

**From:** "Seneca Nation Environmental Protection" <sniepd1@hotmail.com>  
**To:** <GinnaEIS@nrc.gov>  
**Date:** Wed, Dec 11, 2002 3:29 PM  
**Subject:** Comments on 67 FR 63171 - R.E. Ginna Nuclear Power Plant

10/10/02  
67 FR 63171  
(2)

The Seneca Nation's Tribal Historic Preservation Office (THPO) and the Environmental Protection Department have reviewed the above-referenced materials. As you may be aware, the Seneca Nation has assumed the role of the State Historic Preservation Officer for projects within our territories and lands held by treaty. The THPO also provides reviews and comments for lands within our ancestral territory for the protection of burials, archaeological sites, sacred sites, and traditional cultural porperies (see the National Historic Preservation Act (NHPA), Section 106, "Consultation").

The THPO would indeed be a consulting party to the renewal Ginna operating license. Under Section 106 of the NHPA, the THPO has 30 days to respond to a notification of an undertaking. Unfortunately, your November 1 letter to us informed us of a public scoping meeting on November 6 - i.e., 5 days notice. Future consultation with us should occur on a government-to-government basis. The Seneca Nation, being a sovereign entity, will not be classified as the general public (see page 63172, bottom of left column of the Federal Register Notice of Intent). Our comments on the R.E. Ginna Environmental Report and scope of the Environmental Impact Statement are:

The Environmental Impact Statement should analyze the potential impacts to the public and the environment from terrorist attacks on the plant, including the ability of the local, state, and federal emergency management agencies to mitigate the effects of any attack.

The Environmental Impact Statement should analyze the ability of the plant to store its spent nuclear fuel on plant property.

The Environmental Impact Statement should analyze the risks of transporting the spent nuclear fuel to the federal repository. This analysis should include potential truck routes and rail routes, and depending on the routes, should be coordinated with the Seneca Nation regarding the impacts to cultural resources along potential transportation corridors.

Although the State Historic Preservation Office has deemed no effect for the undertaking, the Seneca Nation THPO has concerns with the uncertainty of ground disturbing activities related to the project. The location and the history of the area surrounding Ginna are highly sensitive. The Seneca Nation THPO would like to be consulted, in the earliest planning stages, on any ground disturbing activities that may occur.

Thank you for your attention to our comments.

Kathy Mitchell, THPO  
(716) 945-1790, ext. 3454

Lisa Maybee, Director  
Environmental Protection Department  
(716) 532-2546 ext. 5471

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