

2-2-10
8:30
RDB Rec'd.



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**



IN REPLY REFER TO:

**Environmental,
Cultural and Safety**

**Midwest Regional Office
Bishop Henry Whipple Federal Building
One Federal Drive, Room 550
Fort Snelling, MN 55111**

JAN 21 2010

11/22/09
T+FR 60300
2

Chief, Rulemaking, Directives and Editing Branch
Division of Administrative Services, Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T-6D59
Washington, DC 20555-0001

RE: Agency Comments: "Draft Plant Specific Supplement 39 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS) Regarding Prairie Island Nuclear Generating Plant, Units 1 and 2 (TAC NO. MD8528 and MD8529)".

Dear Chief:

We have reviewed the above mentioned Draft Plant Specific Supplement 39 to the 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 Plant Specific Supplement 39's content. Please address our comments and forward an electronic copy of the final Supplement when available. We will also be submitting our comments online at PrarieIslandEIS@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*

*E-RIDS = ADM-03
Add = E. Keegan (ENK)*

**Bureau of Indian Affairs Comments to
Generic Environmental Impact Statement for License Renewal of Nuclear Plants
Supplement 39
Regarding Prairie Island Nuclear Generating Plant, Units 1 and 2
Draft Report**

It seems that before this draft is ready for review that the NRC's Generic EIS needs to be finished at least as a final draft in order to determine how to address the cultural resources, or any of the resources and issues for that matter.

Executive Summary

Pages xvi-xvii. There is no heading for **Cultural Resources** or **Environmental Justice** paragraphs.

Page xvii, line 1. Do not use historic and cultural resources, use historic properties when discussing cultural resources eligible for or listed on the National Register of Historic Places. The phrase as it is used omits prehistoric. The regulation uses the term historic and cultural resources, but this refers to historic properties, not cultural resources in general.

2.0 Affected Environment

The environmental impact statement will succinctly describe the environment to be affected by the proposed action. Data and analyses in the statement will be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Effort and attention will be concentrated on important issues; useless bulk will be eliminated (10CFR51, Subpart A, Appendix A).

Describe existing conditions (cultural resources and historic properties) in the Area of Potential Effects (APE). Insert language from the Generic EIS stating that this relicensing is an undertaking. The NRC also needs to define the APE in consultation with the SHPO (§800.4(a)). Will there be indirect effects to historic properties?

Page 2-65, 2.2.9 **Historic and Archaeological Resources**. Change title to **Cultural Resources** as it has a more encompassing meaning. Also see 2.2.9.2, line 8; page 3-8, lines 30; pages 4-29, lines 10, 32-33.

Pages 2-65 to 2-69, Prehistoric Periods, Historic Period, History of Prairie Island Indian Community. The reader doesn't need a cultural history of the State or other areas outside of the APE. You might consider placing the cultural history in an appendix if people are interested.

Page 2-68, line 45. Change "1034" to "1934".

Pages 2-71 to 2-72, Traditional Cultural Properties. This "refers to beliefs, customs, and practices of a living community of people that have passed down through the generations." It becomes significant in the role it "plays in a community's historically rooted beliefs, customs, and practices" (see National Register Bulletin 38: 1). Traditional Cultural Properties apply not only to American Indians but to all Americans.

Environmental Consequences

This section discusses the environmental consequences of alternatives, including the proposed actions and any mitigating actions which may be taken. Alternatives eliminated from detailed study will be identified and a discussion of those alternatives will be confined to a brief statement of the reasons why the alternatives were eliminated. The level of information for each alternative considered in detail will reflect the depth of analysis required for sound decision making. The discussion will include any adverse environmental effects which cannot be avoided should the alternative be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the alternative should it be implemented. This section will include discussions of:

- (a) Direct effects and their significance.
- (b) Indirect effects and their significance.
- (c) Possible conflicts between the alternative and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.
- (d) Means to mitigate adverse environmental impacts (10CFR51, Subpart A, Appendix A).

3.0 Environmental Impacts of Refurbishment

Pages 3-8 to 3-9. What historic properties are in the area 100 yards northwest of the turbine building where the temporary buildings will be constructed as part of replacing the steam generators? How large with this area be? Will there be new above and below ground utilities? What sort of disturbance was made in this area-plant construction or farming? Figure 3-1 is not helpful; it is too grainy. There is no Section 4.4.5; there is 4.9.6.

Page 3-9, lines 1-2. NSP should concentrate on protecting historic properties and burial sites.
“ , lines 28-29. The only concern is historic properties.

4.0 Environmental Impacts of Operation

Pages 4-29 to 4-33. Some of this information has nothing to do with impacts and might be better in the Affected Environment Section.

Page 4-30, lines 3-9. Reference MOU in Appendix D.

Page 4-31, New Preliminary Commitment Number 38 was not accomplished in determining site boundaries.

“ , New Preliminary Commitment Number 39. Other than sites 21GD02 (listed) and 21GD148 (determined not eligible) that have been evaluated, no other historic properties have been identified.

Page 4-32, New Preliminary Commitment Number 40. No shovel testing was done during the Phase I reconnaissance to get to identifying potential site areas.

“ , lines 17-28. Potential impacts are variable. Some will be severe some will be minimal or even non-existent. Moderate is merely an estimated average. Mitigation of an adverse effect to a historic property will require some sort of data recovery by professionals, not just by training staff on Section 106 procedures.

“ , lines 29-35. It is not possible to delineate subsurface site boundaries without shovel testing in densely vegetated locations.