



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

July 29, 2022

VIA EMAIL

Ms. Elizabeth Toombs
Tribal Historic Preservation Officer
Cherokee Nation
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SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE PROPOSED LICENSE RENEWAL FOR THE WESTINGHOUSE COLUMBIA FUEL FABRICATION FACILITY IN RICHLAND COUNTY, SOUTH CAROLINA (DOCKET NUMBER: 70-1151)

Dear Elizabeth Toombs:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its environmental review of the application submitted by Westinghouse Electric Company, LLC (WEC), to renew its special nuclear material (SNM) license SNM-1107 to continue to operate the Columbia Fuel Fabrication Facility (CFFF) for an additional 40 years. As part of its licensing review, the NRC staff has prepared a final environmental impact statement (FEIS), in accordance with NRC's regulations at title 10 of the *Code of Federal Regulations* part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions", which implement the National Environmental Policy Act (NEPA). The FEIS provides the NRC staff's evaluation of the potential environmental impacts of the proposed license renewal, including analyses of potential impacts to historic properties. In accordance with title 36 of the *Code of Federal Regulations* (36 CFR) part 800.8, "Coordination with the National Environmental Policy Act", 36 CFR 800.8, the NRC staff has coordinated its National Historic Preservation Act (NHPA) section 106 review with its NEPA environmental review.

The NRC staff will shortly publish a *Federal Register* (FR) Notice of Availability to advise the public that the FEIS is publicly available from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <http://www.nrc.gov/readingrm/adams.html>. The FEIS is located at ML22201A131. In addition, the NRC staff plans to make hard copies of the FEIS available to the public at several public libraries in the vicinity of the site.

The NRC staff's recommendation in the FEIS is that the WEC's license to possess and use special nuclear material at the CFFF should be renewed for a term of 40 years from the date the NRC grants the license renewal request. This recommendation is based on (i) the WEC license application, which includes the Environmental Report and supplemental documents, and WEC's responses to the NRC staff's requests for additional information; (ii) the NRC staff's consultation with Federal, State, tribal, and local agencies, and input from other stakeholders, including members of the public; (iii) the NRC staff's independent review; and (iv) the NRC staff's assessments provided in the EIS.

The following provides a brief summary of the NHPA section 106 consultation activities since August 2021 related to the CFFF.

On August 6, 2021, the NRC sent the South Carolina State Historic Preservation Office (SC SHPO) a determination of effects letter and a request for comment on the subject draft EIS ([ML21214A295](#)). That letter provided the history of the facility and the staff's review efforts. That same day, the NRC staff also notified the Catawba Indian Nation of the availability of the draft EIS for review and comment (ML21214A289). In the letter, the NRC staff described the evaluation of impacts on historic and cultural resources and the determinations of effects.

On December 7, 2021, in response to comments provided by the U.S. Department of Interior (ML21299A112) and the SC SHPO (ML21288A408) on the draft EIS, the NRC staff provided the draft EIS to the Muscogee Nation (ML21336A164), the Cherokee Nation (ML21334A344), and the Eastern Band of Cherokee Indians (ML21336A136), who have ancestral ties to Richland County, South Carolina. Additionally, during the preparation of the EIS, the NRC staff reached out to the Pine Hill Indian Tribe to discuss the scope of the proposed action and the NRC's regulatory role. The NRC staff notified the Pine Hill Indian Tribe of the availability of the draft EIS for review and comment.

Additional information received since the August 2021 draft EIS was issued includes:

- Staff received public comments on the draft EIS and responded in appendix D of the final EIS.
- The WEC conducted a cultural resource survey of the CFFF site (ML22116A054) and did not identify cultural resources eligible for listing in the National Register of Historic Places (NRHP). The SC SHPO accepted the Cultural Resource Survey Report by letter dated May 12, 2022 (ML22132A255), and email dated May 16, 2022 (ML22137A275), where the SC SHPO concurred with Brockington Cultural Consulting's recommendations and that the archaeological resources (38RD1512 – 38RD1516) and aboveground resources identified by the cultural resources survey are not NRHP-eligible.
- The WEC updated its sitewide cultural resource protection and management procedures in March 2022 to incorporate management recommendations made in the cultural resources survey report related to additional reviews and testing in areas where intact archaeological deposits could be buried. The WEC's revised procedures state it will continue the Denley Cemetery upkeep, protection, and maintenance and make it accessible to family members and descendants to visit. The WEC's revised procedures state it will not allow digging/trenching/excavation to occur in the cemetery. The WEC will be subject to State laws such as S.C. Code of Laws, Section 16-17-600, regarding burial sites and cemeteries. Additionally, in response to management recommendations made in the cultural resources survey report as a result of ground penetrating radar surveys, the WEC moved the existing fence on the eastern (entrance) edge of the Denley Cemetery out 10 feet.

Based on the findings that no historic properties are located at the CFFF site and that no places of potential tribal religious or cultural significance would be impacted, the NRC staff does not anticipate that historic properties would be affected. Thus, the NRC staff sent a letter, dated May 26, 2022, to the SC SHPO summarizing the consultation activity and concluding NHPA Section 106 consultation (ML22139A131). On June 21, 2022, the SC SHPO concurred with the NRC staff's determination (ML22173A119). This letter closes the administrative record for the NRC's NHPA section 106 consultation conducted for this undertaking.

E. Toombs

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If you have any questions about this matter, please contact Stacey Imboden by phone at (301) 415-2462 or via email at Stacey.Imboden@nrc.gov.

Sincerely,



Signed by Moses, John
on 07/29/22

John M. Moses, Deputy Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-1151

License No. SNM-1107

E. Toombs

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SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION OF THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE PROPOSED LICENSE RENEWAL FOR THE WESTINGHOUSE COLUMBIA FUEL FABRICATION FACILITY IN RICHLAND COUNTY, SOUTH CAROLINA (DOCKET NUMBER: 70-1151)

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