beegle complaining about the lack of NHPA compliance.)

Also, no historic Indian tribes from the local area have been included. These are the principal tribes that have knowledge and interest in the proposed USEC site and in the ACP project. If the reason for their non-inclusion is that they are not federally recognized, I draw your attention to the fact that the Shawnee Tribe in Oklahoma also lacks federal recognition. Thus you included at least one tribe in Oklahoma that lacks recognition, but none of

the tribes in or near Ohio that lack recognition.

For your information, the following area tribes are intensely interested in the proposed project, and would like to be granted consulting party status:

- The Blue Creek Band of the Shawnee in Adams County, Ohio
- The Free Shawnee of Ohio
- The Piqua Sept of the Shawnee
- The Tallige Cherokee Nation in Scioto County, Ohio
- The United Remnant Band of the Shawnee in Ohio

I would happily provide contact information for these tribes, and other interested parties, but see question one--We are now in August and the NRC has yet to provide me with a contact name for its 106 review in the USEC proceeding. I would also like to forward the NRC contact name to the tribes and property owners who wish to be consulting parties.

Let me be clear, Ms. Zabler. You say that the NRC 106 review is nearly complete as part of the draft EIS. On the contrary, the 106 review required for this project has not yet started, because you have neither consulted the parties who have expressed the most concern about the project, nor have you provided those parties with a contact by which we can express our concerns. The 106 process is designed to be consultative, not adversarial. Let's start the consultation.

Thank you,

Geoffrey Sea

Mail Envelope Properties (42F90526.FC8 : 14 : 53192)

Subject: Re: Follow-up on Phone Call
Creation Date: Tue, Aug 9, 2005 3:33 PM
From: <SargentsPigeon@aol.com>

Created By: SargentsPigeon@aol.com

Recipients

nrc.gov
owf5_po.OWFN_DO
MLZ (Marian Zobler)

Post Office
owf5_po.OWFN_DO

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	4336	Tuesday, August 9, 2005 3:33 PM
TEXT.htm	5690	
Mime.822	11517	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

September 6, 2005

Mr. Kenneth Daughtery, Tribal Secretary
Absentee-Shawnee Tribe of Oklahoma
Attn: Ms. Karen Kaniatobe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801-9381

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: REQUEST FOR COMMENT ON
PROPOSED FINDINGS AND DETERMINATIONS OF EFFECT

Dear Mr. Daughtery:

Following transmittal of our letter of March 14, 2005, initiating consultation for the proposed American Centrifuge Commercial Plant, the U. S. Nuclear Regulatory Commission (NRC) became aware of a letter from Ms. Karen Kaniatobe, dated February 24, 2005. The letter indicates that the tribe wishes to be included as a consulting party in the Section 106 process. It mentions concerns about the Barnes Works in Scioto Township and states that surveys should be conducted to find other sites that may be present. Ms. Kaniatobe's letter indicates that the Absentee Shawnee Tribe, collectively with the Algonquian tribes of the Ohio/Great Lakes Region, considers itself to be descended from the people of the Fort Ancient culture who, in turn, were descendants of the people of the Hopewell Culture who built the Barnes Works.

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

As indicated in these sections, the site referred to by Ms. Kaniatobe as the Barnes Works in Scioto Township is known as the Scioto Township Works and is listed on the National Register of Historic places under Criterion D, for sites "that have yielded or may be likely to yield information important in history or prehistory."

These sections also indicate that the Scioto Township Works site has cultural importance to the Absentee Shawnee tribe. NRC would welcome information about the site attributes that contribute to its importance to the Absentee Shawnee tribe. In the absence of that information NRC has assumed that the site may have importance related to Criterion A of the National

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

Register of Historic Places, for sites that “are associated with events that have made a significant contribution to the broad patterns of our history.”

As indicated in Section 3.3.3 “Results of Document Review,” the Scioto Township Works site lies about 250 m (820 ft) from the boundary of the Department of Energy Reservation, and about one kilometer (3250 ft) from the closest construction effort associated with the proposed American Centrifuge Plant. Based on this distance, the NRC has made a determination of no effect on the information values that make the site eligible for listing on the National Register under Criterion D. Additionally, because the activities associated with construction and operation will not change the present setting and feel of the Scioto Township Works site, NRC has made a preliminary determination of no effect on these values (i.e., Criterion A) that may be of importance to the Absentee Shawnee Tribe.

The NRC welcomes your input and comment on the findings of its inventory and evaluation effort and its preliminary determination of effect on the Scioto Township Works site. If the tribe can provide information about site attributes other than those included under Criterion A that contribute to the site’s importance to the Absentee Shawnee, the NRC will be able to consider these in applying the criteria of adverse effect.

The NRC requests a response from the tribe by October 24, 2005. Please feel free to respond in writing or to contact Ron Linton by phone at 301-415-7777 or by e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
 Environmental Review Section
 Division of Waste Management
 and Environmental Protection
 Office of Nuclear Material Safety
 and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

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ML052440393

OFC	DWMEP:PM	DWMEP:SC	OGC	
NAME	MBlevins	BJDavis	MZobler	
DATE	8/30/05	9/06 /05	8/31/05	

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Rocky Brown, Mayor of Beaver
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Mr. Geoffrey Sea
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Roger L. Suppes
Chief, Bureau of Radiation Protection
Ohio Dept. of Health
35 East Chestnut Street
Columbus, OH 43266

Donald J. Silverman
Morgan, Lewis & Bockius
1111 Pennsylvania Ave. N.W.
Washington, DC 20004

From: Ron Linton
To: Sargentspigeon@aol.com
Date: 10/24/05 1:24PM
Subject: Answers: USEC DEIS comments

Mr. Sea:

This e-mail is in response to your questions over the phone earlier today in reference to comments on the USEC DEIS.

Q1. Does NRC have a size limitation on how many photographs may be sent electronically?

A1. I'm not certain, but I don't think so. I recommend submitting the pictures a few at a time if there are problems. If there are continued problems sending the photos electronically, notify us of the problem immediately, and send them in the mail.

Q2. Is the DEIS comment deadline 5:00 pm. or midnight?

A2. Midnight.

Q3. How firm is the deadline for commenting on the DEIS?

A3. Since you have contacted us in advance and indicated a hardship with filing comments for the DEIS and completing a filing for the ASLB, which are on the same day, we can give you an additional 48 hours to complete and submit your DEIS comments.

If you have any additional questions, please contact Matt Blevins at 301-415-7684 or me at 301-415-7777.

Ron C. Linton
Project Manager
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Mail Stop T7 J08
Washington, DC 20555-0001
301-415-7777 phone
301-415-5397 fax
rcl1@nrc.gov

CC: Jennifer Davis; Matthew Blevins

Mail Envelope Properties (435D18C9.C97 : 8 : 1314)

Subject: Answers: USEC DEIS comments
Creation Date: 10/24/05 1:24PM
From: Ron Linton

Created By: RCL1@nrc.gov

Recipients	Action	Date & Time
aol.com Sargentspigeon (Sargentspigeon@aol.com)	Transferred	10/24/05 1:25 PM

nrc.gov twf4_po.TWFN_DO BJD1 CC (Jennifer Davis) MXB6 CC (Matthew Blevins)	Delivered	10/24/05 1:24 PM
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Files	Size	Date & Time
MESSAGE	2251	10/24/05 01:24PM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
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 Send Notification when Opened

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

September 6, 2005

Mr. Geoffrey Sea
1832 Wakefield Mound Road
Piketon OH 45661

SUBJECT: TRANSMITTAL OF DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED AMERICAN CENTRIFUGE PLANT, PIKE COUNTY, OHIO AND REQUEST FOR CONSULTING PARTY COMMENTS

Dear Mr. Sea,

The Nuclear Regulatory Commission (NRC) has completed its initial National Environmental Policy Act (NEPA) review of USEC Inc.'s proposed American Centrifuge Plant. As you are aware, the NRC has previously indicated that we are using the NRC's National Environmental Policy Act review process for Section 106 purposes as described in 36 CFR 800.8. Additionally, the NRC has reviewed your August 9, 2005 request for consulting party status and in consultation with the Ohio Historic Preservation Office have determined that you meet the consulting party requirements of 36 CFR 800.2(c)(5).

As required under Section 106, the NRC has undertaken the steps of identifying and evaluating historic properties that may be affected by construction and operation of the proposed American Centrifuge Plant. The NRC found that there have been surveys conducted previously to find archaeological and historic sites in the area of the proposed project. In addition to these surveys, the NRC staff considered the information you provided in your NEPA scoping comments provided on February 2, 2005 and pleadings before the Atomic Safety and Licensing Board Panel on February 28, 2005; April 1, 2005; July 18, 2005; and August 10, 2005; as well as the various emails you have submitted.

Enclosed is the "Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, Draft Report for Comment." Section 3.3, "Historic and Cultural Resources," provides a description of the identification and evaluation process. Section 4.2.2 "Historic and Cultural Resource Impacts," presents the NRC's preliminary findings related to this undertaking, including a description of the "area of potential effects" and preliminary determinations of project effect.

In accordance with 36 CFR 800.8(c)(2) we are providing copies of the draft Environmental Impact Statement to the State Historic Preservation Officer, Advisory Council on Historic Preservation, interested Indian tribes, consulting parties, and members of the public.

The NRC welcomes your input and comment on the findings of the inventory and evaluation effort and the preliminary determinations of effect on the identified historic properties. The NRC requests a response by October 24, 2005. Please feel free to respond in writing or to contact

G. Sea

- 2 -

Ron Linton by phone at 301-415-7777 or e-mail at RCL1@nrc.gov. Mr. Linton will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o attachment, see attached list

G. Sea

- 2 -

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Sincerely,

/RA/

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Environmental Review Section
Division of Waste Management
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Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

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OFC	DWMEP:PM	DWMEP:SC	OGC	
NAME	MBlevins	BJDavis	MZobler	
DATE	8/30/05	9/06/05	8/31/05	

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The Honorable Rob Portman
Member, United States House of
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The Honorable Mike DeWine
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P.O. BOX 107 • 12455 STATE ROUTE 104
WAVERLY, OHIO 45690
740-947-7715 • FAX 740-947-7716
www.pikechamber.org

September 30, 2005

9/8/05
70FR 53396

2

United States Nuclear
Regulatory Commission
Matthew Blevins, Project manager
Mail Stop: T7J-8
Washington, DC 20555-0001

RECEIVED

2005 OCT 13 PM 4: 19

RULES AND DIRECTIVES
BRANCH
ENVIRONMENTAL

Dear Matt,

I am enclosing a copy of the report the Chamber submitted to the Department of Energy and USEC. As we told Brian Smith yesterday, part of the dilemma we have experienced this summer has been deciding who should receive the information.

There are a couple of points that I want to emphasize. First, none of the people who contributed information received any monetary rewards. This was strictly a case where a number of people wanted to make the history of events clear.

Second, in Jeffery Sea's testimony last night he referred to an earthwork on the Rittenour property. That earthworks is referred to in the report as the Nier property levy. This was designed after the 1959 flood by the soil conservation service.

Should you desire, we would be happy to submit statements from the Pike Countians who knew about or who participated.

I appreciate your interest in this matter.

Sincerely,



Blaine Beekman
Executive Director

SISP Review Complete

Template = ADM-013

E-REDS = ADM-03
ADM = M. Blevins (MXB6)

PIKE COUNTY
CHAMBER OF COMMERCE
P.O. BOX 107 • 12455 STATE ROUTE 104
WAVERLY, OHIO 45690
740-947-7715 • FAX 740-947-7716
www.pikechamber.org

September 28, 2005

United States Nuclear
Regulatory Commission
Matthew Blevins, Project Manager
Mail Stop T7J-8
Washington, DC 20555-0001

Dear Mr. Blevins,

In response to our conversation, I am submitting a brief report on the origin of a series of levies along the Scioto River in southern Pike County. There are three separate levies. The northernmost is on the Nier property at the U.S. Route 23 entrance to Piketon Department of Energy facility. The middle levy is partially located on a Department of Energy well field located next to the Scioto River on the old Billy Cutlip farm. The third levy extends across 10 farms beginning at the Barnes property and extending south along the river to the Will Acord farm.

The confusion about the origins of these levies was surprising to the Scioto Township residents with whom I spoke. All three were manmade, constructed within the past half-century. No levies had previously existed on the properties. Many of the people involved in the projects are still available to share the record of their experiences. The levy on the Nier property and the levy covering the 10 lower properties were built in direct response to a catastrophic 1959 flood. The third levy near the DOE well field was in response to an economic need rather than a need for flood control.

Each of the levies is located on the east side of the Scioto River. To the west of the river, south of Piketon, the terrain is hilly. To the east, the land rises in a terraced manner from the river bottoms. The lowest level is only a few feet above the Scioto River water level. The second level is about 50 feet higher in elevation and occurs from a few feet to a quarter mile from the river's edge. Flooding along the Scioto River has never reached the top of this second level. Much of the area in question also has a third terrace level, again rising a few feet above the second level.

Historically, the land at river level has been utilized for farming. Late winter flooding on a periodic basis made the construction of residences at this level impractical. Floods on the Scioto River in 1913 and 1937 were considered major, but farmers in our target area either lacked the means or did not feel the need to construct levies to protect their properties.

The 1959 flood had a disastrous effect on the lowest level of land. The current was so strong that it devastated the soil. Art Nelson a farm employee of Layton and Everett Hammond, saw areas were several feet of topsoil had literally washed away, leaving the slate underlay exposed. A mile to the south, deposits of sand left by the flood, measured as much as 25 feet in depth.

Everett and Layton Hammond decided they needed to build a levy. They contacted the Pike Soil and Water Conservation District for assistance. Vince Scott and Jim Steiner were employees of the Federal Soil Conservation Service on loan to the Pike SWCD. Vince and Jim provided technical assistance the Hammond brothers, recommending that the levy be built perpendicular to the river to protect against current damage should another flood of the magnitude of the 1959 flood occur again. Paul "Bunk" Adams, a skilled bulldozer operator who completed a hundred projects for the Soil Conservation Service, completed the work under the supervision of Vince Scott and Jim Steiner. This is the levy on the Nier farm.

Everett and Layton Hammond also were instrumental in organizing the levy along the 10 farms further south. Several hundred acres of land at river level had basically been made unillable by the sand deposits. The final plan included reducing the sand piles by mixing them with soil to farm the levies. There was still plenty of sand left after the levy was completed. Art Nelson remembered that Bill Trusty, a Wakefield businessman hauled sand from one of the largest deposits. Teddy West, a local farmer, learned that much of the sand was sold to the Goodyear Atomic Corporation for use as backfill on a sewer project. Steve Acord, whose family farm was one of those involved in the levy project, stated that it took years to return to land to farm production.

The levy on the Cutlip farm was an entirely different situation. In 1968, Billy Cutlip sold his 390 acre farm to the Standard Slag Company of Youngstown. Standard Slag developed a sand and gravel quarry that eventually covered two-thirds of the property. In the early 1980s the Department of Energy built a series of wells at the river's edge of the Standard Slag property to furnish surface water for the centrifuge process being developed by Goodyear Atomic Corporation at the Piketon DOE facility. Teddy West farmed the lowest and second levels of the Standard Slag property from the 1970s to the early 1990s. He was farming the land when the DOE wells were being drilled. According to Bob Childers who was in charge of operations at the steam plant, the line was a 36" line which ran all the way from the river to the DOE facility. The project was engineered and the contracts were handled by DOE at Oak Ridge so there was not a lot of local DOE contact. Teddy West remembered that the line was not stable at its base. Ralph Beabout an employee at the plant's water system learned that pressure on the line at its source was too great for the concrete anchors designed to hold the line in place. Modifications included more concrete and ground cover. The result is a levy-like appearance.

The second factor was the need for Standard Slag to find a place to put a sizeable amount of overburden when it expanded its quarry operation. One solution, according to Don Nelson, the manager of the Standard Slag operation until 1992, was to take the overburden down to the river

and build a levy, essentially hooking it to the DOE well site. The dirt was placed between the wells and the river because Standard Slag hoped to begin quarrying at the level next to the river. However, when the company ran extensive tests near the river, Don discovered the overburden was too deep and the water table was too high to make quarrying of that area economically feasible.

At first, the levy was kept mowed and it was possible to drive on it. When the quarrying idea was discarded, the levy was left pretty much to itself.

I hope this will answer some of the questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Blaine Beekman", followed by a long horizontal line.

Blaine Beekman
Executive Director

From: <TFKing106@aol.com>
To: <NRCREP@nrc.gov>
Date: Mon, Oct 24, 2005 12:15 PM
Subject: Comments on Draft EIS, American Centrifuge Plant, Piketon, OH, NUREG-1834

7

Thomas F. King, PhD
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tfking106@aol.com (mailto:tfking106@aol.com)

9/8/05
70FR53396

Consultation, training, and textbooks in cultural resource management

Date: October 24, 2005

To: Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington DC 20555-0001

Via email to _NRCREP@nrc.gov_ (mailto:NRCREP@nrc.gov)

I write to comment on your draft Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio, NUREG-1834, published in August 2005 (hereinafter, DEIS). These comments are transmitted electronically to the NRC at its specified email address on October 24, 2005, within the comment period specified in the DEIS. My comments will be restricted to the manner in which the DEIS addresses "cultural resources." My qualifications for offering the comments I do are outlined in the attached resume.

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RULES AND DIRECTIVES
BRANCH
USNRC

Qualifications of EIS analyst:

The list of preparers given on pages 10-1 through 10-3 identifies only one individual as responsible for the analysis of impacts on "historic and cultural resources." That individual, Dr. Polly McW. Quick, is to my knowledge a specialist in the prehistoric archaeology of central California, who according to promotional literature from her employer, ICF Consulting, has in the last 30 years worked primarily on environmental remediation programs and development projects in Iceland, Brazil, Costa Rica, and California. Please explain the basis upon which she is regarded as qualified to analyze the impacts of the American Centrifuge Plant on prehistoric and historic "cultural resources" in Ohio.

Section 3.3:

This section begins with a definition of the term "cultural resources." This is an important definition, since it limits the range of phenomena upon which impacts are analyzed. Please explain the basis for this definition, whose source is not cited and which I do not believe is based on any United States or international guidance. Please note the concerns expressed and recommendations provided by UNESCO in its Convention for the Safeguarding of the Intangible Cultural Heritage -- 2003.

Near the bottom of page 3-5 the review process under Section 106 of the National Historic Preservation Act is inaccurately characterized as a process "done in consultation with the State Historic Preservation Officer;" later, passing reference is made to "provid(ing) Indian tribes the opportunity to

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adm = M. Blevins (MXBL)

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identify concerns." In fact, the Section 106 regulations (36 CFR 800) make it abundantly clear that the process is done in consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers, Indian tribes, and other interested parties. The NRC staff seems to have difficulty understanding that the regulations require actually communicating with, listening to, and discussing the concerns of interested parties; the failure to engage in such consultation is at the heart of the DEIS' inadequacies. Please re-read the Section 106 regulations and relevant guidance from the Advisory Council on Historic Preservation and the Secretary of the Interior, and recast your discussion to accurately reflect their direction.

On page 3-6, the DEIS discusses an "area of potential effects" (APE) defined by the NRC staff for the project. This APE appears to be based solely on the potential for direct and selected indirect physical effects. I see no evidence that direct or indirect visual, auditory, olfactory, or other non-physical effects were given any consideration, nor do I see any evidence that cumulative effects on "cultural resources" of any kind were considered, in defining the APE. Please reconsider your APE with reference to all types of potential effects.

The discussion of historic properties that takes up the remainder of this section is overwhelmingly weighted toward specific archaeological sites and historic structures. Particularly given the proximity of the project site to the Scioto Township Works, and the extensive cultural landscape modifications represented by such earthworks, it seems strange that so little consideration seems to have been given to cultural landscapes, and to relict landforms that may reflect such landscapes amid the damage caused to the area in the past by the DOE Reservation. Please consider attempting a more coherent, landscape-based approach to analysis of the area's historic properties.

On page 3-9 we are told that unidentified "(i)investigators" determined that 22 of the 36 previously unidentified archaeological sites "did not meet National register eligibility criteria." Upon what basis or bases were these determinations made, and how were the "investigators" qualified to make them? How were Indian tribes and other interested parties consulted in the course of these evaluations? The same questions pertain to the evaluation discussed in the final paragraph on this page.

Please explain how NRC has completed its responsibilities under the Archaeological and Historic Preservation Act of 1974 (16 USC 469-469c-2) with respect to the individual archaeological sites discussed in this section, and with respect to the prehistoric cultural landscape of which they are arguably parts.

How were interested parties consulted during the evaluation of the Gaseous Diffusion Plant discussed on page 3-10?

Section 3.3.4 on page 3-10 mentions in passing that the Barnes House, adjacent to the project area, is associated with the location where the last passenger pigeon was reportedly killed. This suggests that this representative of a famous species that figured significantly in American conservation history may have been killed within or near the project area, but I see no evidence that this possibility was in any way considered in your analysis. Clearly, the landscape within which the last passenger pigeon was killed would very likely be eligible for inclusion in the National Register of Historic Places. Please address this possibility, and the possible impacts of the project on this landscape.

The discussion of the Barnes House is confusing. If it is adjacent to the boundary of the reservation, it would seem that it must be subject to at least possible visual, auditory, or other non-physical effects, and impacts on its use, if not long-term physical impacts. Please explain why NRC has not evaluated its eligibility for the National Register, and considered possible effects on it. What is the relevance of the SHPO's recommendation to the property owner regarding nomination to the National Register?

Section 3.3.5 indicates that the Absentee Shawnee Tribe has indicated a concern about the Scioto Township Works and perhaps other earthworks in the area, but I see no evidence that the Tribe has been consulted about this concern. There are copies of letters to various tribes appended to the DEIS (Appendix B), but these do not represent consultation; they merely inquire about whether the tribes have "specific knowledge of any sites that you believe have traditional religious and cultural significance." Please review pertinent guidance from the Advisory Council on Historic Preservation, the National Register of Historic Places, and the U.S. Environmental Protection Agency's Interagency Native American Environmental Justice Task Force, and explain your consultation with with potentially concerned Indian tribes with reference to such guidance.

The purpose of Section 3.3.6 is unclear. Please explain what information this section, as opposed to those preceding it, is supposed to convey. Please explain what you mean by a "potential historic property." What property is NOT "potentially" historic?

Section 4.2.3:

The highlighted text at the top of page 4-5 further describes the APE as NRC has defined it, but provides no justification for it, and like the previous description appears to deny the possibility of any kind of other-than-physical impact. Please reconsider your APE definition with reference to contemporary best practice.

Section 4.2.2.1 first suggests that various activities could have effects on historic properties by destroying or altering contributing elements of the Gaseous Diffusion Plant, but then vaguely implies that such effects will be "properly controlled" and hence will have "no effect." This is not a possible determination under the Section 106 regulations. The regulations permit "conditional" determinations of "no adverse effect," but not conditional determinations of "no effect" (strictly speaking, determinations of "no historic properties subject to effect"). IF you have actual procedures to put in place, developed in consultation with the SHPO and other interested parties, by which to "properly control" damage or destruction of historic properties and their elements, then perhaps you can determine that there will be no adverse effect, but not no effect. Please re-read 36 CFR 800.5 and reconsider this section.

The next paragraph is even vaguer about NRC's determination with respect to the archaeological sites, and continues to express total ignorance of any cultural landscape values or traditional cultural values that may be ascribed to the landscape by Indian tribes or others. Again, please review pertinent regulations and guidance and reconsider this paragraph.

At the top of page 4-6 the NRC staff concludes that there will be no effect

on the Scioto Township Works, but it does so (a) without any clear definition of the actual boundaries of the Works or their possible relationship to other cultural landscape features, and (b) without any consultation with the Absentee Shawnee or other tribes that may (and in the case of the Absentee Shawnee, say they do) ascribe cultural significance to the Works and other landscape features in the area. As requested above, please review pertinent Advisory Council, National Register, and EPA guidance and reconsider this casual dismissal of effects on the site.

The next paragraph, on the Barnes House, is equally peculiar. Here we have NRC confidently asserting that the Barnes House may be eligible for the National Register only under National Register Criteria A and C, and casually assuring the reader that the project cannot affect the attributes that may make it eligible under these criteria, when it has provided no evidence that it has performed any sort of analysis of the Barnes House's eligibility -- suggesting instead that it is the property owner's responsibility to nominate the place to the National Register. As far as I can tell, you have developed no basis whatever to say anything about the eligibility of the Barnes House, the elements that may contribute to that eligibility, or the effects of the project (direct, indirect, or cumulative) on such elements. Please develop such a basis, in consultation with interested parties and in a manner consistent with pertinent guidance, and try again.

Section 4.2.2.2 seems to be predicated on the assumption that the only possible "indirect" effects of facility operation would be vandalism by workers within the facility boundaries. Please explain the rationale for this assumption. Will there be no other long-term indirect or cumulative effects on the local environment that might alter historic properties? Why should vandal workers stay within the fence? Why does NRC staff consider only the "information values" of the Scioto Township Works, considering that the Absentee Shawnee Tribe, at least, has indicated concerns that may well go beyond information values?

Throughout this section, potential impacts are referred to as "SMALL." What does this mean with reference to (a) the significance of impacts under NEPA and (b) the criteria of adverse effect found in 36 CFR 800?

Section 4.2.9:

This section, on environmental justice, gives no consideration whatever to disproportionate adverse environmental impacts on the cultural interests of such minority (and probably low-income) groups as the Absentee Shawnee and other tribes. Please review pertinent EPA guidance and address these impacts.

Section 4.3:

This section, on cumulative impacts, is notable for its utter lack of treatment of effects on historic properties or any other kinds of "cultural resources." This is particularly striking considering that the reservation on which the project is proposed has clearly had very serious impacts on the cultural landscape of which the Scioto Township Works are a part. A cumulative impact analysis is supposed to consider the effects (even the "SMALL" effects) of the project under review in the context of other past, present, and reasonably foreseeable future actions. Serious impacts on the cultural character of the area that includes the project APE (however defined) have obviously taken place in the past; they may be going on in the present, and what the future

holds remains to be analyzed. Please address the cumulative impacts of the project on cultural resources of all kinds, notably including historic properties.

Appendices

Appendix B contains several form letters to Indian tribes asking them about "specific knowledge of any sites" that they believe "have traditional religious and cultural significance." The text indicates that the Absentee Shawnee reported knowledge of such a site -- the Scioto Township Works -- though the documentation expressing this concern, supposed to be in Appendix B, is not there. In any event, the letters do not reflect any sort of real consultation with the tribes; they are mere formletters that do not seem to have been followed up in any way. Please review the findings of the Tenth Circuit Court of Appeals in *Pueblo of Sandia v. United States*, 50 F.3d 856 (10th Cir. 1995), as well as pertinent Advisory Council, National Register, and EPA guidance, and initiate real consultation with tribes.

Appendix B also includes correspondence with the SHPO in which the SHPO suggests a variety of representations, studies and consultations that NRC should undertake. It is not clear what, if anything, NRC has done in response to these suggestions.

Appendix B also contains a letter to the Advisory Council on Historic Preservation in which NRC mentions, rather in passing, that it intends to "use the NRC's NEPA review processes for Section 106 purposes," and later indicates that the former will be used "in lieu of" the latter. This suggests an attempt by NRC to comply with 36 CFR 800.8(c) and substitute its NEPA compliance for completion of standard Section 106 review, but NRC has done virtually none of the things that 36 CFR 800.8(c) requires in order to effect such a substitution. It has notified the Advisory Council of its attempt to substitute, but I see no evidence that it has similarly notified the SHPO. The notification to the Advisory Council came only very late in the NEPA process, and in such a stealthy way (a short, vague paragraph buried in the middle of a longer missive) that it is easy to imagine the Council misunderstanding its intent. More importantly, NRC has engaged in virtually none of the consultation with interested parties required by 36 CFR 800.8(c), and there are, as indicated above, many questions about the quality of its efforts to identify and address historic preservation issues. I strongly suggest that you abandon your attempt to substitute your NEPA compliance for standard Section 106 review, and initiate proper consultation with all concerned parties in accordance with 36 CFR 800.4.

Beyond properly complying with Section 106 of the National Historic Preservation Act, I suggest your attention to Section 110(d) of the same statute, to the requirements of the Archaeological and Historic Preservation Act of 1974, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act and its implementing regulations (43 CFR 10), Executive Order 13175, and Executive Order 13352, and to the requirement of 40 CFR 1508.27(b)(3) and (8) that effects on cultural resources -- NOT only National Register eligible historic properties -- be considered in determining the significance of environmental impacts.

The overwhelming impression conveyed by the DEIS with respect to "cultural resources" is one of ignorant dismissal. It appears that the NRC staff and the DEIS authors have convinced themselves that there will be no impact on

anything of importance, and has then written the DEIS to demonstrate that this is the case. The demonstration, however, is a perfectly amateurish one. I devoutly hope that the DEIS is not similarly flawed with respect to other kinds of environmental impacts; if it is, it would speak very poorly for NRC's attention to its responsibilities toward the public and the environment.

Thank you for the opportunity to comment; I look forward to your responses.

Sincerely,

Thomas F. King, PhD

cc: OH SHPO
ACHP
National Trust for Historic Preservation
Geoffrey Sea

CC: <tmcculloch@achp.gov>, <Betsy_Merritt@nthp.org>, <dsnyder@ohiohistory.org>, <SargentsPigeon@aol.com>

Mail Envelope Properties (435D0881.9CE : 16 : 47566)

Subject: Comments on Draft EIS, American Centrifuge Plant, Piketon, OH,
NUREG-1834
Creation Date: Mon, Oct 24, 2005 12:14 PM
From: <TFKing106@aol.com>
Created By: TFKing106@aol.com

Recipients

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Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Thomas F. King, PhD

P.O. Box 14515, Silver Spring MD 20911 Professional Resumé
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Cultural Resource Impact Assessment and Negotiation, Writing, Training

Employment

Presently: Private consultant, educator, writer, facilitator in cultural resource management and environmental review; Trainer/Consultant, SWCA Environmental Consultants; Archeologist, The International Group for Historic Aircraft Recovery Amelia Earhart Project. Member, Sussex Archaeological Executive, advising the Government of Great Britain regarding archaeological recovery of HMS *Sussex* off Gibraltar.

Formerly: Senior Instructional Consultant, National Preservation Institute. Expert consultant to U.S. General Services Administration, program director for Advisory Council on Historic Preservation, Consultant to the High Commissioner, Trust Territory of the Pacific Islands, Archeologist with the National Park Service, consulting archeologist, head of archeological surveys at San Francisco State University, UCLA, University of California Riverside.

Education

PhD, University of California, Riverside, Anthropology, 1976.

BA, San Francisco State University (then College), Anthropology, 1968.

Certificate: Mediator, Bowie State University Center for Alternative Dispute Resolution, 1997.

Recent and current Clients

Government Agencies: Bureau of Land Management California State Office; Bakersfield Field Office; USDA Forest Service. USDA Farm Service Agency, U.S. Fish and Wildlife Service. U.S. Navy, U.S. Air Force, U.S. Army, Federal Aviation Administration. Grand Canyon Monitoring and Research Center. City of Newport News, Virginia.

Indian Tribes and Organizations: Klamath River Intertribal Fish and Water Commission; Mole Lake Sokaogon Community of Lake Superior Chippewa Indians; Bad River and Red Cliff Bands of Lake Superior Tribe of Chippewa Indians. Hualapai Tribe. Quechan Indian Nation. Round Valley Indian Tribes. Penobscot Tribe.

Private Sector: Blythe Energy Corp., Cingular Wireless. Odyssey Marine Exploration.

Non-profit organizations: National Preservation Institute.

Thomas F. King: Courses Taught

Short courses for SWCA Environmental Consultants, National Preservation Institute, University of Nevada, Reno, General Services Administration, Advisory Council on Historic Preservation, Environmental Protection Agency, National Park Service, and Department of Defense in cultural resource law and policy, Section 106 review, National Environmental Policy Act implementation, identification and protection of traditional cultural properties, Native American consultation, environmental justice, conflict resolution, and related subjects.

Thomas F. King: Publications (Selected)

Books and Monographs

- *Doing Archaeology: a Cultural Resource Management Perspective*. Left Coast Press 2005.
- *Cultural Resource Laws and Practice: An Introductory Guide*. AltaMira Press 2004 (First edition 1998)
- *Amelia Earhart's Shoes*. With R. Jacobson, K. Burns, and K. Spading. AltaMira Press, 2004 (First edition 2001).
- *Places that Count: Traditional Cultural Properties in Cultural Resource Management*. AltaMira Press 2003
- *Thinking About Cultural Resource Management: Essays From the Edge*. AltaMira Press 2002.
- *Federal Projects and Historic Places: the Section 106 Process*. AltaMira Press, 2000
- *Piseken Nóómw Nóón Tonaachaw: Archeology in the Tonaachaw Historic District, Moen Island, Truk*. With P.L. Parker, Southern Illinois University, Carbondale and Micronesian Archeological Survey, Saipan 1984.
- *Anthropology in Historic Preservation*. With P.P. Hickman and G. Berg, Academic Press, New York 1977.
- *The Archeological Survey: Methods and Uses*. Interagency Archeological Services, Heritage Conservation and Recreation Service (National Park Service), Department of the Interior, Washington DC 1977 (Republished 2003 by California Division of Forestry).

Articles

- Considering the Cultural Importance of Natural Landscapes in NEPA Review: The *Mushgigamongsebe* Example. *Environmental Practice* 5:4, Oxford University Press, 2003
- "I Learned Archaeology From Amelia Earhart: Using a Famous Mystery to Teach Scientific Methods." In *Strategies for Teaching Anthropology*, 3rd Edition, Patricia Rice and David McCurdy, eds., Prentice Hall, New York; 2003..
- "Cultural Resources in an Environmental Assessment Under NEPA." *Environmental Practice* 4(3):137-144, National Association of Environmental Professionals, September 2002.

- "Historic Preservation Laws" in *Encyclopedia of Life Support Systems*. EOLSS Publishers for UNESCO, 2002.

Articles (continued)

- "What Should Be the 'Cultural Resources' Element of an Environmental Impact Assessment?" *Environmental Impact Assessment Review* 20(2000):5-30, 2000.
- "Archaeology in the Search for Amelia Earhart." With Richard Gillespie. In *Lessons from the Past: An Introductory Reader in Archaeology*, Kenneth L. Felder, ed., Mayview Press, Mountain View CA, 1999
- "How the Archeologists Stole Culture: a Gap in American Environmental Impact Assessment and What to Do About It." *Environmental Impact Assessment Review*, January 1998.
- "The Nature and Scope of the Pothunting Problem." In *Protecting the Past: Readings in Archaeological Resource Management*. J.E. Ehrenhard and G.S. Smith, eds., The Telford Press, Caldwell NJ 1991.
- "AIRFA and Section 106: Pragmatic Relationships." In *Preservation on the Reservation*, A. Klesert and A. Downer, eds., Navajo Nation Publications in Anthropology 26, Window Rock 1991.
- "Prehistory and Beyond: The Place of Archeology" In *The American Mosaic: Preserving a Nation's Heritage*. R.E. Stipe and A.J. Lee, eds., US/ICOMOS, Washington DC, 1987.
- "Intercultural Mediation at Truk International Airport." With P.L. Parker. In *Anthropological Praxis: Translating Knowledge Into Action*. R.W. Wulff and S.J. Fiske, eds., Washington Association of Professional Anthropologists, Westview Press, Boulder 1987.
- "The Once and Future Drought." *American Archeology* 5:3:224-8, Ridgefield, CT 1985
- "Professional Responsibility in Public Archeology." *Annual Review of Anthropology* 12, Palo Alto 1983.
- "Recent and Current Archeological Research on Moen Island, Truk." With P.L. Parker. *Asian Perspectives* xxiv(1):11-26, Honolulu 1981.
- "The NART: A Plan to Direct Archeology Toward More Relevant Goals in Modern Life." *Early Man*, Evanston, winter 1981.
- "Don't That Beat the Band? Nonegalitarian Political Organization in Prehistoric Central California." In *Social Archeology*, C. Redman, Editor, Academic press, New York 1978.
- "The Evolution of Complex Political Organization on San Francisco Bay". In *'Antap: California Indian Political and Economic Organization*. L.J. Bean and T.F. King, eds., Ballena Press, Ramona, CA 1974.

Government Guidelines and Regulations

- Regulations, guidelines, and plain-language brochures on environmental and cultural resource management, NEPA review, Section 106, and related topics, for Department of Agriculture Farm Service Agency (FSA) (unattributed, with FSA NEPA and Cultural Resource staff). FSA, 2004.

Government Guidelines and Regulations (Continued)

- Orders, Guidelines, and Fact Sheets: Cultural Resource Management, Floodplain Impact Management, Wetlands Impact Management, Federal Real Property Disposal, Archeological Collections Management, Indian Sacred Sites Management, Historic Document and Artifact Management, Environmental Justice, and Social Impact Assessment (unattributed, with GSA NEPA Call-In Staff). General Services Administration, Washington DC, 1998.
- *NEPA Desk Guide* and related orders (unattributed, with L.E. Wildesen and GSA Environmental Quality Working Group). General Services Administration, Public Buildings Service, Washington DC, 1997.
- *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. With P.L. Parker. National Register Bulletin 38, National Register of Historic Places; National Park Service, Washington DC, 1990
- *Preparing Agreement Documents*. Advisory Council on Historic Preservation, Washington DC, 1989.
- *Public Participation in Section 106 Review: a Guide for Agency Officials*. Advisory Council on Historic Preservation, Washington DC 1989.
- *Identification of Historic Properties: a Decisionmaking Guide for Managers*. Advisory Council on Historic Preservation and National Park Service, Washington DC 1988.
- *The Section 110 Guidelines: Guidelines for Federal Agency Responsibilities Under Section 110 of the National Historic Preservation Act*. With S.M. Sheffield. 53 FR 4727-46, National Park Service, Washington DC 1988
- *Regulations for the Consideration and Use of Historic and Cultural Properties* (Unattributed). Commonwealth of the Northern Mariana Islands Historic Preservation Office, 1983
- *Treatment of Archeological Properties: a Handbook*. Advisory Council on Historic Preservation, 1980.

Popular

- "Archeology and the Fate of Amelia Earhart." *About.com*, June 2005. http://archaeology.about.com/od/pacificislands/a/king_ae.htm
- "Amelia Earhart: Archeology Joins the Search." *Discovering Archeology* 1:1:40-47, El Paso; January-February 1999
- "Sea Changes: 14th Century Micronesia." *Glimpses of Micronesia and the Western Pacific* 25:1, Honolulu 1985.
- "Tonaachaw: a Truk Village Rediscovered its Past." With P. Parker. *Glimpses of Micronesia and the Western Pacific* 21:4, Honolulu 1982.
- "How You Can Help the Archeologists." *Boys Life*, Boy Scouts of America, 1971.

Other

- Videotapes on "historic contexts" and "traditional cultural properties," for National Park Service
- "E-Book" environmental review software, for General Services Administration
- "NEPA for Historic Preservationists and Cultural Resource Managers," worldwide web pages for National Preservation Institute.

From: <SargentsPigeon@aol.com>
To: <mx66@nrc.gov>, <nrcprep@nrc.gov>
Date: Thu, Oct 27, 2005 9:58 AM
Subject: USEC DEIS Comments

09/08/05

Matthew Blevins
Nuclear Regulatory Commission

70FR53396

Dear Mr. Blevins,

Attached are the attachments to my comments on DEIS NUREG-1834.

13

I've had two problems. One is getting the file to transmit given the large file size. I've been trying to send most of the night but as I have a dial-up connection only, it's very difficult and keeps quitting. Please be understanding.

Second, I have two other imposing deadlines this week....the appeal of the ASLB ruling in the USEC case was due Monday and new contentions as per the ASLB ruling are due very shortly. I did call on Monday and received an extension but am afraid it will take another day to get my full comments in. Attached are the attachments only, not the text. If for some reason you cannot accept the text, I still wish the attachments submitted...they are self explanatory as they contain mainly letters from others pertaining to historic and cultural resource issues.

I will send the text ASAP.

You will note that the first item is a DEIS comment from Professor Robert Proctor at Stanford. Unfortunately, Dr. Proctor made the mistake on Monday of e-mailing his comment to me instead of to NRC, and I did not realize it until Tuesday, when he was already on a plane to Germany. Therefore please accept his testimony as timely. His e-mail address is included. Other contact info. can be provided if necessary.

Thanks for your consideration,

Geoffrey Sea
The Barnes Home
P.O. Box 161
Piketon, OH 45661
Tel: 740-289-2473
Cell: 740-835-1508
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Subject: USEC DEIS Comments
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From: <SargentsPigeon@aol.com>

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Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Index to Attachments submitted by Geoffrey Sea

(note: Exhibit designations refer to exhibits submitted to NRC as attachments to Geoffrey Sea's petition for intervention and subsequent filings)

1. DEIS Comment of Robert Proctor, PhD., Professor of History, Stanford University, 10/24/05
2. Map of Historic Sites in relation to American Centrifuge Project created by Petitioner Geoffrey Sea.
3. Exhibit B. Statement of Charles W. Beegle, former Professor of Education at the University of Virginia, widower of Jean Rittenour and owner of the historic Rittenour Home and Scioto Trail Farm that adjoins the DOE reservation in Piketon.
4. Exhibit E. Statement of Jerome C. Tinianow. Executive Director of Audubon Ohio and Vice President of the National Audubon Society.
5. Exhibit F. E-mail correspondence from Roger G. Kennedy, former director of the National Park Service and Director Emeritus of the National Museum of American History, author of *Hidden Cities: The Discovery and Loss of Ancient American Civilization*.
6. Exhibit H. Statement of John E. Hancock, Professor of Architecture and Associate Dean at the University of Cincinnati, Project Director of "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"
7. Exhibit M. Letter from Linda A. Basye, Executive Director of the Pike County Convention and Visitors Bureau, 10/21/04
8. Exhibit N. Statement of Karen Kaniatobe, Tribal Historic Preservation Officer of the Absentee Shawnee Tribe of Oklahoma in Shawnee, Oklahoma.
9. Exhibit O. Plate XXIV from Ephraim Squier and Edwin Davis, *Ancient Monuments of the Mississippi Valley*, 1848.
10. Exhibit Q. Statement of Thomas F. King, preservation consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*
11. Exhibit V. Statement of Thomas F. King, preservation

consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*, dated March 30, 2005.

12. Exhibit W. Letter from Chief Hawk Pope, Shawnee Nation, United Remnant Band, undated, received March 29, 2005.

13. Declaration by John Hancock, Frank L. Cowan, and Cathryn Long Regarding August 5, 2005 Visit to GCEP Water Field

14. Photographs in order: 1. The Barnes Home close-up, 2. The Barnes Home landscape 3. Surviving remnant of the Barnes Works, 4. View of the Scioto River at the point where the creek of the Barnes Works joins it, which USEC and NRC say "is not a scenic river" 5. The kill-site of the Sargents Pigeon (remnants of the home where Press Clay Southworth lived in 1900)

15. Photograph of ACP Buildings across fence-line of Barnes Home property (previously provided.)

Comment on the Draft Environmental Impact Statement for the Proposed American Centrifuge Plant in Piketon, Ohio

By Robert N. Proctor, PhD.

Submitted Oct. 24, 2005

I am Professor of the History of Science at Stanford University, and a tenured member of the faculty of the History Department at that University. I hold a doctoral degree in the History of Science from Harvard University and am the author of four books on the history of science, dozens of articles in peer-reviewed academic journals, including historical, scientific, and medical journals. I have won several prizes for my academic scholarship, including the Viseltear Prize from the American Public Health Association and the American Anthropological Association. I have held fellowships from the Guggenheim Foundation, the National Science Foundation, the National Institutes of Health, the Holocaust Memorial Museum in Washington, D.C., the Max Planck-Institute for the History of Science in Berlin, the National Library of Medicine, the Howard Foundation, the Hamburg Institute for Social Research in Germany, the National Center for Human Genome Research, the National Endowment for the Humanities, the Center for Advanced Study in the Behavioral Sciences at Stanford, the American Council of Learned Societies, the Andrew Mellon Foundation, the Woodrow Wilson Foundation (Charlotte W. Newcome Fellow), and the Shelby Cullom Davis Center for Historical Studies at Princeton University. I am also an elected Fellow of the American Academy of Arts and Sciences, the oldest scientific academy in the U.S., founded in 1780 by John Adams, John Hancock, and other American scholar-patriots.

I have visited the Piketon facility and am familiar with the historic and cultural value of the overall site, and the history of the uranium enrichment processes that have been operated there since the 1950s. I am also familiar with the work and writings of Mr. Geoffrey Sea, resident in the Barnes Home in Sargents, Ohio. I have reviewed the "Historic and Cultural Resources" section and the corresponding "impacts" and "alternatives" sections of the Draft Environmental Impact Statement for the facility.

I want to briefly note here my disappointment with the NRC assessment of the potential historical and cultural impacts of the proposed centrifuge facility. The report repeatedly states that the expected impacts to historical and cultural resources of the proposed facility are "small," "insignificant," "negligible," etc., when in fact we can expect the impact to be very significant.

Historians in recent years have become increasingly aware of the importance of preserving the integrity of historic and prehistoric sites, this includes protection of such sites in their landscape settings from noise, visual insults, traffic, access obstacles, commercial development, intrusion from physical and electronic security, threats to the safety of visiting members of the public, "aesthetic" or psychological impacts that might discourage tourism, and many other factors, and these concerns have been reflected in strengthened federal legislation and regulation starting with the 1966 National Historic Preservation Act. Sites such as Gettysburg and other parks valued for their historical significance have resisted efforts to compromise such values, and here, in Piketon, we have an instance where there is a threat of significantly

compromising unique historical and cultural values by going ahead with construction, operation and eventual decommissioning of the centrifuge facility.

In his published writing, with a rather unique literary style, Geoffrey Sea exemplifies a certain model of history that sees historical persons and events as interwoven over long spans of time. The locale of what used to be called Sargents, Ohio, has become a model for his analysis, and an ideal one, for the various individual locations in close proximity in Sargents weave together in that seamless fabric we call history.

Historians will be troubled by the shallow and cavalier treatment offered by NRC Staff's assessment of the impact of this proposed plant on historical and cultural resources. The site of the last passenger pigeon slaying and the Barnes family experience and homestead, together with the important earthworks, and the recently-closed Gaseous Diffusion Plant could be part of an important public historical site with both educational and recreational value. The integrity of this site must be protected for future generations; indeed it is precisely the kind of site our preservation laws are designed to protect.

The Barnes Home is at the center of this matrix, for the Barnes family brought to world attention the enormous prehistoric earthwork complex to the west of the house, which became known as the Barnes Works. South of the home is the kill-site of the last known wild passenger pigeon, which was mounted in the home. North is the Sargent Home, which was occupied by a family that married into the Barnes clan and brought Abraham Lincoln in to view the earthworks. East of the home is the centrifuge plant, close to the excavated site of a burial mound that became a waste pit for the Department of Energy; and the X-326 building, which has historic value as America's only dedicated facility for the production of bomb-grade uranium.

It makes no sense to analyze these locations individually, as is done in the DEIS, neglecting some of them entirely, at each step blind to the historic panorama that links and surrounds. That's an approach that intends to be dismissive of discovered impacts, and dismiss them it does, cutting the historical matrix into little segregated insignificant bits.

For example, the earthwork discovered at the Well Field site is considered separately from discussion of the Scioto Township Works (Barnes Works), even though a glance at the map and a consideration of known Hopewell patterns of construction leads to a reasonable conclusion that these once were connected. (Eminent historian Roger Kennedy has in fact suggested that they were connected and that the Great Hopewell Road extended through the Barnes Works in his book, *Hidden Cities: The Discovery and Loss of Ancient North American Civilization*, Free Press, 1994.)

Too, there is no suggestion from the DEIS that the Barnes Home and the Barnes Works have any connection whatsoever, as absurd as this segregation is on its face. The DEIS enforces this segregation by using the term "Scioto Township Works" – though "Barnes Works" was the name used in the last extensive survey and description by Gerard Fowke in *The Archaeological History of Ohio*. The name "Barnes Works" is also least confusing since the historical name, "Seal Township Works," no longer corresponds to the township jurisdiction.

NRC apparently would not like to acknowledge that the building where bomb-grade uranium was produced and the extinction of the passenger pigeon might have any connection. But they are connected, and that connection served as the basis for Geoffrey Sea's long meditation on extinction and survival published in the *American Scholar*, "A Pigeon in Piketon." At the end of that piece, which was published before USEC chose Piketon as site for its centrifuge plant, Mr. Sea proposed that the X-326 building, now awaiting decommissioning, be

dedicated as a monument to the passenger pigeon.

This is a serious proposal for a number of reasons. First, there is no national memorial to the passenger pigeon, though the species was the most abundant vertebrate species on the continent and its passing is considered to be the exemplar of man-made extinction. The famous ecologist Aldo Leopold erected an extraordinary monument at the site of the last passenger pigeon kill in Wisconsin. A national monument rightfully should be located at or near the last kill site of all, in Sargents. Arguably it has not happened only because that location was not precisely known. But now Mr. Sea has found it, within a mile or two of X-326 and the Barnes Home, and that is of paramount importance to environmental history.

Second, there are no current plans for the X-326 building, which may not be easily demolished owing to the high degree of radioactive contamination inside. Entombment of the building might be the only technically viable and cost-effective solution, and if safe entombment can serve the larger purpose of a national monument, as a structure to spur reflection upon the folly and avarice of Man, so much the better. That is the essence of Mr. Sea's proposal, as was perhaps anticipated by Aldo Leopold when he wrote, in 1949, in *A Sand County Almanac*, of human superiority lying in our capacity to remember and mourn the passenger pigeon, "rather than...in Mr. Vannevar Bush's bombs."

Remembrance and memorial are at the vanguard of historical thinking and historical preservation at the moment. I have served as an advisor to the Holocaust Museum, which set the trend, and there is now an active program, sponsored in part by the Department of Energy, to memorialize the cold war and Manhattan Project sites around the nation. Mr. Sea's proposal should be analyzed in the context of this program.

Which obviously is inconsistent with licensing and completion of USEC's centrifuge plant. The USEC plant would sit in between the Barnes Home and the X-326 building, physically obstructing the possibility of connecting these locations as a memorial site and visitor attraction. How on earth can that be considered as minimal impact?

The potential for a historical landmark site that encompasses the kill-site of the Sargents Pigeon, the Barnes Works, the Sargent and Rittenour homes, and the X-326 building – with the Barnes Home at its center – is great. But only if there is no centrifuge plant at the middle of it, obstructing passage with security fences, scaring visitors away with the potential for catastrophic events and toxic releases, obviating the memorial message that we have learned our lesson to overcome folly and greed.

The building and operating of a uranium enrichment plant right over the fence-line from the Barnes Home will severely impact prospects for a public center to develop this as a place for education, tourism, and long term commemoration. Archaeologists here at Stanford and elsewhere are developing models for how this can be done at sites designated by UNESCO as being of historic significance.

Threats to this integrated set of sites from construction of the centrifuge plant are of several types, including (but not limited to): fences; roads; traffic; security surveillance (including security gates and closed access to some roads); restrictions on movement; diminishment of attractiveness to visitors; risk of terrorist attack (keeping people away); compromises from noise; diminishment of the aesthetics of the site, public worries (real or justified) to the dangers of uranium enrichment near such a site, just to name a few; vulnerability of buildings, land and people to catastrophic accidents, toxic emissions and potential damage from decontamination activities. The USEC report does not grapple with the potential impacts in

a way that is historically responsible.

There is no evidence from the DEIS that NRC actually studied these impacts on-site, only that lots of papers were shuffled to rule out impacts by fiat of definition. For example, did NRC staff visit the Barnes Home to see if the ACP site activities could be heard at night? (Mr. Sea reports they can.) Did NRC staff visit the Barnes Home at all, or the kill site of the Sargents Pigeon, or the Sargent Home? (Apparently not.) Did NRC consult any experts on the development of historic commemoration sites? (Apparently not.)

The DEIS contains another fundamental flaw in its approach to assessing impact in that it compares life with the centrifuge plant to life as it exists today. If this were a green-field site, that would be a proper approach, because, if the plant were not built, the green-field would continue on as is, as far as we know.

In this case, however, the massive Gaseous Diffusion Plant on the site has just shut down. The site is now maintained by DOE as a production site, with all the attendant apparatus of infrastructure and security, in anticipation of USEC's plant. Thus it is a tautology that the centrifuge plant will have little impact on a site already in preparation for a centrifuge plant.

But if the plant is not licensed and built, then the site will not be a DOE production site any longer. It would revert to cleanup, environmental restoration, and alternative use, as has occurred at other closed DOE production plants like Fernald and Rocky Flats. Site ownership would pass from DOE to the Department of Interior, and DOI would implement a mixed-use development plan for the site as it has done elsewhere. That near future must be the baseline for comparison in any impact assessment, under both NEPA and NHPA.

Substantial potential exists for the development of historical attractions, tourism, and sites of economically sustained commemoration at Sargents. It is not true, as NRC reports, that "the impacts to historic and cultural resources identified onsite and around the site's perimeter would be small" (p. 2-38). The combination of the three historic homes of the Barnes, Sargent and Rittenour families, the Scioto River history, unique geological features, the passenger pigeon history (centered on the Barnes home), and the long-standing Native American presence--including a number of significant prehistoric earthworks--make this a site of substantial historical importance. There is an integrity to these various historical and cultural aspects taken together that is not reflected in the DEIS; these sites have to be evaluated as a whole.

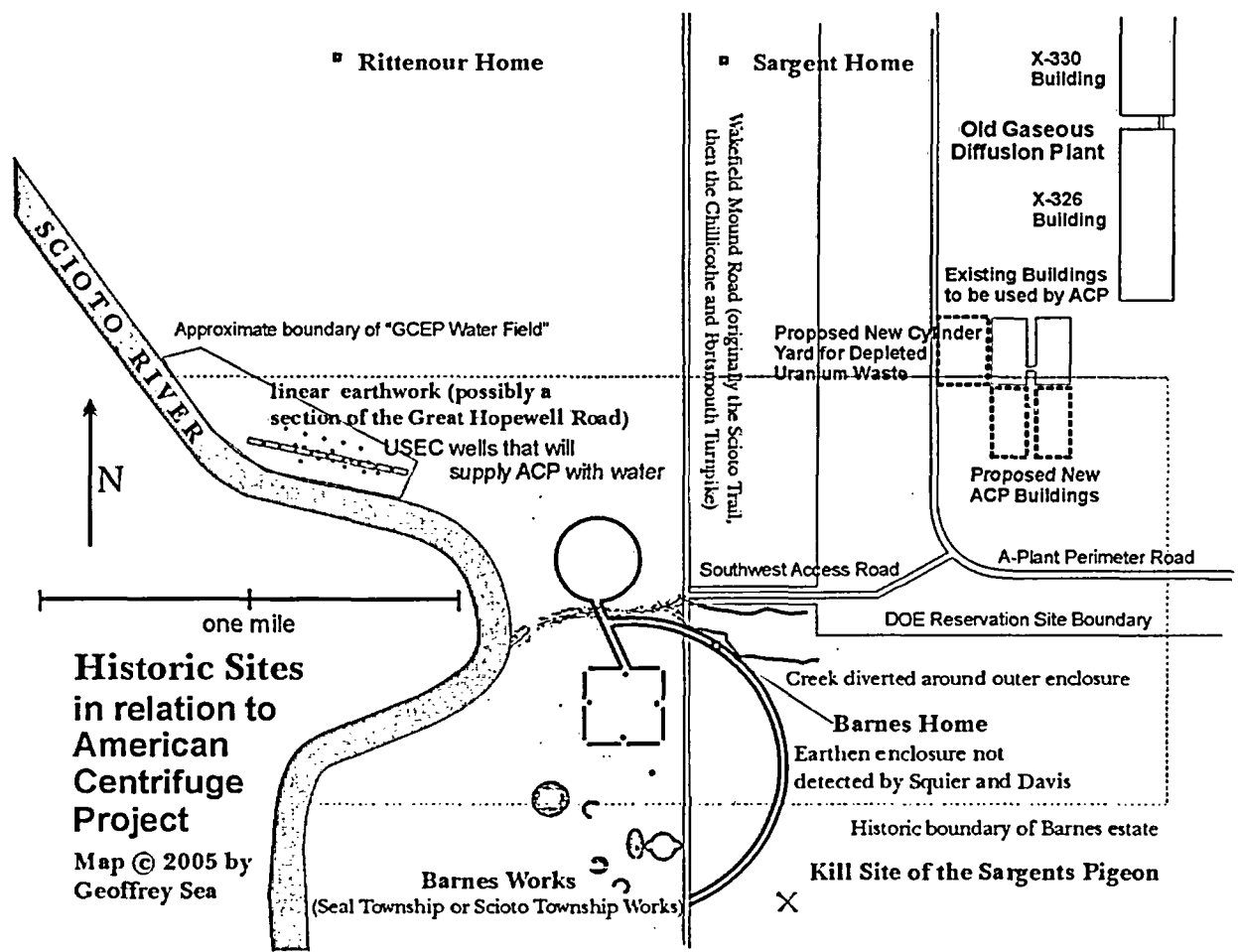
I have visited the Piketon site, and have some understanding of its history and integrity. I have consulted with Mr. Sea, and have confidence in his assessment of the potential historic value of this site, and the threats posed to it by the expansion of the USEC facility. Mr. Sea has lectured at Stanford University on his research into this topic, and there is strong interest here and elsewhere in the story he has to tell. I should say that I was surprised--astonished in fact--to find his name not even mentioned in the DEIS, despite the fact that he knows more about the cultural history of this area than anyone alive. Mr. Sea has done important work evaluating the history and significance of this site, and it is absolutely essential that he be consulted in any effort to assess the potential impact of the centrifuge construction.

In conclusion, this site must be considered as an integrated whole, and should not be looked at piecemeal. Our federal preservation laws require that sites under consideration be studied for potential impacts on historical and cultural value, and the draft EIS certainly does not do an adequate job in exploring that potential impact.

Robert N. Proctor
Professor of the History of Science
Stanford University

e-mail: rproctor@stanford.edu

Map of Historic Sites in relation to American Centrifuge Project created by Geoffrey Sea. This map shows the historic sites as they once existed in conjunction with the current and proposed buildings of the ACP. It is intentionally anachronistic to give a sense of respective locations and distances. This map has been updated on the basis of new information as of 10/24/05.



**Historic Sites
in relation to
American
Centrifuge
Project**
Map © 2005 by
Geoffrey Sea

Exhibit B
[hand-written original transmitted via facsimile]

Brookhill Farm
2163 Scottsville Rd.
Charlottesville, VA 22902
27 February 2005

Nuclear Regulatory Commission

To Whom it may concern

Re: Piketon, Ohio Centrifuge Operation

As a neighboring landowner, I raise the following concerns about the expansions of the centrifuge operation at the Piketon, Ohio Plant.

1. I own the Scioto Trail Farm on State Route 23. Presently the farm is approximately 370 acres. The major portion is on the west side of State Route 23 and goes to the Scioto River.

2. The farm has been in my wife's family for generations. The Rittenours, Seargents, and Barnes were influential in the history of the Scioto Valley. From the oral history of the indian culture of the Scioto Valley, stories are told of the indian foot races along the lower portion of the farm. The historic nature of the property should qualify it for the National Historic Registry.

3. During 1966, the NHPA legislation was passed which mandated that government agencies had a moral and legal obligation to weigh the impact that projects have on historic surroundings. The government took 31.421 acres for a permanent easement in 1982. This was for a well field along the Scioto and for pipe lines and a road. Never was the NHPA legislation addressed.

4. At one time the farm was over five hundred acres. The DOE took a large portion of the farm during the early 1950s. There was a great projection on the financial benefits and jobs that would be gained with the nuclear energy project. The only thing that it did was ruin a once beautiful farming valley. There are few, if any, large landowner farmers remaining on their land. From my perspective, the plant has been a detriment and enlarging it will continue that degradation. In the process, it will destroy more Hopewell Indian relics and more of the early history of Ohio will be lost.

5. As an out of state land owner, I was not aware of the enlargement of the centrifuge plant. I would have objected earlier. This letter is written in support of Geoffrey Sea's intervention.

Sincerely,

Charles W. Beegle

Exhibit E. Statement of Jerome C. Tinianow, Executive Director of Audubon Ohio and Vice President of the National Audubon Society

Audubon Ohio
692 North High Street, Suite 303
Columbus, OH 43215-1585
Tel: 614-224-3303
Fax: 614-224-3305
www. Audubon.org

February 24, 2005

Dear Friends,

I am the Executive Director of Audubon Ohio, a conservation and wildlife advocacy organization with over 14,000 members throughout the state, some of whom live in and around Pike County, Ohio. We currently have 18 past and present donors living in Piketon itself.

Audubon Ohio is the Ohio office of the National Audubon Society, a 100-year-old conservation organization with over 400,000 members nationwide. Our mission is to conserve and restore ecosystems, focusing on birds, other wildlife and their habitats, for the benefit of mankind and the Earth's biological diversity. Geoffrey Sea is one of our members.

In pursuit of our mission, Audubon Ohio and the National Audubon Society believe it is important to protect, preserve and commemorate sites that have a special place in the history of conservation and ecology. Two such sites are in Pike County, where the last passenger pigeon ever sighted in the wild was shot by Press Clay Southworth on March 22, 1900. Over the years, investigators have tried to locate the precise scene of the shooting, without success until Geoffrey Sea did find the former residence of the Southworths and the nearby Sargents Grain Mill along Wakefield Mound Road, approximately one mile south of the A-Plant southwest access road. An affiliated site is the Barnes Home at 1832 Wakefield Mound Road, where the bird was mounted and displayed between 1900 and 1915, when it was donated to the Ohio Historical Society. The specimen is now prominently displayed at the OHS Museum in Columbus.

The extinction of the passenger pigeon, once the most populous bird in the world, over the course of a single century, is generally regarded as the most important and most instructive of all extinctions made by man. That is one reason that preservation and commemoration of the Pike County sites are so crucial. The other reason is that this is the only place on earth where the slaying of the last-seen wild survivor of a species has been located. The sites should be preserved so that they can be properly marked and made available for public education. At the scene of the last passenger pigeon shooting in Wisconsin, the

great American ecologist Aldo Leopold erected a famous bronze statue. Pennsylvania also has its passenger pigeon memorial, erected by the Boy Scouts of America at Pigeon Hills. The proper place for a national memorial is in Pike County, Ohio, as proposed by Geoffrey Sea in his essay in *The American Scholar*.

John James Audubon himself was moved to conservation activism by his witness of pigeon hunts, and his description of them stands as one of the earliest and most compelling bits of ecological writing. Audubon described a raid on a nesting of passenger pigeons this way:

"The tyrant of the creation, man, interferes, disturbing the harmony of this peaceful scene. As the young birds grow up, their enemies, armed with axes, reach the spot, to seize and destroy all they can. The trees are felled, and made to fall in such a way that the cutting of one causes the overthrow of another, or shakes the neighbouring trees so much, that the young Pigeons, or squabs, as they are named, are violently hurried to the ground. In this manner also, immense quantities are destroyed." (John James Audubon, *Bird Biographies*, "The Passenger Pigeon.")

The proposed construction and operation of a uranium enrichment plant at the southwest corner of the Department of Energy reservation would impact these historic sites and potential future projects in a number of ways. The location of the new enrichment plant borders on the Barnes Home property, and some of the land was originally taken from the Barnes estate. Safety and environmental fears, along with the conspicuous security regime, if not crafted with sensitivity to the historic importance of the neighboring property, could certainly deter public visitation to and appreciation of the historic sites.

The National Historic Preservation Act provides mechanisms for averting and ameliorating such impact. Unfortunately, the Department of Energy has not complied with its obligation to implement the various provisions of the act, creating now a monumental challenge for how to bring the proposed project into accord with federal preservation law.

Audubon Ohio supports Geoffrey Sea's intervention in this case. There must be an advocate for preservation and ecological interests involved in the proceedings.

Sincerely,

Jerome C. Tinianow
Vice President and Ohio Executive Director

Exhibit F. Statement of Roger G. Kennedy, former director of the National Park Service and Director Emeritus of the National Museum of American History, author of *Hidden Cities: The Discovery and Loss of Ancient American Civilization*

Subject: Intervention support
Date: 2/24/2005 12:20:18 PM Eastern Standard Time
From: roger@rkennedy.net
To: GeoffreySeaNYC@aol.com

To the Commissioners, Secretary and Atomic Safety and Licensing Board of the US Nuclear Regulatory Commission and to Whom it May Concern.

I am traveling away from home and letterhead, lecturing at Stanford University and for a group of private foundations in San Francisco. However, I wish to use this electronic means to support the intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action.

Mr. Sea is entirely correct as to the importance of the Barnes works to American history and to our living cultures. It is among the half-dozen most important pre-Columbian sites in the Ohio Valley, and when more work is done on it by competent archaeologists it may turn out to be among the half dozen most important in the United States. If the people of Louisiana can save Poverty Point, and the people of East St. Louis can save Cahokia, surely the more affluent people of Ohio can rally to protect their heritage from desecration. The balance is hardly even between a mere adjustment for convenience of an atomic energy plant which can go anywhere within a hundred mile radius, and a precious place with no equals, no counterparts, and no chance of replication. This generation would be disgraced if further damage were done to an inheritance from the ages. The Barnes site must be saved.

For that to happen, it might be well for the site ultimately to be placed in responsible public hands, such as the National Park Service or the Ohio State Park System, or within the jurisdiction of the United States Forest Service.

I would be happy to verify the authenticity of this commendation by responding to an email sent the sending address.

Roger G. Kennedy

Director Emeritus, National Museum of American History

Former Director, the United States National Park Service

Exhibit H. Statement of John E. Hancock, Professor of Architecture and Associate Dean at the University of Cincinnati, Project Director of "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"

University of Cincinnati
College of Design, Architecture, Art, and Planning
Office of the Dean
P.O. Box 210016
Cincinnati OH 45221-0016

Phone (513) 556-4933 / Fax (513) 556-3288
Web <http://www.daap.uc.edu>

February 21, 2005

To: The Commissioners, Secretary and Atomic Safety and Licensing Board of
the US Nuclear Regulatory Commission, and Whomever it May Concern

From: John E. Hancock, Professor of Architecture and Associate Dean
Project Director "EarthWorks: Virtual Explorations of the Ancient Ohio Valley"

Re: Support of the Intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action.

One of North America's richest prehistoric legacies lies mostly buried or destroyed, and nearly invisible, beneath the modern landscapes of southern Ohio. The first settlers in this region stood in awe, amidst the largest concentration of monumental earthen architecture in the world. These included effigies like the Great Serpent Mound, and hilltop enclosures like Fort Ancient; but the most spectacular were the many embankments and enclosures formed into huge, perfect, geometric figures. Two centuries of archaeological research have shown that these were created by ancient Native cultures dating back as far as about 2000 years.

Apart from three of these figures at Newark, Ohio (two circles and an octagon), no others exist in complete, visible form, though several survive in ways still useful to archaeological research. The circle-and-square at Piketon, also known as the Barnes Works or the Seal Earthworks, despite its scant remains, is significant for several reasons:

- it is among the least known or investigated to date by archaeologists;

- its double-figure shape links it to two of the most culturally-revealing earthworks that have been investigated (Newark and High Bank), suggesting similarly-precise astronomical functions akin to those at Stonehenge;

- it is at the center of the thickest concentration of these works, between Portsmouth and Chillicothe, undoubtedly part of a culturally important series, and possibly linked by an extension of "The Great Hopewell Road";

- through its connections with the Barnes family it holds special significance in the history of the State of Ohio, its early links to Virginia, and the early importance of its earthworks in the birth of American archaeology and national identity;

- it may include as part of its design a heretofore unrecorded earthen circle, of a size unknown anywhere else in the world.

The preservation of this site has at least two major benefits:

- it will enable the continuing study of a unique asset from this ancient Ohio Valley culture, now beginning to make its way back into the public consciousness in our region and beyond.

- it will strengthen the resource base for the increasingly-lucrative cultural heritage tourism industry and its associated high-quality, non-intrusive economic development in southern Ohio.

The goal of our multimedia "EarthWorks Project" is make these hidden or vanished sites visible again, and offer them in new ways, to new audiences, in new electronic media such as museum exhibits, computer discs, and a Website. Three times funded in this work by the National Endowment for the Humanities, we have confirmed the national cultural and historical significance of this ancient culture and their spectacular architectural monuments. Numerous inquiries from Europe attest to the international significance of this unique Ohio heritage, and public awareness and interest here at home is also clearly increasing.

The opportunity to preserve a unique resource that sheds light on our predecessors in this valley should not be missed.

Yours sincerely,

John E. Hancock

Exhibit N. Statement of Karen Kaniatobe, Tribal Historic
Preservation Officer of the Absentee Shawnee Tribe of Oklahoma

Absentee Shawnee Tribe of Oklahoma
Cultural/Historic Preservation Department
2025 S. Gordon Cooper
Shawnee, Oklahoma 74801-9381
(405) 275-4030 Fax: 405-878-4533

February 24, 2005

RE: Support of Geoffrey Sea's intervention in the USEC
American Centrifuge Plant Licensing Action

To the Commissioners, Secretary and Atomic Safety and
Licensing Board of the US Nuclear Regulatory Commission and
to Whom it May Concern:

I am writing in support of the intervention of Geoffrey Sea
in the USEC American Centrifuge Plant licensing action. I am
the Tribal Historic Preservation Officer for the Absentee
Shawnee Tribe. Our interest in supporting Mr. Sea is based
on the fact that Ohio is part of our ancestral homelands.
Through historical research we have identified a number of
village sites in the Ohio Valley. In fact, quite a few are
located along the Scioto River. Furthermore, if you look at
a map, you will notice that the names of towns, cities and
counties reflect the Shawnee's historical presence within
the state of Ohio.

We are part of the Algonquian family of Native American
peoples, and the Algonquian tribes of the Ohio/Great Lakes
region are collectively believed to be descended from the
culture called Ft Ancient. In turn the Ft Ancient are
considered descendants of the Hopewell culture. The people
of the Hopewell Culture built the many astounding geometric
earthworks, including those called the Barnes Works in
Scioto Township.

All of the historic and prehistoric sites in the region of
Scioto Township have great meaning and significance. The
Barnes Works, being one of the largest and most beautiful
prehistoric architectural works in North America, is a site
that has already suffered desecration and destruction--but
what remains can be saved.

Many more historic sites may exist in the area, remaining to
be found for lack of extensive survey. Surveys to find such
sites should be conducted as part of any 106 review for the
ACP.

The American Centrifuge Project may impact all these sites

in many ways that have not been studied or considered. Physical destruction caused by new buildings is only one concern. We also need to consider potential destruction of earthworks along the river caused by additional water pumping, the impacts of herbicides used to defoliate a security zone around the DOE site perimeter, the impacts of keeping the area under national-security restriction, rather than opening the area to study and tourism, and the aesthetic impacts of marring a sacred area with security fences, more roads, and shipments of radioactive fuel and waste.

Our tribe has not been contacted by DOE about the American Centrifuge Project for consultation. We first learned about the American Centrifuge Project from Geoffrey Sea. Please note that we count on being included as a consulting party in future 106 and 110 reviews at the Piketon site.

We understand that the NRC has initiated a section 106 review as part of its licensing process. That is good. However this is an important test for preservation law. If a major federal nuclear project involving two different federal agencies can proceed without any consideration of one of the largest sacred sites in North America next door, then it means that the provisions of the National Historic Preservation Act have become meaningless.

Many alternatives to the proposed action deserve full study and consideration. USEC's environmental report mentions the possible alternatives of moving ACP to the north side of the Piketon site or moving it from Piketon to Paducah, Kentucky. Since the current site at the southwest corner of the DOE reservation involves many potential impacts, those alternatives among others need careful review.

Respectfully,

Karen Kaniatobe
Tribal Historic Preservation Officer

Exhibit O. The Seal Township Works, later called the Barnes Works or Scioto Township Works. Plate XXIV from Ephraim Squier and Edwin Davis, *Ancient Monuments of the Mississippi Valley*, 1848. (Note that the more accurate measurements given by Cyrus Thomas and Gerard Fowke half a century later are substantially different, making the areas of circle and square between 10% and 15% larger.)

ANCIENT WORK,
SEAL TOWNSHIP,
PIKE COUNTY, OHIO.

E. G. Squier & E. H. Davis Surveyors, 1846

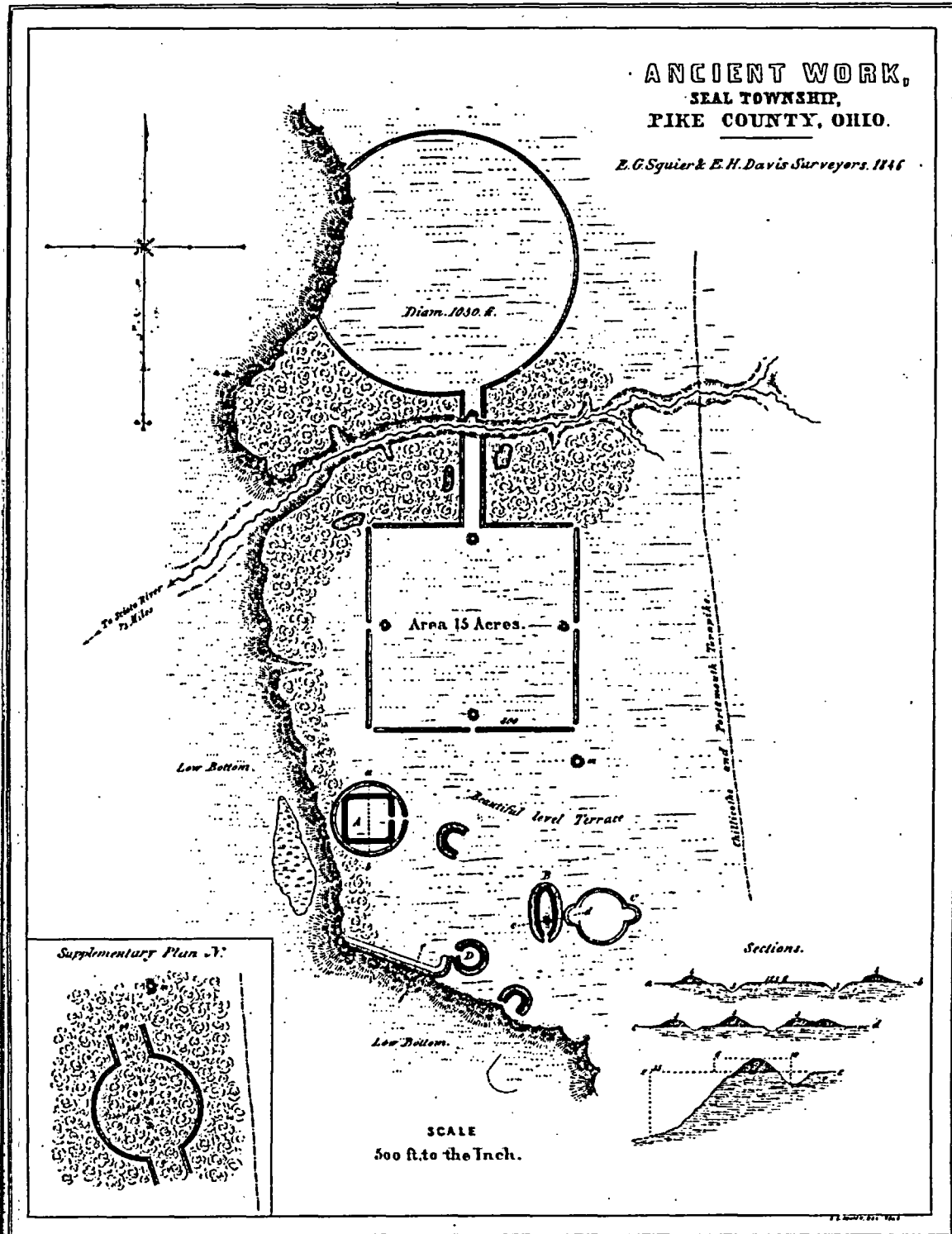


Exhibit Q. Thomas F. King, preservation consultant, author of four books on federal preservation including *Federal Planning and Historic Places: the 106 Process*

Thomas F. King, PhD.

P.O. Box 14515 Silver Spring MD 20911, USA

Telephone (240) 475-0595 Facsimile (240) 465-1179 E-mail tfking106@aol.com

Cultural Resource Impact Assessment and Negotiation, Writing, Training

February 24, 2005

To: The Commissioners, Secretary and Atomic Safety and Licensing Board of
the US Nuclear Regulatory Commission, and Whom it May Concern.

I am writing in support of the intervention of Geoffrey Sea in the USEC American Centrifuge Plant licensing action. As a professional practitioner of archaeology and historic preservation in the United States, I am deeply concerned about the potential impacts of the proposed action on historic properties, and about the adequacy of NRC's and the Department of Energy's (DOE's) compliance with Section 106 and 110 of the National Historic Preservation Act and other federal environmental and cultural resource legal requirements.

A copy of my professional resume is attached. I hold a PhD in Anthropology from the University of California, Riverside, and have been practicing in historic preservation and environmental impact review for almost forty years, both within and outside the Federal government. I have some twenty years experience as a government official with the Advisory Council on Historic Preservation, the National Park Service, and the General Services Administration, and am currently self-employed as a consultant, writer, mediator, and trainer in historic preservation, tribal consultation, and environmental review. I am the author of four textbooks and numerous journal articles on these subjects, as well as a number of federal regulations and guidelines. My particular specialty lies in working with Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effects of their actions on places included in and eligible for the National Register of Historic Places.

It is because of my concern for the proper application of Section 106 and related authorities, and for the proper management of historic places, that I support Mr. Sea's intervention. Mr. Sea has, I believe, uncovered significant problems with NRC's and DOE's compliance with the historic preservation and environmental

laws, and identified significant potential impacts on places eligible for inclusion in the National Register. His intervention should be given your very close attention.

Respectfully,

Thomas F. King

EXHIBIT V

Thomas F. King, PhD
P.O. Box 14515, Silver Spring MD 20911, USA
Telephone (240) 475-0595 Facsimile (240) 465-1179 E-mail tfking106@aol.com

Cultural Resource Impact Assessment and Negotiation, Writing, Training

March 29, 2005

Geoffrey Sea
340 Haven Ave., Apt. 3C
New York NY 10033

Dear Geoffrey:

You've asked me for my observations on how the Nuclear Regulatory Commission (NRC) staff's positions on the scope of its responsibilities in the USEC matter, and on the tests that you must meet in order to intervene, relate to the purposes and requirements of the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). I provide these observations based on some 40 years of professional practice under both statutes, including participation in the development of amendments to the latter and federal regulations and guidelines implementing both.

Both NEPA and NHPA were enacted in order to protect the public interest in the human environment in general (in the case of NEPA) and historic resources in particular (NHPA). It follows that the interested public - made up of people like yourself - has a large role to play in implementation of these laws, and this is reflected in the regulations that agencies must follow in complying with them. Both the NEPA regulations (40 CFR 1500-1508) and the Section 106 NHPA regulations (36 CFR 800) provide for participation in review by interested parties and the general public. The Section 106 regulations are particularly directive in this regard, providing both for general public involvement and participation and for identifying particular "consulting parties" whose interests in the undertaking under review, or its effects, entitle them to ongoing active involvement in the negotiation of ways to resolve adverse effects on historic properties.

It appears that the NRC staff has a much, much more restrictive notion of public involvement than that underlying either NEPA or NHPA. I suspect that this reflects the fact that the staff's policies and procedures for environmental review spring from a different intellectual tradition than do those underlying laws like NEPA and NHPA. A thought-provoking

(though rather turgid) recent book that explores this sort of dichotomy is *Citizens, Experts, and the Environment: The Politics of Local Knowledge*, by Frank Fischer (Durham, Duke University Press, 2000). Fischer discusses the world-view that is common among environmental engineers and others involved in the sort of environmental review that is driven by the toxic, hazardous, and radiological substances laws, in which environmental impact analysis is construed to be a matter of rigorous, generally quantitative, scientific analysis. It is a matter for scientific experts to concern themselves with, and is viewed as far too complicated for ordinary citizens to understand. In this world-view, public involvement is a troublesome requirement imposed by the political system, which should be kept to a minimum so the experts can get on with their work. Fischer documents that this sort of thinking is widespread in the environmental specialist community from which agencies like NRC draw their staffs, and from which their personnel derive their intellectual direction. He also documents how thoroughly wrongheaded it is, but that's another matter. My point is simply that the NRC staff's thinking on how people like you should be involved and issues like yours should be considered in its decision making has much more to do with the philosophical biases of its members than it does with any actual legal requirements.

The NRC staff seeks to limit your access to its decision making process in a variety of ways - for example by insisting that to be recognized as having "presumptive standing" you not only be "injured," but be a resident of the surrounding vicinity, and at the same time insisting that your "injury" must be of a particular kind. Let's look at the last of these first.

The staff asserts that "(i)n Commission proceedings, the injury must fall within the zone of interests sought to be protected by the AEA or the National Environmental Policy Act ("NEPA")." It is not clear to me why only these two laws are pertinent and not, for instance, NHPA, but for the moment let's assume the staff is correct; your "injury" must relate to the "zone of interests sought to be protected" by the AEA and NEPA. I claim no expertise in the AEA, but I do know about NEPA, and it appears to me manifestly obvious that your "injury" falls well within the sphere of NEPA's "protected interests."

NEPA directs agencies to consider the impacts of their actions on "the quality of the human environment." At 40 CFR 1508.27(b) the NEPA regulations of the Council on Environmental Quality (CEQ) list a range of factors to be considered in judging the significance of impacts on the quality of that environment. It is a long and varied list, and it repeatedly refers to "cultural" and "historic"

resources. It surely follows that "interests" in such resources are "protected" to the extent NEPA affords protection to anything. Thus your interests in protecting the historic character of the area subject to effect by NRC's permit action are entirely within NEPA's "sphere of protection."

Why does the NRC staff not understand this? I suspect that - based on the intellectual tradition from which they come - the staff's experts honestly believe that the quality of the human environment is not affected by anything that fails to irradiate someone to a hazardous degree. It follows from that line of reasoning that your interests in the historic character of the area are irrelevant to the potential for environmental impacts.

It also follows, of course, that only actual residents of the vicinity can be "injured," because only residents are likely to suffer a high enough dosage of something emanating from the proposed facility to affect their health and safety. Therefore, it is logical within the staff's likely framework of assumptions, that only nearby residents should be recognized as having presumptive standing. But NEPA isn't about only health and safety. The great bulk of NEPA cases that have been litigated have been brought by parties whose injuries involved damage to places and things they enjoyed and thought important - forests, mountains, animals, bodies of water, beautiful vistas, wilderness, fish, sacred sites, historic places, archaeological sites. Courts routinely grant standing to plaintiffs under NEPA on such grounds; can the staff be seriously proposing that the Commission adhere to a more exclusive standard?

It is also difficult to understand why, if an "injury" within NEPA's "zone of protected interests" is a legitimate topic for NRC consideration, an "injury" within NHPA's "zone" is not equally legitimate. Both laws were enacted by Congress; both apply to all federal agencies; both impose rather similar requirements. To the best of my knowledge, NRC has never been granted an exemption from NHPA's requirements. Your interests clearly fall within NHPA's "zone," since they concern historic properties and effects on them. Under the Section 106 regulations, your interests entitle you to consult about the significance of such properties and how to resolve adverse effects on them. Why does the NRC staff think the Commission can or should deprive you of this entitlement?

Here again, I suspect that the culprit is the world-view of NRC's staff experts. If one believes that environmental impacts are limited to things that scientific experts can quantify, and ordinary citizens have nothing useful to contribute to the discussion, then it follows that all NRC need do to address impacts on historic properties under NHPA

is to have expert surveys done and consult with the State's designated expert, the State Historic Preservation Officer. If further follows that the Commission's staff can and should keep the results of its expert studies secret, as it has in this case, and simply present the public with its conclusions.

Within this framework of assumptions, the fact that the Section 106 regulations call repeatedly for participation by interested parties and the public is irrelevant; such requirements are mere politico-regulatory hoops to be gotten through with as little effort as possible.

But this interpretation of NHPA's requirements is inconsistent not only with the letter of the regulations but with routine practice in Section 106 review and with the record of case law. Courts have generally been quite liberal in recognizing the standing of interested parties in Section 106 litigation, and certainly have never imposed anything like a residency requirement. In the recent *Bonnichsen et.al. v. US* (Civil No. 96-1481JE, District of Oregon), for example, the court found that a group of physical anthropologists, none of whom lived in the vicinity of the discovery, not only were sufficiently "injured" by the Corps of Engineers' treatment of a human skeleton found on the bank of the Columbia River to give them standing to sue, but that the Corps had violated the NHPA by failing to consult them under Section 106. Here again, NRC's staff seems to be establishing for the Commission a more exclusive standard than that imposed by courts of law; I have to wonder about the basis for this.

In summary then, what I think we see in the NRC staff's conclusions about your intervention is the expression of a world-view that is common among experts in toxic, hazardous, and radiological impact analysis, that may be sensible in some contexts but thoroughly warps the process of review under NEPA and NHPA. To narrowly limit the range of interests in the public with whom one will engage in environmental impact analysis, and then to insist that these interests themselves demonstrate the existence of impacts ("injuries"), stands the process of environmental review on its head. It is the responsibility of the Commission and its staff to ascertain what impacts its permit action may have on the quality of the human environment under NEPA, and on historic properties under Section 106; it is not your responsibility to do so for them.

I realize that the NRC staff would doubtless argue that all the above factors might give you "regular" standing but not "presumptive" standing - you might have standing, but it would not be automatic unless you actually lived adjacent to the facility. But this distinction still reflects the assumption that one cannot be really "injured" unless one is likely to be subjected to irradiation. Setting aside the question of whether, as a near-term prospective resident, you are not

likely to be subjected in the future to this kind of "injury," it seems to me that NHPA (among other laws) provides the basis for other standards for awarding "presumptive standing" that are as good as nearby residency; one merely needs to recognize that exposure to radiation is not the only way one can be "injured" by a project like USEC's. Surely the owner of a National Register or Register-eligible property that is subject to potential effect by the project, who appreciates the historic qualities of the property, must be presumed to be subject to injury by the project. Similarly, I would suggest, someone whose cultural identity is tied up in a property that might or might not be eligible for the National Register, or who has research interests in such a property, or who traditionally uses or enjoys such a property, must be presumed to be subject to injury, and hence should be recognized as having presumptive standing. People in all these categories and others are routinely included as consulting parties under the Section 106 regulations; why should the Commission, acting in the public interest, not do the same?

Although the NRC staff does not comment on it, I have to believe that its beliefs about the environmental review process are in line with those of USEC, which in its response to your petition summarily rejected the earlier letter I provided you. USEC wrote:

"(4) Finally, Petitioner cites a letter from Dr. Thomas F. King (Exhibit Q), which makes no reference to any specific aspect of the ACP application and therefor (sic) does not provide meaningful support for the contention."

My letter, of course, was intended simply to advise NRC that, in my fairly well-informed professional opinion, you had a point in your allegations, which I thought (and think) it appropriate for the Commission to consider further in its decision making. Under NHPA and NEPA it is not my job, or yours, to go out and conduct the studies necessary to identify and address the impacts of NRC's permit actions; it is NRC's job to do so, or to cause the applicant to do so, with our advice and assistance. You have provided substantive information indicating that NRC needs to take a further look at the historic preservation implications of its permit decision; I was advising NRC that I thought you had a good point, that I didn't think you were an eccentric who could safely be ignored. But because I did not refer to a "specific aspect" of the application, in the eyes of USEC my opinion - like yours - can be rejected out of hand. And of course, as you know, it was impossible for me (or anyone else trying to figure out how USEC had considered impacts on historic places) to address "a specific aspect of the ACP application" because neither the application nor the accompanying Environmental Report refer to the requirements of NHPA or to the National Register of Historic Places. The absence of specific evidence

in my statement merely reflects the absence of specifics in USEC's application. To judge from the available record, at least (such as it is), USEC has not thoroughly identified historic properties subject to possible effect by its actions - to say nothing of other kinds of cultural resources that ought to be considered under NEPA. This creates a flawed record for use by NRC in making its permit decision. I trust the Commission will understand this, and appreciate your efforts to provide it with a broader and more complete basis for its deliberations.

Good luck in your continuing efforts.

Sincerely,

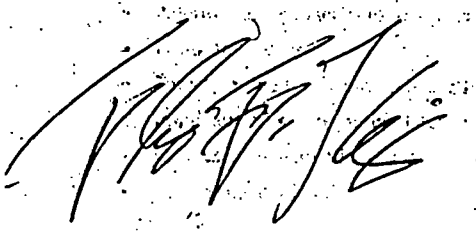
A handwritten signature in black ink, appearing to be "W. J. [unclear]", written in a cursive style. The signature is somewhat faded and has some ink bleed-through or ghosting around it.

EXHIBIT W

(original handwritten on letterhead)

SHAWNEE NATION, UNITED REMNANT BAND

TUKEMAS/HAWK POPE-PRINCIPLE CHIEF

ZANE SHAWNEE CAVERNS AND SOUTHWIND PARK
SHAWNEE-WOODLAND NATIVE AMERICAN MUSEUM
2911 ELMO PLACE, MIDDLETOWN, OHIO 45042

Nuclear Regulatory Commission and whomever it may concern,

Dear Sirs,

We were only recently informed of plans to further develop the nuclear project in Pike County, Ohio. I represent the Shawnee Nation, United Remnant Band. The U.R.B is recognized as a descendant group/Tribe of the historic Shawnee Nation in Ohio-SUB. AM. H.S.R.8-1980. Our people do have historic and cultural ties to the site in Pike County, near the Scioto river. We do consider the earth works and the other ceremonial and cultural features there to be sacred. We do, therefore object to the proposed project, for reasons of the project's incompatible and inappropriate use of the land. Any destruction of features on the site, further poisoning of the ground, or limits to access to the site would be very disturbing and considered by us, wrong.

We are regularly informed of sites for proposed transmission towers and pipe lines. We were not told of this project, similarly. In the future we want to be a consulting source. We await your response.

Chief Hawk Pope

P.S. We were informed by Jeffrey Sea, and we do support his intervention in this matter. In the Shawnee language Scioto means "Hair in the Water" as the river passes through so many burial sites and is so prone to flooding. Again, this place is sacred to Shawnee People.

Thank you for your time and consideration.

Chief Hawk Pope

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before the Administrative Law Judges:
Lawrence G. McDade, Chairman
Paul B. Abramson
Richard E. Wardwell

_____)	Filed August 15, 2005
In the Matter of)	
USEC Inc.)	Docket No. 70-7004
(American Centrifuge Plant))	
_____)	

**Declaration by John Hancock, Frank L. Cowan, and Cathryn Long Regarding
August 5, 2005 Visit to GCEP Water Field**

Under penalty of perjury, we the undersigned do jointly declare as follows:

Statement of Qualifications

1. My name is John Hancock. I am Professor of Architecture and Project Director of the "EarthWorks Project" being produced by the Center for the Electronic Reconstruction of Historical and Archaeological Sites (CERHAS) at the University of Cincinnati. I am an expert in ancient architectural history and in particular the forms, and the problems of visualization, of these earthen structures. A copy of my curriculum vitae is attached.
2. My name is Frank L. Cowan. I am a consulting archaeologist with the company of F. Cowan & Associates. I am a leading expert in the study and excavation of Hopewell earthwork sites with twenty-five years experience in Hopewell archaeology, including nine years of Hopewell research in Ohio. A copy of my curriculum vitae is attached.
3. My name is Cathryn Long. I am a writer and researcher with the Center for the Electronic Reconstruction of Historical and Archaeological Sites (CERHAS) at the University of Cincinnati. My expertise derives from eight years interviewing experts on the Hopewell culture for CERHAS. A copy of my curriculum vitae is attached.

Purpose of Declaration

5. The purpose of this declaration is to describe the results of our August 5, 2005, visit to a site near to but not contiguous with the Piketon atomic reservation known as the GCEP Water Field or the X-6609 Raw Water Wells. We went to the GCEP Water Field to examine and evaluate the potential historical significance of earthworks reported to be on the site. As discussed below, we identified a human-made earthwork on the site, whose origin is unknown but which appears to pre-date the U.S. Department of Energy ("DOE") water system which is also visible on the site. We believe that further investigation is warranted in order to determine the origin of the earthworks with confidence. (JH, FLC, CL)

Description of Site Visit

6. The GCEP Water Field lies on the east bank of the Scioto River, due west of the main atomic reservation at Piketon. The Water Field is owned by the DOE and leased to USEC. It is our understanding that the DOE installed a water supply system on the Water Fields site in the early 1980s to supply a future centrifuge enrichment plant. The acronym GCEP stands for Gas Centrifuge Enrichment Plant, a project that later became known as ACP or American Centrifuge Plant. (JH, FLC, CL)

7. Though maps of the GCEP Water Field were requested, they were not provided, and we were not allowed to bring cameras or take pictures. Therefore, we are not able to provide a map or pictorial evidence of our observations and conclusions. Therefore, our observations and conclusions are described solely in narrative form. (JH, FLC, CL)

8. We were dropped off by a USEC van at the northern end of the Water Fields site, and walked towards the southern end, with well-heads evident all along the way. The site extends along the Scioto River, with a forested strip adjoining the river bank, and a cleared strip with a road adjoining that. We observed a DOE water supply system in the area, consisting of DOE well heads which appear as either single pipes coming vertically out of the ground, or groups of four larger pipes arranged in a cross-shape. Most of the well heads line the west side of the road, but many extend into the forested area at irregular intervals. (JH, FLC, CL)

9. The forested strip along the river contains a series of natural levee embankments that parallel the river. However, as we moved south about a half mile, the embankment closest to the road straightened out and became level on top. The further south we moved, the straighter and more level it became, with perfectly uniform width at the level top. The structure continues south as far as we could see. Because our escorts gave us no maps or clues about the site boundaries, and because we ran short of time, we could not investigate the southern terminus of the structure. (JH, FLC, CL)

10. From the top of this structure, looking in either direction, the structure was dead straight and regularly formed with a consistent width to the level upper surface, unlike

the natural levee formations closer to the river and possible remnants of this structure as it presently appears further north. Given the linearity, we all are of the opinion that this is an artificial structure. We cannot say if other earthworks might lie on parts of the site we could not get to. (JH, FLC, CL)

11. Though the structure is man-made, it is impossible to say upon partial visual inspection what this structure is, how old it is (though it is not very recent), or who built it. However, it is within the realm of possibility that the structure is an Indian earthwork of the Middle Woodland period (about 300 B.C. to A.D. 500). The Ohio Hopewell culture of that period built large scale geometric earthworks, including long straight earthen walls; and their constructions once lined the valley of the Scioto River. (JH, FLC, CL)

12. The southern end of the structure we observed at the GCEP Water Field is very close (within a quarter of a mile) of the northern end of the great Hopewell circle-square complex known as the Barnes Works (also called the Seal Township Works or Scioto Township Works). The Barnes Works is listed on the National Register of Historic Places and is one of the large earthworks along the Scioto recorded in 1848 by E.G. Squier and E.H. Davis (*Ancient Monuments of the Mississippi Valley*, Smithsonian). (JH, FLC, CL)

13. It is also possible that the structure is a 19th or 20th century construction, although we are not aware of any major structures that were built in the area during this time. It is unlikely to be a modern levee because there has been no development in this area worthy of such elaborate protection. It is unlikely to be a remnant of the Erie Canal system, because the canal went along the west side of the Scioto River and this structure lies along the east side. It is unlikely to be part of an early pioneer road or railroad because those were built on dry ground to the east, not in the flood zone. (JH, FLC)

14. We believe it is highly unlikely that this structure could have been made by DOE or USEC, because there are trees on either side of it. Neither USEC nor DOE has identified this structure as related to the water field, and it appears unrelated as the structure is most evident at the south end of the site, while the pipes leading to the pump house and road extend from the north end of the site. In addition, it appears that as the structure proceeds north, it actually crosses the well field, which would negate its usefulness as a protective levee. There is also a report from a former land-owner, Charles Beegle, that earthworks at the site predated DOE's acquisition of the land, and that his deceased wife's family, the Rittenauer family, recognized these earthworks as ancient. This letter from Charles Beegle is attached as Exhibit A. (JH, FLC)

15. A research protocol is needed to determine the identity and age of this structure. That protocol should begin with access to all previous reports of cultural resource investigations conducted at the Water Field property prior to the development of the Water Field, investigations that would have been required by Section 106 of the National Historic Preservation Act. Access will also be needed to the maps and survey

records for the Water Field Site in possession of the DOE and USEC. This should be accompanied by historical research to determine if any known engineering work took place in that area prior to the DOE land purchase, and if the structure was noted on any older survey maps or in any archeological works. If the historical research draws a blank, a cross-sectional excavation of the structure and/or a series of soil cores through the structure would reveal much about its age and identity. (JH, FLC, CL)

16. If the structure is determined to have historic significance, an evaluation should be made of the visual and physical impact of the American Centrifuge Project on that structure. DOE well-heads, by the dozen, line both sides of the structure and some are in the midst of it. Whether pumping of water from beneath the structure damages the structure is a question that should be evaluated by hydrology experts. Further surveys of the entire Water Field Site, with maps, cameras, survey equipment, and unrestricted time are also warranted. (JH, FLC, CL)

17. The GCEP Water Field site lies close enough to the Barnes Works to warrant a close examination of its historic significance. Any prehistoric earthworks that may be identified at that location deserve the utmost attention and protection. Therefore, we urge a program of research at that site as rapidly as possible, in compliance with federal preservation law. (JH, FLC, CL)

_____[signed]_____

John Hancock

_____[signed]_____

Frank L. Cowan

_____[signed]_____

Cathryn Long

August 11, 2005

From: Matthew Blevins
To: SargentsPigeon@aol.com
Date: 11/23/05 9:20AM
Subject: Re: USEC DEIS and 106 Comments

Mr. Sea,

In your October 27 email, you indicate that you had provided "attachments" to your comments and that the "text" of your comments would be forthcoming. We did not receive the additional text as you had indicated.

We are in the process of finalizing our Section 106 package for the Advisory Council on Historic Preservation and would like to verify whether you sent text/comments in addition to the "attachments" in the previously allotted scoping period (including the additional two days you were granted by Mr. Linton). If you had previously sent, can you please resend?

For your information, we are including your oral comments, and your pleadings from the adjudicatory process in the package we are preparing for the ACHP.

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission
(301) 415-7684

>>> <SargentsPigeon@aol.com> 10/27/05 9:57 AM >>>
Matthew Blevins
Nuclear Regulatory Commission

Dear Mr. Blevins,

Attached are the attachments to my comments on DEIS NUREG-1834.

I've had two problems. One is getting the file to transmit given the large file size. I've been trying to send most of the night but as I have a dial-up connection only, it's very difficult and keeps quitting. Please be understanding.

Second, I have two other imposing deadlines this week....the appeal of the ASLB ruling in the USEC case was due Monday and new contentions as per the ASLB ruling are due very shortly. I did call on Monday and received an extension but am afraid it will take another day to get my full comments in. Attached are the attachments only, not the text. If for some reason you cannot accept the text, I still wish the attachments submitted...they are self explanatory as they contain mainly letters from others pertaining to historic and cultural resource issues.

I will send the text ASAP.

You will note that the first item is a DEIS comment from Professor Robert Proctor at Stanford. Unfortunately, Dr. Proctor made the mistake on Monday of e-mailing his comment to me instead of to NRC, and I did not realize it until Tuesday, when he was already on a plane to Germany. Therefore please accept his testimony as timely. His e-mail address is included. Other contact info. can be provided if necessary.

Thanks for your consideration,

Geoffrey Sea
The Barnes Home
P.O. Box 161
Piketon, OH 45661
Tel: 740-289-2473
Cell: 740-835-1508
E-mail: SargentsPigeon@aol.com

Mail Envelope Properties (43847AA0.C10 : 2 : 2492)

Subject: Re: USEC DEIS and 106 Comments
Creation Date: 11/23/05 9:20AM
From: Matthew Blevins

Created By: MXB6@nrc.gov

Recipients	Action	Date & Time
aol.com		
SargentsPigeon (<u>SargentsPigeon@aol.com</u>)		
nrc.gov		
twf4_po.TWFN_DO	Delivered	11/23/05 9:20 AM
MXB6 BC (Matthew Blevins)	Opened	11/23/05 9:20 AM
Post Office	Delivered	Route
	Pending	aol.com
twf4_po.TWFN_DO	11/23/05 9:20 AM	nrc.gov

Files	Size	Date & Time
MESSAGE	4934	11/23/05 09:20AM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

From: <SargentsPigeon@aol.com>
To: <MXB6@nrc.gov>
Date: 11/23/05 10:57AM
Subject: Re: USEC DEIS and 106 Comments

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission

Mr. Blevins,

I will be sending you my full comments on the DEIS and in regard to my status as consulting party on the Section 106 review on Monday, November 28, following the Thanksgiving holiday. These comments will be forwarded directly to the Advisory Council.

The communication I received from you today, the day before Thanksgiving, is the first communication I have received from you seeking my input as a consulting party on the 106 review. As you know, I first asked to be a consulting party in my comments on the scoping process in January of 2005 and in our face-to-face conversation that followed the scoping hearing in Piketon. However, you did not name me a consulting party, did not send me any of the consulting party correspondence, and did not notify me that the consultation process was underway, despite my requests. In fact, you stopped replying to my e-mails in February of 2005, without explanation. In the summer of 2005, I requested from NRC General Counsel and from the NRC Federal Preservation Officer the name of the official at NRC in charge of the 106 review, and it took weeks and many phone calls before I was even informed that you were the official in charge.

On September 29, at the public hearing on the DEIS, I asked you for the status of my request to be a consulting party, and in my oral comments I pointed out at some length the deficiencies in the NRC effort to identify consulting parties and obtain actual consultation. Among these deficiencies was the fact that no NRC staff had visited the threatened sites in question, nor had any of your staff requested site visits. I told you then that site visits are a mandatory part of assessment and I invited you to visit the Barnes Home and the other nearby threatened sites. No such effort has been made on the part of NRC.

No "package" for the ACHP can be completed until such site visits have been conducted, in real consultation with affected parties including myself.

At the Sept. 29 hearing you informed me that I had been made a consulting party some weeks earlier, and that I had been notified by a letter that you included with a copy of the DEIS. You know that you mailed me three different copies of the DEIS under separate cover. This now appears to have been an intentional deception in hopes that I would not inspect the contents of each package. If so, it worked. Your last-minute designation of me as a consulting party was in fact a secret one. You could have easily told me by e-mail of the decision, as you have communicated every other time (that I know). But you sent no e-mail, apparently for the express purpose of running the clock.

At this hearing you also engaged me in a conversation in which you attempted to impress me that you had "driven by" my house to look at it from the road. It boggles my mind that the federal official in charge of conducting an impact assessment of a historic property would think that he can accomplish this in a drive-by manner, without even informing the property owner, who supposedly has been identified as a consulting party.

Since you have not come to Sargents to assess the actual situation here at the threatened sites, and since you have not engaged in any real consultation with affected parties, you cannot know what the actual situation is here on the ground. Section 106 provides for taking account of new discoveries that are made during the process of review. It also requires that the agency fund studies of potential impacts on new cultural resources that are identified.

Discoveries related to the impacted historic properties in Sargents are ongoing, and NRC-funded studies of these resources are required. We here in Sargents are ready to show you these impacted properties, and we invite you to come. Among the properties about which you have no clue -- because you haven't come and you have not sought our consultation -- are the actual kill-site of the Sargents Pigeon (recently identified), the old Sargents graveyard, and the Sargents Train Station. It may interest you to know that we have had these, and other properties, assessed by an expert architectural historian. We just await the slightest expression of intent to begin the consultation process on your part.

In addition, it will be necessary to inform all of the other consulting parties of these developments. We note that some of their "sign off" letters were expressly conditional on no further information coming to light.

Will this require a substantial alteration of your plan to "wrap up" the Section 106 review? Yes.

Your attempt to now close the door on the day before Thanksgiving cannot succeed. You have real legal responsibilities under NHPA. Those responsibilities include real consultation, and real consultation means that you actually look at the affected properties, communicate with consulting parties in an open non-deceptive way, and actually fund studies where necessary. All of that is just beginning.

So that we can now get consultation off the ground, I require answers to a few questions, many of which I have asked before with no reply:

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Relatedly, has NRC obtained from DOE the documentation of DOE's 106 review for the GCEP program? If not, why not (since it was a virtually identical program)? If so, please forward that documentation to me.

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Thank you for attention to these matters. Enjoy the holiday.

Sincerely,

Geoffrey Sea
The Barnes Home
1832 Wakefield Mound Road
Sargents, OH 45661

Tel: 740-289-2473

E-mail: _SargentsPigeon@aol.com (mailto:SargentsPigeon@aol.com)

CC: <TFKing106@aol.com>

Mail Envelope Properties (43849140.CEB : 22 : 23787)

Subject: Re: USEC DEIS and 106 Comments
Creation Date: 11/23/05 10:56AM
From: <SargentsPigeon@aol.com>

Created By: SargentsPigeon@aol.com

Recipients

nrc.gov
twf4_po.TWFN_DO
MXB6 (Matthew Blevins)

aol.com
TFKing106 CC

Post Office
twf4_po.TWFN_DO

Route
nrc.gov
aol.com

Files	Size	Date & Time
MESSAGE	7180	11/23/05 10:56AM
TEXT.htm	10738	
Mime.822	20083	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

From: Matthew Blevins
To: SargentsPigeon@aol.com
Date: 12/7/05 1:56PM
Subject: Re: USEC DEIS and 106 Comments

Mr. Sea,

In your November 23 email it was unclear to me whether you were going to provide the text of your comments to the NRC in addition to the ACHP or whether you were just going to provide your comments to the ACHP. If possible, we would appreciate a copy of your comments.

Also, I would like to provide several points of clarification. First, the reason I did not respond to your emails is that I have not received any emails from you between February 14 and November 23. I have kept you "informed of the NRC's implementation of the 106 process" as you requested in your February 14 email by adding you to the NRC's mailing list for all Section 106 correspondence. On August 9 you sent a list of questions to an NRC attorney. I was subsequently provided those questions and promptly replied (email dated August 23). Subsequently, the NRC sent you a letter dated September 9, accepting your request for consulting party status to which we did not receive a reply until October 27, after the DEIS comment period had ended. Finally, my email to you last week, dated November 23, was not intended to be deceptive, rather it was to verify whether you, a designated consulting party, had any additional comments before we provided our findings to the ACHP. (NOTE: all above dates were in 2005).

In terms of Section 106 compliance, we have previously defined an "area of potential effects" (APE) for both direct and indirect effects. The APE does not extend beyond the DOE reservation boundary. However, because you are adjacent to the DOE property we considered potential effects to your property as well as two other nearby properties that are listed on the National Register or the Ohio Historic Inventory. As explained in the DEIS, we assumed that your property would be Register-eligible under two criteria. As you are aware, the DEIS presented the NRC's finding of "no effect on these historic properties". This is fully explained in the DEIS (see page 4-4 to 4-7). The basic premise of this finding is that the existing DOE Gaseous Diffusion Plant is part of the cultural landscape and has been for over 50 years. The proposed ACP would not change that landscape or have other effects on qualities that contribute to the eligibility or potential eligibility of historic properties.

Finally, Section 106 does not require a site visit to each eligible property nor does it require the Federal agency to fund additional studies of eligible properties as you have indicated. Section 106 does require identification of historic properties and a good faith effort to carry out appropriate identification efforts which the NRC has completed. Of course, some of this identification has been provided in your various submittals.

In response to your three questions:

1. The NRC has had no communications with DOE regarding DOE's past actions related to Section 106 compliance. As you are aware, it is the NRC's position that DOE's past actions have no bearing on the NRC's compliance with Section 106.
2. The NRC staff considers that its major Federal action began with the filing of USEC Inc's license application on August 23, 2004. This is also consistent with the 106 regulations which define "undertaking." While the GCEP may be considered a precursor to the ACP the NRC was not involved in the GCEP project as no NRC license was necessary. Additionally, there is no legal requirement under 106 for NRC to consider effects of DOE's past actions on cultural resources nor must NRC consider DOE's Section 106 compliance history. Under Section 106, the "undertaking" before the NRC is whether or not to issue a license to USEC for the proposed ACP and to consider the associated effects on historic and cultural resources that exist today, not twenty years ago.
3. Your objection are noted and we will forward your objections to the ACHP as required by the 106 regulations.

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission

>>> <SargentsPigeon@aol.com> 11/23/05 10:56 AM >>>

Matthew Blevins
Senior Project Manager
Division of Waste Management and
Environmental Protection
U.S. Nuclear Regulatory Commission

Mr. Blevins,

I will be sending you my full comments on the DEIS and in regard to my status as consulting party on the Section 106 review on Monday, November 28, following the Thanksgiving holiday. These comments will be forwarded directly to the Advisory Council.

The communication I received from you today, the day before Thanksgiving, is the first communication I have received from you seeking my input as a consulting party on the 106 review. As you know, I first asked to be a consulting party in my comments on the scoping process in January of 2005 and in our face-to-face conversation that followed the scoping hearing in Piketon. However, you did not name me a consulting party, did not send me any of the consulting party correspondence, and did not notify me that the consultation process was underway, despite my requests. In fact, you stopped replying to my e-mails in February of 2005, without explanation. In the summer of 2005, I requested from NRC General Counsel and from the NRC Federal Preservation Officer the name of the official at NRC in charge of the 106 review, and it took weeks and many phone calls before I was even informed that you were the official in charge.

On September 29, at the public hearing on the DEIS, I asked you for the status of my request to be a consulting party, and in my oral comments I pointed out at some length the deficiencies in the NRC effort to identify consulting parties and obtain actual consultation. Among these deficiencies was the fact that no NRC staff had visited the threatened sites in question, nor had any of your staff requested site visits. I told you then that site visits are a mandatory part of assessment and I invited you to visit the Barnes Home and the other nearby threatened sites. No such effort has been made on the part of NRC.

No "package" for the ACHP can be completed until such site visits have been conducted, in real consultation with affected parties including myself.

At the Sept. 29 hearing you informed me that I had been made a consulting party some weeks earlier, and that I had been notified by a letter that you included with a copy of the DEIS. You know that you mailed me three different copies of the DEIS under separate cover. This now appears to have been an intentional deception in hopes that I would not inspect the contents of each

package. If so, it worked. Your last-minute designation of me as a consulting party was in fact a secret one. You could have easily told me by e-mail of the decision, as you have communicated every other time (that I know). But you sent no e-mail, apparently for the express purpose of running the clock.

At this hearing you also engaged me in a conversation in which you attempted to impress me that you had "driven by" my house to look at it from the road. It boggles my mind that the federal official in charge of conducting an impact assessment of a historic property would think that he can accomplish this in a drive-by manner, without even informing the property owner, who supposedly has been identified as a consulting party.

Since you have not come to Sargents to assess the actual situation here at the threatened sites, and since you have not engaged in any real consultation with affected parties, you cannot know what the actual situation is here on the ground. Section 106 provides for taking account of new discoveries that are made during the process of review. It also requires that the agency fund studies of potential impacts on new cultural resources that are identified.

Discoveries related to the impacted historic properties in Sargents are ongoing, and NRC-funded studies of these resources are required. We here in Sargents are ready to show you these impacted properties, and we invite you to come. Among the properties about which you have no clue -- because you haven't come and you have not sought our consultation -- are the actual kill-site of the Sargents Pigeon (recently identified), the old Sargents graveyard, and the Sargents Train Station. It may interest you to know that we have had these, and other properties, assessed by an expert architectural historian. We just await the slightest expression of intent to begin the consultation process on your part.

In addition, it will be necessary to inform all of the other consulting parties of these developments. We note that some of their "sign off" letters were expressly conditional on no further information coming to light.

Will this require a substantial alteration of your plan to "wrap up" the Section 106 review? Yes.

Your attempt to now close the door on the day before Thanksgiving cannot succeed. You have real legal responsibilities under NHPA. Those responsibilities include real consultation, and real consultation means that you actually look at the affected properties, communicate with consulting parties in an open non-deceptive way, and actually fund studies where necessary. All of that is just beginning.

So that we can now get consultation off the ground, I require answers to a few questions, many of which I have asked before with no reply:

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Mail Envelope Properties (43973053.5C1 : 2 : 7356)

Subject: Re: USEC DEIS and 106 Comments
Creation Date: 12/7/05 1:56PM
From: Matthew Blevins

Created By: mxb6@nrc.gov

Recipients	Action	Date & Time
aol.com SargentsPigeon	Transferred	12/07/05 1:57 PM

nrc.gov twf4_po.TWFN_DO MXB6 BC (Matthew Blevins)	Delivered Opened	12/07/05 1:56 PM 12/13/05 4:40 PM
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Files	Size	Date & Time
MESSAGE	11273	12/07/05 01:56PM

Options

Auto Delete: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply Requested: No
Return Notification:
 Send Mail Receipt when Undeliverable

Concealed Subject: No
Security: Standard

To Be Delivered: Immediate
Status Tracking: Delivered & Opened

December 19, 2005

Mr. Geoffrey Sea
The Barnes Home
1832 Wakefield Mound Road
Piketon OH 45661

SUBJECT: CONTINUATION OF THE NATIONAL HISTORIC PRESERVATION ACT
SECTION 106 CONSULTATION PROCESS FOR THE PROPOSED AMERICAN
CENTRIFUGE PLANT, PIKE COUNTY, OHIO: NEW INFORMATION
REGARDING THE U.S. DEPARTMENT OF ENERGY WELL FIELD

Dear Mr. Sea:

The U.S. Nuclear Regulatory Commission (NRC) is providing additional information relevant to the ongoing Section 106 consultation for USEC Inc.'s proposed American Centrifuge Plant (ACP). In several of your previous submittals you had indicated concerns about what appeared to be prehistoric earthworks at one of the well fields that will supply water for the proposed ACP.

As you are aware the NRC has previously issued its draft environmental impact statement (DEIS) for the proposed ACP. The DEIS presents a discussion of impacts from the well field in question on page 4-7 and the NRC's findings that there would be no effect on these apparent earthworks. Subsequent to publication of the DEIS, the NRC received a statement from Mr. Blaine Bleekman (enclosure), a local resident, who described construction of three levies along the Scioto River after a 1959 flood, including the levy that you are concerned about. While it appears most likely that these structures are recently constructed flood control levies, it is still the NRC's position that there will be no effect on these structures from continued pumping at the subject well field.

At this point you have provided several objections to our findings in the DEIS. In addition to your concerns about the DOE well field, you have also expressed concerns for historic properties bordering the DOE reservation as well as the NRC's compliance with Section 106 of the National Historic Preservation Act. We have previously received comments from the Ohio Historic Preservation Office (OHPO) (enclosure) and are working to incorporate their comments, however, we note that the OHPO has stated their agreement that the proposed ACP would not adversely affect historic properties. We are in the process of forwarding your objections to the both the OHPO and the Advisory Council on Historic Preservation

G. Sea

- 2 -

If you have any questions about this information please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at MXB6@nrc.gov. Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

/RA/

B. Jennifer Davis, Chief
Environmental Review Section
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

G. Sea

- 2 -

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NAME	MBlevins	BJDavis	LClark	
DATE	12/16/05	12/19/05	12/13/05	

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