

Advisory  
Council On  
Historic  
Preservation

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Reply to: P. O. Box 25085  
Denver, Colorado 80225

April 16, 1979

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Denton:

Thank you for your letter of March 20, 1979, concerning the River Bend Project in Louisiana, and the potential impacts of the construction of transmission lines for the project. We appreciate your response to our earlier inquiries.

After reviewing the material enclosed with your letter, it appears that although the Nuclear Regulatory Commission (NRC) has acted properly to consider cultural properties thus far, it has not fully met its responsibilities as set forth in the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320). The Council's regulation, "Protection of Historic and Cultural Properties" (36 CFR Part 800, as published in the Federal Register on January 30, 1979) sets forth the steps that a Federal agency is required to take before undertaking a project or issuing a license. The early stages, identifying eligible properties and consulting with the State Historic Preservation Officer, have been carried out by the NRC. In the later stages an agency is directed to afford the Council an opportunity to comment if the project will affect any cultural property that is included in or eligible for inclusion in the National Register of Historic Places.

In his letter of September 22, 1978, the State Historic Preservation Officer indicated that the project will affect cultural properties and will adversely affect the Port Hudson Battlefield, a property included in the National Register. Upon reaching a determination of adverse effect, a Federal agency should, in accordance with Section 800.4(d) of the regulation, prepare and submit a preliminary case report requesting the comments of the Council and should proceed with further consultations as described in Section 800.6. It appears that the NRC should take these steps to fulfill its responsibilities under the National Historic Preservation Act.

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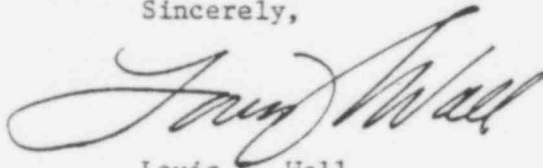
Mr. Harold R. Denton  
River Bend Cultural Properties

This matter is given special significance because of the remarkable historical importance of the Port Hudson Battlefield. The Battlefield has received designation as a National Historic Landmark, which is a type of recognition that is reserved only for properties which possess outstanding national significance. Thus it is especially important for the NRC to carefully consider the impacts of the transmission line to insure that the Port Hudson Battlefield is not inadvertently or needlessly harmed by this project.

For your information, we enclose a copy of the Council's regulation. Section 800.13 describes the contents of a preliminary case report and will provide guidance in preparing this material. Pending receipt of the Council's comments, you should refrain from making or sanctioning any action that would foreclose Council consideration of alternatives that would avoid or satisfactorily mitigate any adverse effects on the properties in question. Please contact Michael C. Quinn at (303) 234-4946, an FTS number, if the Council can be of further assistance.

Thank you for your cooperation in this matter.

Sincerely,



Louis S. Wall  
Chief, Western Office  
of Review and Compliance

Enclosure

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