

## PIEnvISFSIPEm Resource

---

**From:** Davis (WCD), Jennifer  
**Sent:** Friday, October 05, 2012 3:53 PM  
**To:** McIntyre, David  
**Cc:** Trefethen, Jean  
**Subject:** FW: Prairie Island Indian Community MOU

Hi Dave,

I am Jean's backup on Prairie Island and I along with Jeff Rikhoff (see his email below) participated on the Prairie Island reactor renewal review. I cannot remember whose decision it was to issue a press release, but our management encouraged it. Similar to what FSME management is now with this licensing action. The responses to your earlier questions are listed below. If you have any further questions, please let me or Jean know.

Thanks,

Jennifer

---

**From:** Rikhoff, Jeffrey  
**Sent:** Friday, October 05, 2012 3:14 PM  
**To:** Trefethen, Jean  
**Cc:** Keegan, Elaine; Davis (FSME), Jennifer; Hull, Amy; Wong, Melanie  
**Subject:** RE: Prairie Island Indian Community MOU

Hi Jean,

We didn't have a communications plan for the PINGP review. Our responsibilities to the PIIC were spelled out in the MOU. We respond to questions from OPA as we receive them. My suggested responses to OPA are provided below. We would be happy to discuss them further with you and OPA.

1. See CEQ NEPA implementing regulations 40 CFR 1501.6, "Cooperating agencies." The MOU is simply recognizing the PIIC's "special expertise" with respect to specific environmental issues of concern to the community. Guidance emphasizes the importance of establishing agency cooperation early in the NEPA process. This is not a private scoping process. The MOU establishes the PIIC as "cooperating agency" and the NRC as "lead agency" with defined roles and responsibilities. The NRC also has a "general trust responsibility" to the PIIC as a sovereign Federally-recognized Indian tribe. This does not diminish NRC's responsibilities under NEPA to other interest groups.
2. Yes. However, as the "lead agency" the NRC is sharing "technical reports, data and other information that fall under the PIIC's areas of interest" so that the PIIC may apply their special expertise expeditiously during the environment review.
3. The NRC has a "general trust responsibility" to the PIIC as a sovereign Federally-recognized Indian tribe. In cooperating with the PIIC, NRC staff must ensure that the PIIC's rights are fully respected and to operate within a government-to-government relationship.
4. No. The "cooperating agency" status under the MOU does not limit the PIIC's legal rights to file environmental and safety contentions or request hearings on the license renewal. FYI. The PIIC filed numerous contentions during the license renewal of PINGP Units 1 and 2. NRC staff met frequently with PIIC representatives during the review to discuss their concerns in the spirit cooperation as a cooperating agencies.

I hope this helps. Let us know if you have any additional questions.

jeff

**Jeffrey Rikhoff**

Senior Environmental Scientist, RERB  
Division of License Renewal  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
301/415-1090  
[Jeffrey.Rikhoff@nrc.gov](mailto:Jeffrey.Rikhoff@nrc.gov)

---

**From:** Trefethen, Jean  
**Sent:** Friday, October 05, 2012 12:12 PM  
**To:** Keegan, Elaine; Rikhoff, Jeffrey  
**Cc:** Davis (FSME), Jennifer  
**Subject:** FW: Prairie Island Indian Community MOU

Good Friday afternoon.

We have signed the MOU with the PIIC on the ISFSI renewal, Yea!

I sent a request to OPA to complete a press release, you can see the email string below. I had not considered the questions Dave McIntyre brought up and wondered if for the PINGP there was a communication plan put together or if answers to these sort of questions might still exist? I just thought we could save some time and effort. If not I am sure we can spend some time crafting reasonable responses to Dave's and other questions for the potential inquiry.

Thank you again for your further support! Enjoy your long weekend.

Jean

PS I attached the PR to this email, mine is nearly identical to the 2008 you all put together.

---

**From:** McIntyre, David  
**Sent:** Friday, October 05, 2012 10:52 AM  
**To:** Conley, Maureen; Trefethen, Jean  
**Cc:** Davis (FSME), Jennifer  
**Subject:** RE: Prairie Island Indian Community MOU

Hi Jean –

If I may put on my Reporter's Cap for a moment and ask some questions I anticipate we might get:

- 1) What is the significance of this MOU? You say we will "recognize PIIC's special expertise", but don't we always assume that someone who lives near a facility has such expertise? That's why we seek scoping comments, at least for an EIS. If we're doing some sort of private scoping process for an EA, are we setting a precedent for other environmental reviews by deviating from NEPA practices? What if the Red Wing Prairie Estates Homeowners Association feels slighted and demands the same access and preferential treatment?
- 2) We've agreed to "provide copies of technical reports" and such – aren't these all public documents anyway? So what's the point? It seems like we're issuing a press release announcing that we've added PIIC to our e-mail distribution list.
- 3) What does it mean that we will "give extra weight" to PIIC's comments? That we will think about them for an extra few minutes before we say "no"?

- 4) Since PIIC has filed contentions requesting a hearing on the license renewal, it seems odd that we are forging a partnership of sorts with them. Have they agreed to anything – such as not challenging the renewal on environmental grounds?

Sorry if these questions seem abrupt, but I expect some reporters might be scratching their heads about this too.

Dave

---

**From:** Conley, Maureen  
**Sent:** Friday, October 05, 2012 10:24 AM  
**To:** McIntyre, David  
**Subject:** FW: Prairie Island Indian Community MOU

---

**From:** Trefethen, Jean  
**Sent:** Friday, October 05, 2012 10:18 AM  
**To:** Conley, Maureen  
**Cc:** Davis (FSME), Jennifer  
**Subject:** RE: Prairie Island Indian Community MOU

Maureen,

My management just got back to me and has requested that we still move forward with this press release. The MOU is unique in that it is with a Federally recognized tribe and is a significant step in working government to government. It is also a great opportunity to have positive press! I think we can rush the concurrence process on our end and make it happen fairly quickly. I used an old press release as my guide so hopefully the one I provided is pretty close to ready.

I know it is the Friday before a long weekend but if we could move forward it will be greatly appreciated.

Thank you, let me know what I can do to help facilitate the release.

Jean

---

**From:** Conley, Maureen  
**Sent:** Friday, October 05, 2012 9:58 AM  
**To:** Trefethen, Jean; Davis (FSME), Jennifer  
**Cc:** McIntyre, David  
**Subject:** Prairie Island Indian Community MOU

Good morning, ladies. Dave McIntyre forwarded me the draft press release on the MOU. Typically OPA writes press releases in advance of significant events so that they can be approved and ready to be issued when the events occur. It would be unusual for us to issue a press release several days after something happens.

Is there a particular significance to this MOU that you feel warrants a press release? Is the plan still to do an EA, not an EIS?

Thanks,

Maureen Conley  
NRC Office of Public Affairs



**Hearing Identifier:** Prairie\_Island\_Env\_ISFSI\_Public  
**Email Number:** 117

**Mail Envelope Properties** (0046140293E11F408991442DB4FE25CA96BD5C2AAF)

**Subject:** FW: Prairie Island Indian Community MOU  
**Sent Date:** 10/5/2012 3:53:16 PM  
**Received Date:** 10/5/2012 3:55:41 PM  
**From:** Davis (WCD), Jennifer

**Created By:** Jennifer.DavisWCD@nrc.gov

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

**Post Office:** HQCLSTR01.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	7370	10/5/2012 3:55:41 PM

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