



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 9, 2024

Amy Spong  
Deputy State Historic Preservation Officer  
Minnesota State Historic Preservation Office  
Administration Building #203  
50 Sherburne Ave.  
Saint Paul, MN 55155

SUBJECT: SECTION 106 CONSULTATION REGARDING THE MONTICELLO NUCLEAR  
GENERATING PLANT, UNIT 1 SUBSEQUENT LICENSE RENEWAL  
APPLICATION (DOCKET NUMBER: 50-263)

Dear Amy Spong:

On March 13, 2023, the U.S. Nuclear Regulatory Commission (NRC) staff initiated consultation under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) with the Minnesota State Historic Preservation Office regarding the Monticello Nuclear Generating Plant, Unit 1 (Monticello) subsequent license renewal application (Agencywide Documents Access and Management System (ADAMS) ML23069A278). In accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) Section 800.8(c), the NRC staff has elected to use the National Environmental Policy Act of 1969, as amended (NEPA), process to comply with its obligations under Section 106 of the NHPA. On April 24, 2024 (ML24106A111), the NRC staff notified your office of the availability of the draft environmental impact statement (DEIS), NUREG-1437, Supplement 26, Second Renewal, "Site-Specific Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Subsequent License Renewal for Monticello Nuclear Generating Plant, Unit 1, Draft Report for Comment." In that notification, the NRC staff requested your comments on the DEIS and its preliminary conclusions by June 10, 2024.

Over the course of the Section 106 consultation to date, our offices have exchanged additional correspondence and held meetings to discuss this undertaking. Specifically, on July 3, 2023 (ML23199A280) and August 23, 2023 (ML23241A973), your office provided comments in correspondence to the NRC related to this undertaking. Additionally, on May 23, 2023 (ML23156A234), August 3, 2023 (ML23228A096), and November 17, 2023 (ML23345A012), the NRC staff held consultation meetings with your office. The NRC staff would like to take this opportunity to address the comments and questions provided by your office in your correspondence dated July 3, 2023 and August 21, 2023, as well as comments raised during the meeting conducted on November 17, 2023.

Enclosures transmitted herewith contain information withheld under 10 CFR 2.390(a)(3). When separated from the enclosures, this letter is decontrolled.

### Characterization of Previous Site Disturbance

By letter to the NRC dated July 3, 2023, your office requested documentation that describes and/or shows the horizontal and vertical extent of disturbed areas within the Monticello site boundary and a clearer understanding that relicensing would not result in any future ground-disturbance beyond what has already been documented as thoroughly disturbed. By letter to the NRC dated August 21, 2023, your office stated that “based on the clarification regarding the agency’s definition of the area of potential effects (APE) for this type of undertaking and the potential activities that may occur within the APE, we recommend that a Phase I archaeological survey be completed by a qualified archaeologist.” The letter further stated that if the project area can be documented as previously surveyed or disturbed, your office will reconsider the need for a survey.

Enclosed is a Phase 1A Cultural Resources Literature Search and a Site Visit report concerning the Monticello site, (collectively referred to herein as the Westwood report) commissioned by the applicant (Xcel Energy) and prepared by Westwood Professional Services, Inc. Section 5.4 and Exhibit 29 of the Westwood report document the extent of ground disturbance on the Monticello site. As discussed in the report, approximately 12 percent of the 2,000-acre site has been previously disturbed and 88 percent of the site is potentially undisturbed. Of the disturbed areas, approximately 19 percent is deeply disturbed (greater than 10 feet (ft) [3.0 miles (m)]) and approximately 81 percent of the disturbed area is surface level disturbance (disturbance is limited to the upper 10 ft [3.0 m] of ground surface) or unknown depths of disturbance (exact depth of disturbance is unknown but assumed to be limited to the upper 10 ft [3.0 m] of ground surface).

### Documentation of Future Archaeological Surveys

By letter to the NRC dated July 3, 2023, your office also requested a map indicating areas within the site boundary where Xcel Energy is committed to performing an archaeological survey due to the lack of previous ground disturbance. Xcel Energy is in process of updating Monticello site procedures to incorporate the results and recommendations provided in the Westwood report to ensure the protection of archaeological, cultural, and historic resources. The NRC staff understands that Monticello’s procedures will be updated to stipulate:

- No further cultural resources work is required where deep-level disturbances (greater than 10 ft [3.0 m]) have been documented (orange areas identified in Exhibit 29 of the Westwood report).
- For projects that would take place at surface level or unknown depths of disturbance (green areas identified in in Exhibit 29 of the Westwood report), Xcel Energy will review projects with a Secretary of Interior qualified archaeologist to determine the appropriate next steps based on that assessment (i.e., archaeological monitoring, survey).
- For projects where ground disturbance would occur in undisturbed areas (areas outside the orange and green areas identified in Exhibit 29 of the Westwood report), a Phase 1 cultural resources survey will be conducted prior to any development.

- For projects where ground disturbance would occur outside the Monticello Nuclear Power Plant facility complex (as identified in Exhibit 29 of the Westwood report) and that are under the control of the applicant, the Mille Lacs Band of Ojibwe will be notified and invited to monitor ground disturbing activities. Exceptions to having a Tribal monitor would apply to situations such as emergencies or other extenuating circumstances that would require time-sensitive excavations.

Once the updated procedures are finalized, the NRC staff will verify that they have been updated in accordance with the actions listed above.

On November 17, 2023, during a teleconference that the NRC staff held with your office, the Mille Lacs Band of Ojibwe, and Xcel Energy, your office inquired if a license condition could be included as part of the subsequent license renewal that would require compliance with site procedures stipulating that a Phase I survey would be conducted. In addition to abiding by NRC regulations, licensees are expected to operate their facilities in compliance with other applicable Federal, State, and local environmental requirements, and to conduct their operations in compliance with site procedures. Inasmuch as the applicant's procedures will be updated to impose this requirement, the NRC staff concludes that a license condition stipulating that a Phase I survey will be conducted is not necessary.

#### Scope of Nuclear Generating Plant Operations and Maintenance Activities

In the letters to the NRC dated July 3 and August 21, 2023, your office requested clarification on the scope of nuclear generating plant operations and maintenance activities that may occur under a renewed license as well as any refurbishment activities that will be conducted. Activities carried out during nuclear power plant operations include reactor operation, waste management, cooling water intake and discharge, nuclear fuel receipt and storage, spent fuel security, office and clerical work, maintenance, and refueling outages. Section 2.1 of the DEIS provides a description of nuclear power plant operations. Maintenance activities conducted at Monticello include inspection, testing, and surveillance to maintain the current licensing basis of the facility. These activities include in-service inspections of safety-related structures, systems, and components, quality assurance, fire protection programs, and radioactive and nonradioactive water chemistry monitoring.

Continued operations and refurbishment activities during the subsequent license renewal period of extended operation could potentially affect historic and cultural resources through ground-disturbing activities associated with plant operations and ongoing maintenance (e.g., construction of new parking lots or buildings, maintenance of access roads) and changes in the appearance of nuclear power plants. Xcel Energy did not identify any refurbishment activities or new construction necessary to support the continued operation of Monticello during the subsequent license renewal period. Furthermore, Xcel Energy does not plan to alter operations, expand existing facilities, or disturb additional land to support subsequent license renewal and has not proposed physical changes to the facility. If operations and maintenance activities (such as inspection or maintenance of subsurface features like pipelines and conduits) require ground disturbance during the subsequent license renewal period, Xcel Energy anticipates that such activities would be limited to previously disturbed areas.

### Public Notification and Consulting Party Review

By letters dated July 3, 2023, and August 21, 2023, your office stated that the NRC staff's letter, dated March 13, 2023, did not provide any specific information regarding agency identification and engagement of other consulting parties in the Section 106 process. Your office also recommended that we clearly indicate that the NRC intends to comply with Section 106 of the NHPA through the NEPA process in public notification documents.

The NRC staff initiated its license renewal review of the Monticello subsequent license renewal application by publishing a notice of intent to conduct scoping and prepare an environmental impact statement in the *Federal Register (FR)* on March 10, 2023 ([88 FR 15103](#)). In that notice, the NRC staff informed the public that pursuant to 36 CFR 800.8(c), the NRC staff intends to use the NEPA process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA, in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

By letters dated March 13, 2023, the NRC staff initiated consultation with your office, the Advisory Council on Historic Preservation, and 30 federally recognized Tribes. In these letters, the NRC staff provided information about the proposed action, defined the APE, and indicated that the NHPA Section 106 review would be integrated with the NEPA process, in accordance with 36 CFR 800.8(c). The letters also provided information about the public scoping meeting and how to submit comments to the NRC. Additionally, the NRC staff emailed a copy of the March 10, 2023, *FR* notice to your office, the Advisory Council on Historic Preservation, and federally recognized Tribes. Section 3.9.4.1 and Appendix C of the DEIS document the on-going consultation, identify the federally recognized Tribes with whom the NRC staff initiated consultation, and include copies of consultation documents.

All consulting parties received a letter informing them of the availability of the DEIS for review and comment, how comments can be submitted to the NRC, and the NRC staff's preliminary findings. After consideration of comments received, the NRC staff will update and finalize the EIS, as appropriate, and will issue the final EIS and distribute it to the consulting parties in subsequent correspondence.

### Identification of Historic Properties

By letter dated July 3, 2023, your office requested clarification of NRC's level of effort to identify all historic and architectural properties that may be eligible or ineligible for listing in the National Register of Historic Places (NRHP) within the APE.

To assist in its review, Xcel Energy commissioned SEARCH, Inc. to conduct an architectural history survey to evaluate the eligibility Monticello for listing in the NRHP. SEARCH performed an intensive architectural survey of Monticello, surveying 80 ac (32.4 ha) of the built environment. In total, 27 individual resources were inventoried. Additionally, Monticello was evaluated collectively as a potential historic district. The architectural survey report recommended that none of the inventoried resources met the criteria for listing in the NRHP.

Based on comments from consulting parties, the NRC staff requested additional information from Xcel Energy, which in turn contracted with Westwood Professional Services, Inc. to conduct a Phase IA Cultural Resources Literature Search. In support of the literature search, a site walkover was conducted in October 2023 to assess the nature of the ground cover, identify areas of archaeological interest, and determine the level of effort that might be required to

conduct a formal and comprehensive archaeological survey of the property. No cultural or historic artifacts were identified during the site walkover. The Westwood report summarized previous disturbances throughout the APE and identified areas that may have a higher potential of encountering intact archaeological deposits. The Westwood report confirmed that no buildings 45 years or older apart from those inventoried in the SEARCH, Inc architectural survey were extant within the APE. Further, as discussed above, Xcel Energy is updating its site procedures to incorporate the Westwood report recommendations with respect to unplanned ground disturbances in its site procedures.

In accordance with 36 CFR 800.4(b)(1), a federal agency shall make a reasonable and good faith effort to identify historic properties. The regulations do not require identification of all properties. Appropriate identification efforts may include “background research, consultation, oral history interviews, sample field investigation, and field survey.” Furthermore, the Federal agency should consider “past planning, research studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects.” The NRC staff is satisfied that it has acted in accordance with these regulations.

In summary, the NRC staff concludes that identification efforts for this undertaking have included:

- Documentation of the horizontal and vertical extent of the APE
- A review of existing information of historic properties within the APE
- Visual inspection and pedestrian survey of portions of the APE
- Identification of areas within the APE with no potential for archaeological resources and areas with high archaeological resource potential.

As discussed under “Scope of Nuclear Generating Plant Operations and Maintenance Activities” above, Xcel Energy does not plan to alter operations, expand existing facilities, or disturb additional land to support subsequent license renewal and has not proposed physical changes to the facility. If operations and maintenance activities (such as inspection or maintenance of subsurface features like pipelines and conduits) require ground disturbance during the subsequent license renewal period, Xcel Energy anticipates that this would be limited to previously disturbed areas.

Considering 1) the scope of the proposed undertaking/action; 2) the fact that the SEARCH, Inc. and Westwood reports effectively identify and characterize the potential for archaeological and architectural resources onsite, and 3) updates will be made to site procedures to protect historic and cultural resources from inadvertent disturbance or destruction, the NRC staff has concluded that information has been provided in sufficient detail to determine that the undertaking will not adversely affect historic properties.

If you have any questions concerning the NRC's environmental review or information provided in this letter, please contact Nancy Martinez, by phone at 630-829-9734 or via email at [Nancy.Martinez@nrc.gov](mailto:Nancy.Martinez@nrc.gov), or Jessica Umana, by phone at 301-415-5207 or via email at [Jessica.Umana@nrc.gov](mailto:Jessica.Umana@nrc.gov) by June 10, 2024.

Sincerely,



Signed by Rome, Michelle  
on 05/09/24

Michelle Rome, Chief  
Environmental Technical Review Branch 1  
Division of Rulemaking, Environmental  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 50-263

Enclosures:

1. Monticello Phase 1A Cultural Resources  
Literature Search and Site Visit Report
2. Survey of Culturally Sensitive Plant Species

cc:

Lucy Harrington, Archaeologist

A. Spong

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Dated: May 9, 2024

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