

PIEnvISFSIPEm Resource

From: Amy Hester [ahester@swri.org]
Sent: Friday, October 12, 2012 5:12 PM
To: Trefethen, Jean
Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9
Attachments: Site visit topics.docx

Jean,

I started putting together some thoughts (attached) and asked others to provide input as well. So far what I have is more flow-of-thought that you and I may be able to go over regarding how NRC plans to work around certain issues.

I'm not sure what the protocol is with census data, but the ER provides 2000 and some 2009/10 data in the area of socioeconomics and EJ. Nothing is consistent though. Is it the applicant's responsibility to provide data that is current as of March 2012 when the application was submitted? I can have someone mine the census website for the 2010 data if it falls on the EA team.

Unfortunately next week I will be in a conference all day Wednesday and leaving town for *another* conference late Thursday morning, back on Saturday night. I will be in the office on Monday afternoon (out in the am) and all day Tuesday (our call is scheduled for 330ET).

Since I will be traveling, and there really won't be much time for much outside work, I will not have my email or access to my computer. Only what is on Dropbox. I will give you my cell and personal email so that you can call anytime and I'll return messages asap: 210-473-4736, a_hester98@yahoo.com.

Hotel info to follow...

From: Trefethen, Jean [mailto:Jean.Trefethen@nrc.gov]
Sent: Friday, October 12, 2012 3:22 PM
To: Amy Hester
Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9

Amy,

I sent an email to Heather asking for her input on schedule. As soon as I hear I will let you know. I think a Thursday afternoon flight would be wise. You can attend part of the pre-hearing since you are in the area.

Also could you brainstorm with your team about what we plan on asking the applicant during our site visit. I would like to have a call next week with the applicant to let them know our needs so that they can prepare for our visit. After you get together with your team I would like to discuss with you and then if both of us can be available to call the applicant later in the week that would be great.

Have a great weekend,
Jean

From: Amy Hester [mailto:ahester@swri.org]
Sent: Thursday, October 11, 2012 3:41 PM
To: Trefethen, Jean
Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9

Jean,

I got feedback from Randy, and he feels the scenario I described below from your suggestion would work for everyone involved. I do feel the extra time Eric and I can spend at the reservation would be helpful. Randy would really like to have time and a copy to review of the Hudak and Mergent archeological reports that we have discussed before. You said they should be requested\formally so the transfer of information is traceable. Do you think that it is realistic to expect he would have a copy of the reports before the site visit?

So does it look like, as far as flights go, Eric and I should arrive Monday morning, go to Red Wing in the afternoon, etc. and leave on Thursday late afternoon to attend at least the morning session of the prehearing conference? Randy may need to finish up research Thursday afternoon.

This is all coming together!

From: Amy Hester
Sent: Thursday, October 11, 2012 1:52 PM
To: 'Trefethen, Jean'
Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9

Jean,

I have not heard anything from Eric or Randy yet today. I personally think the first alternative you describe would be a good trade off: We would visit the PIIC folks on Monday on Randy's drive up although before the SHPO meeting and research, and then again Tuesday afternoon. I know Randy expressed a preference to have more information going into the PIIC meetings, but I do not have the same level of understanding he does whether it is absolutely necessary to have the information he may find in his research for the type of early discussions we may have with them, as opposed to a focused writing or review session. I presented this perspective to Randy and Eric and will let you know their responses.

I read the PIIC counter-response and have a couple questions and thoughts, but would rather discuss them verbally with you when you are available.

Amy

From: Trefethen, Jean [<mailto:Jean.Trefethen@nrc.gov>]
Sent: Wednesday, October 10, 2012 7:09 PM
To: Amy Hester; Withrow, Randy; eric_hollins@hotmail.com
Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9

Hi Amy thank you for putting together the draft itinerary. I will review and provide comments.

One thing to consider is an email that I just got from NRC OGC. They wanted to clarify what we should expect for the pre hearing conference. After reading her email I think we can safely free up Thursday and Friday for Randy and Eric to either head home or finish gathering information for the EA. I will cut and paste her message below:

whether we needed to bring "subject matter staff" to the upcoming prehearing conference in Nov. At this time, we anticipate that ONLY the environmental and safety PMs.

As a reminder, for purposes of the prehearing conference, we will only be discussing contention admissibility – not merits. Only the lawyers for each side and the judges will be speaking on the record. Chris and I will look to the staff to 1.) ensure that we do not make any incorrect statements and 2.) answer questions *off* the record, as necessary.

With that input I think we can put the focus of your visit on site and being sure you get all that you need for the EA rather than hearing support.

Amy and Eric do you feel a need to have more time with the PIIC or in area near the ISFSI, or with the applicant to gather necessary information? We could rearrange the schedules a bit so that you could have more time in any of these places. I came up with a couple of alternatives below.

If more time in Redwing is desirable we could go down on Monday and arrange to meet with folks on Monday afternoon and Tuesday morning. I could go back to St Paul Tuesday morning and meet with the SHPO and then Join you all again in Redwing for the afternoon.

I believe that both Phil and Heather have to travel through St. Paul to Redwing therefore we might meet in St. Paul on Monday afternoon and Tuesday morning then all head down to Redwing in the afternoon for a tour of the Reservation (I mentioned the tour to Heather Westra, the PIIC contractor, and she thought it was a great idea.)

Randy could you finish up your review on Thursday and Friday and participate in a reservation tour on Tuesday afternoon?

Hope this not too confusing, I just want the trip to be fruitful for all! Please let me know your thoughts and we will proceed with making arrangements.

Yes I want to carpool as much as possible. At this point I will not plan on getting a rental car as I am sure that one of you will have one as will the OGC contingent.

Jean

From: Amy Hester [<mailto:ahester@swri.org>]
Sent: Wednesday, October 10, 2012 4:39 PM
To: 'Withrow, Randy'; 'eric hollins'
Cc: Robert Lenhard; Asadul Chowdhury; Trefethen, Jean; English Percy; Lee Selvey
Subject: Prairie Island Site Visit Itinerary Nov 5-9

Hello Eric and Randy,

Jean and I discussed the site visit logistics today after Randy was able to make an appointment with the SHPO on Tuesday morning. Please let me know if you have any questions or conflicts. I'll get more details to you as soon as they are available.

Monday, November 5

- No meetings
- Jean plans to arrive and stay in St. Paul that evening (hotel to be confirmed).
- Amy and Eric may travel Monday night or Tuesday morning depending on flights

Tuesday, November 6

- 10am meeting with SHPO in St. Paul (Randy and Jean to attend).
- Randy may stay at the SHPO to finish his research, and may visit the state archeology office if needed
- Afternoon (Time?): visit with the PIIC and possibly tour the reservation. This meeting will help get our teams acquainted, lay out how best to work together, get a feel for the reservation layout and EJ concerns, and what each group would like to accomplish over the project. Our team will present talking points that are most relevant to discuss with the PIIC. (Jean and I need to discuss a plan for developing this information).

- Jean plans to stay at the Treasure Island Casino on Prairie Island: 5734 Sturgeon Lake Road, Welch, MN 55089 (651) 388-6300. NOTE: Request a room in the smoke-free tower if you prefer a non smoky-smelling environment.

Wednesday, November 7

- Morning: site visit at PINGP. Plan for walking through thick vegetation in chilly weather. I am told the applicant provides coveralls if needed.
- Afternoon: Inside meeting with the applicant to review any questions or information that would help us complete the review.
- Later afternoon/evening: Possibly meet with PIIC or have dinner. If Randy spends Tuesday afternoon at the SHPO, this would give him an opportunity to connect with the PIIC.
- Travel back to St. Paul for the night.

Thursday, November 8

- Pre-hearings at the court house (Start time and which courthouse?). It is unlikely that direct participation will be needed; however, if there are technical questions regarding the contentions that the NRC attorneys cannot address, the attorneys may look to specialists for support.
- Randy and Eric may travel after noon at their discretion.

Friday, November 8

- Pre-hearings may continue, but it is not certain. It is not necessary for Randy and Eric to plan to attend hearings all day on Friday at this time.
- Jean plans to take a 5pm flight to DC. Amy to return to TX depending on flights.
- Randy and Eric may travel at their discretion.

Carpooling

It may be helpful to carpool to the PIIC meeting Tuesday afternoon and back again on Wednesday. Each person may not need to rent a car because a taxi to a St. Paul hotel from the airport is about \$40 including tip. Then those with a car could transport 3-4 others. Randy will need to split from the group on Tuesday and needs a vehicle. Eric and Amy might be able to meet up at the airport (or somewhere in St. Paul) Tuesday morning, pick up Jean from the SHPO office, grab lunch, and head to Red Wing for the first PIIC meeting in the afternoon. Logistics can be worked out once flight times are confirmed, but these were just thoughts to think about to improve efficiency and save money/fuel.

Amy Hester

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Hearing Identifier: Prairie_Island_Env_ISFSI_Public
Email Number: 121

Mail Envelope Properties (84E0E3C6EDB4D6409DDE31063C1B2C5F4477C2)

Subject: RE: Prairie Island Site Visit Itinerary Nov 5-9
Sent Date: 10/12/2012 5:11:46 PM
Received Date: 10/12/2012 5:08:48 PM
From: Amy Hester

Created By: ahester@swri.org

Recipients:
"Trefethen, Jean" <Jean.Trefethen@nrc.gov>
Tracking Status: None

Post Office: exch2.cnwra.swri.edu

Files	Size	Date & Time
MESSAGE	11044	10/12/2012 5:08:48 PM
Site visit topics.docx	13981	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

PIIC

Would PIIC provide any available updates to 2008 report provided for the PINGP SEIS? And can that report be provided to the EA team, or will we just reference the SEIS with 2008/9 info? For instance, 47 new homes were planned to be built on the reservation in 2009. The SEIS reference is:

PIIC (Prairie Island Indian Community). 2008. Information provided by the Prairie Island Indian Community (PIIC) will aid NRC staff in the preparation of the Supplemental EIS (SEIS). PIIC Supplemental Information. Non-public reference per 36 CFR 800.11(c).

NSPM

Documents that would be extremely useful prior to the site visit:

- Mergent and Hudak arch surveys
- Figure files in the form of Adobe Illustrator showing the site vicinity with 50-mi radius, the PINGP layout, and the ISFSI layout.
- From the SEIS "The current NPDES was set to expire in August 2010. In the spring of 2010, NSP submitted a timely permit application to MPCA to renew the NPDES permit. NSP's current NPDES will remain in effect until MPCA issues a renewed permit. As of April 2011, MPCA had not issued the renewed permit." NSPM needs to provide an updated NPDES.

The applicant's interpretation and approach to environmental justice within NEPA and other mandated review processes; how the applicant's perspective matches up to NRC's interpretation and approach; whether we can identify significant gaps between applicant and NRC and develop a productive approach to addressing those gaps.

This may be one example of such a gap:

The SEIS Section 4.11, Cumulative Impacts, states "**Actions which NSP has expressed an interest in pursuing are the license renewal of the independent spent fuel storage installation (ISFSI), expanding the number of spent fuel casks stored at the ISFSI...**".

This reasonably foreseeable future action requires NRC to include, but not necessarily analyze in detail, this potential additional cask storage in the EA. Although the PIIC estimates that up to 98 casks will be in use at the ISFSI at the time of decommissioning, the State of MN has granted approval for storage of up to 64 casks, which NSPM mentions in the ER. However, no cumulative effects are discussed in the ER. What is NRC staff's approach to the ISFSI renewal cumulative impacts, and does NSPM agree with that approach?

What will happen if the court decides that NSPM needs to provide additional information in the ER regarding EJ, socioeconomics, cumulative impacts, or other topics? Is this worth talking about before a court ruling is made? Will NRC staff be able to submit RAIs before the court ruling, and if so, will it include RAIs regarding EJ/socio/cumulative impacts? How will a ruling either way affect the content of the EA?

NSPM sent consultation letters to the FWS and the Minnesota Department of Natural Resources (MDNR) on May 18, 2011. NSPM has not received a response from the FWS. Are they pursuing this? NRC staff also requested information from FWS but has not received a response (that I have seen).