

PMTurkeyCOLPEM Resource

From: Brien_Culhane@nps.gov
Sent: Wednesday, October 27, 2010 9:04 AM
To: Kugler, Andrew
Cc: Dan_Kimball@nps.gov; Fred_Herling@nps.gov; Mark_Lewis@nps.gov; TurkeyCOL Resource
Subject: Re: Notes from 101021 Meeting between NPS and NRC
Attachments: 101021-Notes from Meeting with NPS.doc

Andy, thanks for your notes.

We'll review and respond by Monday.

Brien

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<Dan_Kimball@nps.gov>
Subject
Notes from 101021 Meeting between
NPS and NRC

Brien, Mark,

I've drafted the attached notes to summarize our meeting last Thursday. Please review and give me any comments by next Monday. In particular, please make sure I haven't mischaracterized anything or missed any key points. I've also copied Fred and Dan on this message. I wasn't certain who would review for Everglades. Thanks.

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(See attached file: 101021-Notes from Meeting with NPS.doc)

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101021 Notes from Meeting with NPS

A key item for NPS was understanding the balance between what they would gain (in terms of NRC doing work they would otherwise have to do) versus what they were committing to. We discussed the fact that NRC could not do work which it wouldn't normally do for an EIS if NPS needs it (e.g., evaluation of alternative transmission line routes). NPS would have to do that kind of work and write the associated input to the EIS. Another example is that NPS must include paragraphs for each resource regarding an "impairment finding", probably under cumulative impacts. NPS would have to write these portions. But to the extent NRC was already going to be writing something (e.g., the affected environment around the proposed transmission lines), then we would do that and NPS wouldn't have to.

In the course of the conversation, it became clear that being a cooperating agency would benefit NPS significantly in terms of sections NRC was already going to have to write. In addition, there will likely be additional benefits because the NPS and Corps will have some sections in common, especially for the transmission lines. NRC would benefit from access to NPS expertise in the local area.

We discussed the likelihood that we'd find that NRC and NPS (and the Corps) have different approaches to evaluating impacts in various areas. I indicated that, to date, we had been successful in finding compromise solutions with the Corps that allowed each agency to view the EIS as responsive to its needs. We specifically discussed the NRC position on transmission lines in light of the 2007 change to the definition of "construction". Again, based on this discussion we didn't identify any issues that would be insurmountable.

We talked about whether there was a drop-dead date by which NPS had to be engaged as a cooperating agency. I indicated that there wasn't a specific date, but that sooner was clearly better to avoid disruptions in the review work and the schedule. In particular, we're currently working on reviewing information from FPL and preparing our requests for additional information (RAIs). It would be very beneficial if NPS is involved in time to submit its questions in the same timeframe as ours.

NPS asked whether something like putting the transmission lines underground would be within the scope of the NRC review. I indicated that it would not.

NPS indicated that in its scoping comments to NRC they had recommended a very rigorous analysis of viewshed impacts and they asked if NRC would do this. I indicated that I couldn't answer for certain. Although we haven't typically done such a detailed analysis, we will consider their comment. At any rate, we would probably look to them to assist if we did such analysis based on their far more extensive experience in this arena.

NPS asked how or if NRC was coordinating with the State's site certification review. I indicated that we didn't have any formal coordination, although we were in communication with key agencies and we were keeping an eye on the State's completeness questions and FPL's responses. This may be an issue for further consideration. NPS would like to see closer coordination with the State, particularly in relation to the transmission line corridors. I also need to talk to the Corps to make sure we have an understanding of how the Corps plans to approach associated alternatives.

NPS indicated that it has already begun internal discussions about the possibility of additional scoping for its EIS (or portion of our EIS). They did scoping for the EA. They've been talking to their Denver office and the most likely approach will be to announce an additional scoping period specifically for that portion of the action but not to hold additional meetings. Details are still to be worked out. Open issues include (1) whether to prepare responses to the original scoping comments (NPS doesn't typically do this, but NRC does), (2) to what extent NRC would need to be involved in the additional scoping, and (3) how the additional scoping comments would be handled (e.g., would they be placed in the EIS along with those collected by NRC?).

We'll need further discussions on how NPS will concur in common documents. NPS clearly must concur on the draft and final EIS. The tight timeline for this concurrence, which will almost certainly be at the Region level, needs to be considered and addressed. On another issue, would NPS need to concur in Federal Register notices (i.e., notices of availability for the draft and final EISs)? It seems like there is precedent that they wouldn't have to. But they'll need to confirm.

As we draft the memorandum of agreement (MOA) between NRC and NPS, they suggested looking at any MOAs NRC has had with other land management agencies. I'm not sure how many examples there might be. But I know for certain we had an MOA with the Bureau of Land Management for the Private Fuel Storage project.