

July 6, 2004

MEMORANDUM TO: Scott C. Flanders, Deputy Director
Environmental and Performance Assessment
Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

THRU: Mark S. Delligatti, Acting Section Chief **/RA/**
Environmental and Low-Level Waste Section
Division of Waste Management
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FROM: Melanie Wong, Project Manager **/RA/**
Environmental and Low-Level Waste Section
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Office of Nuclear Material Safety
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SUBJECT: SUMMARY OF THE JUNE 22, 2004 CONFERENCE CALL RELATED TO
THE SECTION 106 CONSULTATION PROCESS OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR THE PROPOSED LOUISIANA
ENERGY SERVICES NATIONAL ENRICHMENT FACILITY

On June 22, 2004, U.S. Nuclear Regulatory Commission (NRC) staff conducted a telephone conference call with representatives from the New Mexico State Historic Preservation Office (NMSHPO), the Advisory Council on Historic Preservation (Council) and Louisiana Energy Services (LES). The purpose of the call was to continue discussion on the effects of the proposed undertaking on historic properties at the proposed LES National Enrichment Facility.

Summary of Issues Discussed:

The conference call discussion focused on (1) State of New Mexico regulations on land exchanges (a copy was provided by LES (Enclosure 1)) and (2) a flowchart of the land exchange, Section 106 consultation process of the National Historic Preservation Act (NHPA), and National Environmental Policy Act (NEPA) processes provided by the NRC staff (Enclosure 2). Specifically, the participants discussed the contents of the exchange proposal and procedures of the land exchange regulations. A LES representative noted that each exchange proposal should include "a complete description of any environmental hazards or threatened or endangered species located on or in close proximity to the non-trust lands offered for exchange and any available documentation thereof" and that they may be required to provide "one or

more environmental studies, assessments or reports regarding the lands to be exchanged dealing with hazardous materials, wildlife habitat, threatened or endangered species or other environmental issues.”

Furthermore, the participants discussed the relationship of the land exchange, NHPA, and NEPA processes. Regarding the land exchange process, a LES representative noted that while they anticipate exchanging two land parcels for the proposed facility's land, one of the land parcels was no longer viable. LES was in the process of finding another parcel and anticipates completing the exchange in September 2004. Regarding the NHPA process, the NRC staff stated that a letter inviting the Council to enter into the LES Section 106 consultation process would be sent shortly. The development of the Memorandum of Agreement (Agreement) and the Treatment Plan was discussed. A LES representative indicated that a draft Treatment Plan would be developed by the end of June 2004. This draft Treatment Plan would be attached to the draft Agreement which is anticipated to be distributed for comment to the signatory and concurring parties in August 2004. The Council noted that the Indian tribes (i.e., concurring parties) should be notified of these proposed activities. The NRC staff has developed a preliminary draft Agreement. The draft Agreement will include land exchange stipulations developed by the SHPO and the NMSLO representatives. Regarding the NEPA process, the NRC staff noted that the draft Environmental Impact Statement would include a summary of impacts to cultural resources and would note that an Agreement and Treatment Plan will be developed.

Lastly, the completion of the cultural resource inventory anthropology site records for the seven prehistoric archeological sites was discussed. The NRC staff indicated it would complete the appropriate sponsorship section with the assistance of the SHPO representative.

Action Items:

NRC: 1) Complete the anthropology site records for the seven prehistoric archeological sites and submit the forms to the SHPO
 2) Provide summaries of telephone calls to participants

LES: 1) Develop draft Treatment Plan

Attendees:

J. Biella/NMSHPO	R. Krich/LES	C. Weaver/LES
A. Coggins/NRC	L. Rose/LES	M. Wong/NRC
D. Gallegos/LES	A. Stanfill/Council	

Enclosure: 1. State of New Mexico regulations on land exchanges
 2. Flowchart of Processes

Docket: 70-3103

cc: Section 106 Service List

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*See previous Concurrence

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