

From: Heather Westra [hwestra@piic.org]
Sent: Tuesday, May 20, 2008 4:44 PM
To: Rani Franovich
Subject: Re: PIIC's Comments on Draft Memorandum of Understanding (MOU)

Hi Rani

I just spoke with Phil Mahowald, PIIC General Counsel, about the MOU.

We agree that item IV A. 5 does not need to be in the MOU. I am wondering, however, how long it will take NRC staff to review our suggestions and get back to us and whether the Commission will want to review the MOU.

With regard to item IV. B, specifically the clause about reviewing the entire SEIS, it appears that other sections of the MOU address that concern and, as you explained, we will have an opportunity as a stake holder. Never the less, what would you think about putting in a provision, under V. Other Provisions, that states something about the tribe retaining the right to review the draft and final SEIS and provide comments? Just so it is clear to everyone concerned?

Thanks for your feedback on our suggestions. I look forward to hearing from you.

Best regards,

Heather

Sent using BlackBerry

----- Original Message -----

From: Rani Franovich <Rani.Franovich@nrc.gov>
To: Heather Westra
Sent: Tue May 20 10:00:14 2008
Subject: PIIC's Comments on Draft Memorandum of Understanding (MOU)

Hi Heather,

Thanks for the returned call yesterday to talk about the PIIC's comments on the Draft MOU. It was very helpful for me to understand the PIIC's concerns and desires... the insight helps us to be responsive to them.

As we discussed yesterday, the NRC staff is considering the comments. With respect to item IV.A.5, you indicated to me that the PIIC wants to have the MOU in

effect at the time of acceptance to ensure that it will be involved as early as possible in the review. I explained that, as the Draft MOU cover letter states, the NRC will consider the PIIC's status as a cooperating agency to be effective at the time the MOU is signed by both the NRC and the PIIC. I also indicated that the NRC's acceptance review is independent of the MOU and that we may accept the application some time next week. The timing of the official acceptance and signing of the MOU may be coincidental, but they are not linked. Since cooperating agency status hinges on the signing of the MOU, and not on the NRC's acceptance of the application, we agreed that item IV.A.5 may not be needed. You indicated that you wanted to discuss this further with Phil and get back to me later this week.

We also discussed the proposed changes involving PIIC's access to entire working copies (vice sections related to areas of special expertise) of the draft and final SEIS. I indicated that we are considering this request and that the timeframes for the PIIC's review might not change. You indicated to me that the PIIC wanted to make sure that it is not limited to commenting on areas beyond those defined in the MOU. As I indicated yesterday, the PIIC, like any other stakeholder, will have the opportunity to comment broadly on the scope of our review and on our draft SEIS. The purpose of the MOU is to define the areas for its participation as a cooperating agency and does not preclude the ability to submit comments at these established opportunities for public involvement. You seemed to be satisfied with this distinction and encouraged to know that the MOU did not limit the PIIC's ability to comment more broadly. You wanted to talk with Phil about this as well.

We discussed another proposed change that would allow the PIIC 60 days (rather than 25 days) from the signing of the MOU to provide data and information on topics related to areas of expertise to the NRC. I indicated that this seemed reasonable and that I would discuss it further with our folks.

I look forward to talking with you again about these items once you have had a chance to discuss them with Phil.

Take care,

Rani

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