

December 22, 2008

MEMORANDUM TO: William Burton, Branch Chief
Environment Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

FROM: Michael Willingham, Project Manager **/RA/**
Environment Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

SUBJECT: NOTICE OF PUBLIC MEETING TO DISCUSS ENVIRONMENTAL
SCOPING PROCESS FOR THE COMANCHE PEAK NUCLEAR
POWER PLANT COMBINED LICENSE APPLICATION FOR UNITS 3
AND 4 (TAC NO. RF 2683)

DATE AND TIME: Tuesday, January 6, 2009
First Session: 1:00 p.m. – 4:00 p.m.
Second Session: 7:00 p.m. – 10:00 p.m.

LOCATION: Glen Rose Expo Center
202 Gibbs Blvd.
Glen Rose, Texas 76043

PURPOSE: To conduct a transcribed public meeting to provide members of the public with an opportunity to provide their comments on what environmental issues the Nuclear Regulatory Commission (NRC) should consider during its review of the combined license (COL) application for the Comanche Peak Nuclear Power Plant (CPNPP), Units 3 and 4. This meeting will be conducted as part of the scoping process outlined in 10 CFR Part 51 to support development of an environmental impact statement in support of the application. See the enclosed agenda and *Federal Register* Notice (73 FR 77076).

The COL application is available on the NRC's web page at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>. It is also available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS), which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The accession number for the application received on September 19, 2008 is ML083240374.

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michael.willingham@nrc.gov john.fringer@nrc.gov

* Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings"
(67 FR 36920), May 28, 2002

PURPOSE (cont.) Both formal sessions will be preceded by an informal "open house" beginning one hour prior to each session for those who wish to attend. The open house will provide members of the public with an opportunity to talk informally one-on-one with NRC staff. Members of the public may register to present oral comments at this meeting by contacting Michael Willingham at (800) 368-5642, ext. 3924 or by e-mail to Comanche.COLEIS@nrc.gov by December 23, 2008. Those who wish to make comments may also register at the meeting until 5 minutes prior to the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register.

Mr. Willingham will need to be contacted no later than December 30, 2008, if special equipment or accommodations are needed to attend or present information at the public meeting.

CATEGORY 3:* This is a Category 3 Meeting. The public is invited to participate in this meeting by providing comments and asking questions.

PARTICIPANTS:	<u>NRC</u> Chet Poslusny, Facilitator William Burton, Chief, NRO Michael Willingham, NRO SFlanders, NRO	<u>Members of the Public Who Register to Speak</u>
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Docket No: 52-034 and 52-035

Enclosures:

1. Agenda
2. Federal Register Notice (ML083360512)

cc: w/enclosures: See next page

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(67 FR 36920), May 28, 2002

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PARTICIPANTS: NRC Members of the Public Who Register to Speak
Chet Poslusny, Facilitator
William Burton, Chief, NRO
Michael Willingham, NRO
Scott Flanders, NRO

Docket No: 52-034 and 52-035

Enclosures:

1. Agenda
2. Federal Register Notice (ML083360512)

cc: w/enclosures: See next page

Distribution:

PUBLIC	WBurton, NRO	Mwillingham, NRO	RidsNroDser
RidsNroDserRap1	RidsNroDserRap2	RidsNroDserRap3	PMNS
JFringer, NRO	RidsNroDserRenv	MNotich, NRO	SMonarque, NRO
MNorato, NRO	RidsOpaMail	RAP3 Distribution	RidsRgn4MailCenter
GHawkins, NRO	CJohnson, R IV	RAP2 Distribution	RAP1 Distribution
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BTindell, R IV	DAllen, R IV	BSingal, NRR	SBurnell, OPA
P Loughheed, R IV (patricia.loughheed@nrc.gov)		SSanner, R IV (sue.sanner@nrc.gov)	
GZimmerman (zimmermangp@ornl.gov)		LMcCold, (mccoldln@ornl.gov)	
SProvenzano(susan.provenzano@aeom.com)			

ADAMS ACCESSION NUMBER: ML083530985

OFFICE	LA:RAP1:DSER:NRO	PM:RAP1:DSER:NRO	BC: RAP1:DSER:NRO
NAME	GHawkins/sek1	MWillingham	WBurton/B.Clyaton for
DATE	12/19/08	12/17/08	12/22 /08

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(Revised 08/25/2008)

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(Revised 10/06/2008)

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**AGENDA FOR PUBLIC MEETING TO DISCUSS ENVIRONMENTAL
SCOPING PROCESS FOR COMANCHE PEAK NUCLEAR POWER PLANT
UNITS 3 AND 4 COMBINED LICENSE APPLICATION**

January 6, 2009

Two Meeting Sessions - 1:00 p.m. to 4:00 p.m. and 7:00 p.m. to 10:00 p.m.*

- I. Welcome and purpose of meeting - 5 minutes (C. Poslusny, W. Burton)
- II. Overview of the combined license process - 5 minutes (M. Willingham)
- III. Overview of environmental review process - 15 minutes (M. Willingham)
- IV. Public comments - 2 ½ hours (C. Poslusny)
- V. Closing/availability of transcripts, etc. - 5 minutes (C. Poslusny)

*Note - The NRC staff will host informal discussions one hour prior to the meeting. No comments on the scope of the environmental review will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting (see agenda, above) or in writing, as described in the *Federal Register* notice.

[Federal Register: December 18, 2008 (Volume 73, Number 244)]

[Notices]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-034 and 52-035]

Luminant Generation Company LLC; Comanche Peak Nuclear Power Plant Units 3 and 4 Combined License Application; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Luminant Generation Company LLC (Luminant) has submitted an application for two combined licenses (COLs) to build Units 3 and 4 at its Comanche Peak Nuclear Power Plant (CPNPP) site, located on approximately 7,950 acres in Somervell and Hood Counties, Texas. CPNPP is located on Squaw Creek Reservoir, approximately 5.2 miles (mi) north of Glen Rose, Texas. Luminant submitted the application for the COL to the U.S. Nuclear Regulatory Commission (NRC) by letter dated September 19, 2008, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Part 52. A notice of receipt and availability of the application for the COLs, including the Environmental Report (ER), was published in the Federal Register on November 7, 2008 (73 FR 66276). A notice of acceptance for docketing of the application for the COLs was published in the Federal Register on December 10, 2008 (73 FR 75141). A notice of hearing and opportunity to petition for leave to intervene in the proceeding will be published at a later date. The purposes of this notice are (1) to inform the public that the NRC staff will be preparing an Environmental Impact Statement (EIS) as part of the review of the application for the COLs; and (2) to provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29.

In addition, as outlined in 36 CFR 800.8(c), "Coordination with the National Environmental Policy Act," the NRC staff plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). Pursuant to 36 CFR 800.8(c), the NRC staff intends to use the process and documentation 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 in 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, Luminant submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Parts 51 and 52 and is available for public inspection at the NRC

Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Electronic Reading Room link. The accession number in ADAMS for the environmental report included in the application is ML083240374. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff at 1-800-397-4209/301-415-4737 or by e-mail to pdrr@nrc.gov. The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html>. In addition, the Somervell County Library located at 108 Allen Drive, Glen Rose, Texas 76043, and the Hood County Library located at 222 North Travis Street, Granbury, Texas 76048, have agreed to maintain a copy of the ER and make it available for public inspection.

The following key reference documents related to the application and the NRC staff's review processes are available through the NRC's Web site at <http://www.nrc.gov>:

- a. 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Function;
- b. 10 CFR Part 52, Licenses, Certifications, and Approvals for Nuclear Power Plants;
- c. 10 CFR Part 100, Reactor Site Criteria;
- d. NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power;
- e. NUREG/BR-0298, Brochure on Nuclear Power Plant Licensing Process;
- f. Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Stations;
- g. Regulatory Guide 4.7, General Site Suitability Criteria for Nuclear Power Stations;
- h. Fact Sheet on Nuclear Power Plant Licensing Process;
- i. Regulatory Guide 1.206, Combined License Applications for Nuclear Power Plants; and
- j. Nuclear Regulatory Commission Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions.

The regulations, NUREG-series documents, regulatory guides, and the fact sheet can be found under Document Collections in the Electronic Reading Room on the NRC Web page. The environmental justice policy statement can be found in the Federal Register, 69 FR 52040, August 24, 2004.

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS as part of the review of the application for the COLs at the CPNPP site. Possible alternatives to the proposed action (issuance of the COLs for the CPNPP Units 3 and 4) include no action, reasonable alternative energy sources, and alternate

sites. As set forth in 10 CFR 51.20(b)(2), issuance of a COL under 10 CFR Part 52 is an action that requires an EIS. This notice is being published in accordance with NEPA and the NRC's regulations in 10 CFR Part 51.

The NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

- a. Define the proposed action that is to be the subject of the EIS;
- b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to but are not part of the scope of the EIS being considered;
- e. Identify other environmental review and consultation requirements related to the proposed action;
- f. Identify parties consulting with the NRC under the NHPA, as set forth in 36 CFR 800.8(c)(1)(i);
- g. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;
- h. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and
- i. Describe how the EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

- a. The applicant, Luminant Generation Company LLC;
- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;
- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;
- d. Any affected Indian tribe;
- e. Any person who requests or has requested an opportunity to participate in the scoping process; and
- f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC will hold two identical public scoping meetings for the EIS regarding the Luminant COL application. The scoping meetings will be held at the Glen Rose Expo Center, 202 Bo Gibbs Blvd., Glen Rose, Texas 76043, on Tuesday, January 6, 2009. The first meeting will convene at 1 p.m. and will continue until approximately 4 p.m. The second meeting will convene at 7 p.m., with a

repetition of the overview portions of the first meeting, and will continue until approximately 10 p.m. The meetings will be transcribed and will include the following: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the EIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the EIS. Additionally, the NRC staff will host informal discussions for one hour prior to the start of each public meeting. No formal comments on the proposed scope of the EIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed below.

Persons may register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting Mr. Michael Willingham or Mr. John Fringer by telephone at 1-800-368-5642, extension 3924 or 6208. In addition, persons can register via e-mail to the NRC at Comanche.COLEIS@nrc.gov no later than December 30, 2008.

Members of the public may also register to speak at the meeting prior to the start of the session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the EIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Willingham's attention no later than December 23, 2008, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the scope of the CPNPP COL environmental review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. To be considered in the scoping process, written comments must be postmarked or delivered by February 17, 2009. Electronic comments may be sent by e-mail to the NRC at Comanche.COLEIS@nrc.gov. Electronic submissions must be sent no later than February 17, 2009, to be considered in the scoping process. Comments will be made available electronically and will be accessible through the NRC's Electronic Reading Room link <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the EIS does not entitle participants to become parties to the proceeding to which the EIS relates. A notice of a hearing and opportunity to request leave to petition to intervene in the proceeding on the application for the COL, will be published in a future Federal Register notice.

At the conclusion of the scoping process, the NRC staff will prepare a concise summary of the determination and conclusions reached on the scope of the environmental review. The summary will include the significant issues identified. The NRC staff will send this summary to each participant in the scoping process for whom the staff has an address. The staff will then prepare and issue for comment the draft

EIS, which will be the subject of a separate Federal Register notice and a separate public meeting. Copies of the draft EIS will be available for public inspection at the PDR through the above-mentioned address and one copy per request will be provided free of charge. After receipt and consideration of comments on the draft EIS, the NRC will prepare a final EIS, which will also be available to the public.

Information about the proposed action, the EIS, and the scoping process may be obtained from Mr. Michael Willingham at 301-415-3924, by e-mail at michael.willingham@nrc.gov, or by mail to the U.S. Nuclear Regulatory Commission, Mail Stop T6-E38M, Washington, DC 20555-0001 and from Mr. John Fringer at 301-415-6208 or by e-mail at john.fringer@nrc.gov.

Dated at Rockville, Maryland, this 12th day of December, 2008.

For the Nuclear Regulatory Commission.
Scott Flanders,
Director, Division of Site and Environmental Reviews, Office of New Reactors.
[FR Doc. E8-30052 Filed 12-17-08; 8:45 am]

BILLING CODE 7590-01-P