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UNITED STATES
DEPARTMENT OF THE INTERIOR



BUREAU OF INDIAN AFFAIRS

Midwest Regional Office

Bishop Henry Whipple Federal Building

One Federal Drive, Room 550

Fort Snelling, MN 55111

IN REPLY REFER TO:

Environmental,
Cultural and Safety

JAN 12 2010

7/31/09
74 FR 38239

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Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop TWB-05-B01
Washington, DC 20555-0001

RE: **Agency Comments:** "Draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants (NUREG-1437) Volumes 1 and 2, Revision 1".

Dear Chief:

We have reviewed the above mentioned Draft Generic Environmental Impact Statement (GEIS). The document was produced in response to the Nuclear Regulatory Commission's National Environmental Policy Act (NEPA) activities relating to the proposed relicensing of the Prairie Island Nuclear Generating Plant in Sections 4, 5, 8, and 9, T113N, R15W. The Bureau of Indian Affairs is a consulting party for this review.

Enclosed please find specific comments relating to the GEIS's content. Please address our comments and forward an electronic copy of the final GEIS when available. We will also be submitting our comments online at LRGEISUpdate@nrc.gov. If you have questions regarding this review, please contact James Myster, Assistant Regional Archaeologist, at 612-725-4512.

Sincerely,

Diane K. Rosen
ACTING Regional Director

Enclosure

cc w/encl.: James Holthaus, Environmental Project Manager, Project Services, Xcel Energy, Inc
Prairie Island Nuclear Power Plant, 1717 Wakonade Drive East, Welch, MN 55089

SUNSI Review Complete
Template = ADM-013

F-REDS = ADM-03
Call = J.A. DAVIS (JXD10)

**Bureau of Indian Affairs Comments for
GENERIC ENVIRONMENTAL IMPACT STATEMENT
FOR LICENSE RENEWAL OF NUCLEAR PLANTS**

MAIN REPORT

NUREG-1437, Revision 1

July 2009

Volume 1

Summary

Page S-14, **Historic and Cultural Resources**. Please use the term “historic properties”. Those are the only resources of concern under Section 106 of the National Historic Preservation Act. Also include Tribal Historic Preservation Officers and “recognized” Native American Tribes as consulting parties as well as others listed in 36CFR800. 2.

Chapter 2. Alternatives Including the Proposed Action

Table 2.1–1. Summary of Impacts Associated with License Renewal Under the Proposed Action.

Page 2-12, **Historic and Cultural Resources**. Again, please focus on historic properties and consulting parties identified in 36CFR800.2. It is not known what the impacts of refurbishment would be, since not all cultural resources identified within an Area of Potential Effect (APE) have been evaluated for the National Register of Historic Places.

Chapter 3. Affected Environment

Describe existing conditions in APE.

3.7 Historic and Cultural Resources

Page 3-78, paragraph 1. Please use the recognized term historic properties, not historic and cultural resources. Cite the definition of historic property as it is written in 36CFR800.16(l).

“ , Box with Definitions. What are the sources for these definitions? They are not used in compliance language. Consider using: District, Site, Building, Structure and Object as they are defined in National Register Bulletin 15, and Traditional Cultural Property as defined in National Register Bulletin 38.

3.7.1 Regulatory Framework, lines 2-11. The “designated applicant” has no authority to make a determination of eligibility or effect. The federal agency official can only delegate that authority to a federal, state or tribal government official (36CFR 800.2(a)). , lines 19-24. The complete definition of an undertaking is also found in 36CFR800.16(y).

“ , lines 31-36. The act also established the Tribal Historic Preservation Offices that should also be mentioned beside the SHPO and the Advisory Council.

“ , line 38. Please use historic properties, since this term is used more frequently. The average reader may think that all sites would be of concern and not just those eligible for

the National Register. Also see page 3-79, lines 1; also see pages 35-36; page 4-116, line 26; page 4-117, lines 1, 3-5, 7-8, 10-11, 14, 25-26, 28, 30-32, 34; page 4-118, lines 2-4, 6-7, 12, 14, 17, 19, 21-22, 26, 30, 32, 38-39; page 4-119, lines 2, 12, 14-15, 20, 23-24, 29, 34; page 4-120, lines 3, 7-8, 10, 17-18, 22-23, 27, 32; page 4-204, lines 14, 21, 25, 28-29; page 4-225, lines 4 and 7; Page 7-28, line 26; Volume 2 page D41, lines 20, 23, 35, 38; page D-42, lines 2, 8-9, 11-12, 21, 29.

Pages 3-78, line 38-40 to page 3-79, lines 1-11. Rewrite paragraph to be more in line with the 36CFR800 process (generally §800.3 to §800.6). Do you want to define what a generic APE might consist of for any particular plant?

Page 3-80, **3.7.2 Prehistoric and Historic Era Historic and Cultural Resources**, lines 1-40. Change the title, eliminate the first two paragraphs and revise the last two paragraphs of this section and discuss the types of National Register classifications that could be found in the APEs. Insert the revised last two paragraphs after the classifications.

Page 3-81, **3.7.3 Traditional Cultural Properties**. No comment.

Chapter 4. Environmental Consequences and Mitigating Actions

Analyze all potential adverse effects to historic properties. Identify possible mitigation measures to adverse effects.

4.7 Historic and Cultural Resources

Page 4-116. Use Historic Properties for title.

Pages 4-116 to 4-119, **4.7.1 Environmental Consequences of the Proposed Action – Continued Operations and Refurbishment**. The APE should be presented in the Affected Environment. Discuss Assessment and Resolution of Adverse Effects (§800.5 and §800.6).

Page 4-117, lines 30-40; page 4-118, lines 1-41; page 4-119, lines 1-41; page 1-20, lines 1-36. Would these paragraphs or portions of these paragraphs fit better in the Affected Environment chapter?

Page 4-118, lines 18-23, It is impossible to know “all” the historic and cultural resources that could be affected by future undertakings. It should be a staged approach where sites are evaluated as they are found. This impossible standard should not hold up a license renewal.

Pages 4-119 to 4-120, **Environmental Consequences of Alternatives to the Proposed Action. Hydroelectric Energy Sources**. Erosion can affect streamside cultural resource sites.

Wind. Above ground structures could be visually impacted.

4.12 Impacts Common to All Alternatives

4.12.2 Environmental Consequences of Terminating Nuclear Power Plant Operations and Decommissioning

4.12.2.1 Termination of Nuclear Power Plant Operations and Decommissioning of Existing Nuclear Power Plants

Page 2-204, lines 16-26. Isn't some of this information more cumulative than resulting from termination of plant operations?

4.13 Cumulative Impacts of the Proposed Action

Page 4-225, **4.13.9 Historic and Cultural Resources (Historic Properties)**. Cumulative effects are based on past, present and reasonably foreseeable actions upon the resource.

Chapter 7. Glossary

Page 7-1, **Advisory Council for Historic Preservation** is actually **Advisory Council on Historic Preservation**. Do you want to define Area of Potential Effect (APE) and Historic Property.

Page 7-22, **Global Warming**. Definition should indicate that the predictions are based on models similar to those climatologists use for predicting temperature and weather patterns.

Volume 2 Appendix D

How about inserting an introductory paragraph discussing the technical bases for the GEIS analyses.

Pages D41-D42, **Historic and Cultural Resources (Historic Properties)**. What is a Region of Influence? Please distinguish between non-significant resources and historic properties.