

On January 30, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff spoke with Sarah Beimers of the Minnesota State Historic Preservation Office (MN SHPO) regarding the NSPM's license amendment request to expand the storage capacity for the Prairie Island (PI) independent spent fuel storage installation (ISFSI) in Goodhue County, MN. The purpose of the call was to discuss the Section 106 consultation process of the National Historic Preservation Act (NHPA), specifically the effects determination for the undertaking.

### Background

On December 17, 2019 (ML19311C632), the NRC staff sent a consultation letter to the MN SHPO asking for their concurrence on the NRC staff's determination of effects for the proposed expansion of the PI ISFSI. In that letter NRC staff cited 36 CFR Section 800.3(a)(1) indicating that the proposed expansion would have *no potential to cause effects* to historic properties. Additionally, NRC staff explained that during the review of the PI ISFSI license renewal application in 2015, the NRC staff evaluated the impacts of the then anticipated expansion as part of its National Environmental Policy Act (NEPA) environmental review process. The NRC staff prepared an environmental assessment (EA) in 2015. This license renewal EA, issued June 2015, determined that the expansion would not result in a significant cumulative impact to any historic, archaeological or cultural resource.

Although the area of potential effect (APE) for the proposed expansion has been previously assessed via surveys, examination of initial construction photos, light detection and ranging scans, and benefited from valuable input from the Prairie Island Indian Community (PIIC), it would have been more appropriate for the NRC staff to cite 800.4(d)(1), indicating *no historic properties affected*, because this expansion would include ground disturbing activities and, thus, have the potential to cause effects. This regulation relies on the results of identification and evaluation of the APE to determine that no properties would be affected. Through evaluations and based on the efforts completed during the 2015 EA process, the NRC determined that there are no properties present and thus, they would not be affected by the proposed ground disturbing activities.

### Notes from the call

During the discussion, NRC and the MN SHPO determined that the best course of action was for the NRC to send a follow-up letter providing additional project details that explained and support the no effects determination in 36 CFR 800.4(d)(1). Some of the SHPO's suggestions during the call included:

- Use Section 106 language rather than NEPA language.
- Provide a map that better defines the APE consistent with the description of the undertaking.
- Include in the APE discussion a detailed physical description of the facility that would help assess the visual impacts. For instance, above ground, XX feet high, behind a fence and/or a berm. With this information, it can also be assessed that there is no visual impact from the undertaking.
- Clearly state if any of the previously identified cultural properties fall within the APE.
- Identify if any further survey effort is needed.
- A clear and detailed photograph of the area would be helpful for better understanding of the project and its effects.

- Due to the age of the facility are there any considerations as to the historic nature of the property? The Prairie Island Nuclear Generating Plant is nearly 50 years old, what about the ISFSI?

If was further determined that we would send this follow-up letter after we had consulted with the interested tribes, particularly the PIIC.