

May 1, 2007

Mr. Terry J. Garrett
Vice President Engineering
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

SUBJECT: ISSUANCE OF ENVIRONMENTAL SCOPING SUMMARY REPORT
ASSOCIATED WITH THE STAFF'S REVIEW OF THE APPLICATION BY
WOLF CREEK NUCLEAR OPERATING CORPORATION, FOR RENEWAL OF
THE OPERATING LICENSE FOR WOLF CREEK GENERATING STATION
(TAC NO. MD3182)

Dear Mr. Garrett:

The Nuclear Regulatory Commission (NRC) conducted a scoping process, from December 7, 2006 through January 29, 2007, to determine the scope of the NRC staff's environmental review of the application for renewal of the operating license for the Wolf Creek Generating Station. As part of the scoping process, the NRC staff held two public environmental scoping meetings in Burlington, Kansas on December 19, 2006, to solicit public input regarding the scope of the review. The scoping process is the first step in the development of a plant-specific supplement to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS)," for the Wolf Creek Generating Station.

The NRC staff has prepared the enclosed environmental scoping summary report identifying comments received by letter and electronic mail during the environmental scoping period for the Wolf Creek Generating Station. In accordance with 10 CFR 51.29(b), all participants of the scoping process will be provided with a copy of the scoping summary report. The transcripts of the scoping meetings are publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS).

The ADAMS Public Electronic Reading Room is accessible at <http://adamswebsearch.nrc.gov/dologin.htm>. The transcripts for the afternoon and evening meetings are listed under Accession Nos. ML070120121 and ML070120114, respectively. 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 by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov.

T. Garrett

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The next step in the environmental review process is the issuance of a draft supplement to the GEIS scheduled for September 25, 2007. Notice of the availability of the draft supplement to the GEIS and the procedures for providing comments will be published in an upcoming *Federal Register* notice.

If you have any questions concerning the NRC staff review of this LRA, please contact Mr. Christian Jacobs, Project Manager at 301-415-3874 or cjj@nrc.gov.

Sincerely,

/RA Richard L. Emch Jr. for/

Rani Franovich, Branch Chief
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-482

Enclosure:
Scoping Summary Report

cc w/encl: see next page

T. Garrett

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Scoping Summary Report

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ADAMS Accession no.: **ML070850538**

OFFICE	LA:DLR	GS:DLR:REBB	PM:DLR:REBB	OGC	BC:DLR:REBB
NAME	S. Figueroa	A. Williamson (w/ comments)	C. Jacobs	M. Baty w/NLO	R.Franovich R. Emch for
DATE	3/3/07	4/1/07	4/2/07	04/24/07	5/01/07

OFFICIAL RECORD COPY

Letter to T. Garrett from R. Franovich Dated May 1, 2007

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WOLF CREEK NUCLEAR OPERATING CORPORATION, FOR RENEWAL OF
THE OPERATING LICENSE FOR WOLF CREEK GENERATING STATION
(TAC NO. MD3182)

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**Environmental Impact Statement
Scoping Process**

Summary Report

**Wolf Creek Generating Station
Unit 1
Coffey County, Kansas**

April 2007



**U.S. Nuclear Regulatory Commission
Rockville, Maryland**

ENCLOSURE

Introduction

On October 4, 2006, the Nuclear Regulatory Commission (NRC) received an application from Wolf Creek Nuclear Operating Corporation (WCNOC) dated September 27, 2006, for renewal of the operating license of Wolf Creek Generation Station, Unit 1 (WCGS). WCGS is located in Coffey County, Kansas. As part of the application, WCNOC submitted an environmental report (ER) prepared in accordance with the requirements of 10 Code of Federal Regulations (CFR) Part 51. 10 CFR Part 51 contains the NRC requirements for implementing the National Environmental Policy Act (NEPA) of 1969 and the implementing regulations promulgated by the Council on Environmental Quality (CEQ). 10 CFR 51.53 outlines requirements for preparation and submittal of environmental reports to the NRC.

10 CFR 51.53(c)(3) was based upon the findings documented in NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants," (GEIS). The GEIS, in which the staff identified and evaluated the environmental impacts associated with license renewal, was first issued as a draft for public comment. The staff received input from Federal and State agencies, public organizations, and private citizens before developing the final document. As a result of the assessments in the GEIS, a number of impacts were determined to be small and to be generic to all nuclear power plants. These were designated as Category 1 impacts. An applicant for license renewal may adopt the conclusions contained in the GEIS for Category 1 impacts, absent new and significant information that may cause the conclusions to fall outside those of the GEIS. Category 2 impacts are those impacts that have been determined to be plant-specific and are required to be evaluated in the applicant's ER.

The Commission determined that the NRC does not have a role in energy planning decision-making for existing plants, which should be left to State regulators and utility officials. Therefore, an applicant for license renewal need not provide an analysis of the need for power, or the economic costs and economic benefits of the proposed action. Additionally, the Commission determined that the ER need not discuss any aspect of storage of spent fuel for the facility that is within the scope of the generic determination in 10 CFR 51.23(a) and in accordance with 10 CFR 51.23(b). This determination was based on the Nuclear Waste Policy Act of 1982 and the Commission's Waste Confidence Rule, 10 CFR 51.23.

On December 7, 2006, the NRC published a Notice of Intent in the *Federal Register* (71 FR 70997), to notify the public of the staff's intent to prepare a plant-specific supplement to the GEIS regarding the renewal application for the WCGS operating license. The plant-specific supplement to the GEIS will be prepared in accordance with NEPA, CEQ guidelines, and 10 CFR Part 51. As outlined by NEPA, the NRC initiated the scoping process with the issuance of the *Federal Register* Notice. The NRC invited the applicant, Federal, State, local, and tribal government agencies, local organizations, and individuals to participate in the scoping process by providing oral comments at the scheduled public meetings and/or submitting written suggestions and comments no later than January 29, 2007. The scoping process included two public scoping meetings, which were held on December 19, 2006, at the Coffee County Library, Burlington Branch, 410 Juniatta Street, Burlington, Kansas. The NRC issued press releases and distributed flyers locally. Approximately 40 people attended the meetings. Both sessions began with NRC staff members providing a brief overview of the license renewal process and the NEPA process. Following the NRC's prepared statements, the meetings were open for public comments. There were no public comments or questions at the meetings. The meeting summary, which was issued on January 19, 2007, and the associated transcripts are available

for public inspection in the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams/web-based.html>. The meeting summary can be found in ADAMS at Accession No. ML070170473. The transcripts of the meeting can be found in ADAMS at Accession Nos. ML070120121 and ML070120114. 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 by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov.

The scoping process provides an opportunity for public participation to identify issues to be addressed in the plant-specific supplement to the GEIS and highlight public concerns and issues. The Notice of Intent identified the following objectives of the scoping process:

- Define the proposed action
- Determine the scope of the supplement to the GEIS and identify significant issues to be analyzed in depth
- Identify and eliminate peripheral issues
- Identify any environmental assessments and other environmental impact statements being prepared that are related to the supplement to the GEIS
- Identify other environmental review and consultation requirements
- Indicate the schedule for preparation of the supplement to the GEIS
- Identify any cooperating agencies
- Describe how the supplement to the GEIS will be prepared

At the conclusion of the scoping period, the NRC staff and its contractor reviewed the transcripts and all written material received, and identified individual comments. Two (2) letters and one (1) e-mail containing comments were received during the scoping period. No comments were received orally or in writing at the scoping meetings. Each set of comments from a given commenter was given a unique alpha identifier (Commenter ID letter), allowing each set of comments from a commenter to be traced back to the transcript, letter, or e-mail in which the comments were submitted.

Comments were consolidated and categorized according to the topic within the proposed supplement to the GEIS or according to the general topic if outside the scope of the GEIS. Comments with similar specific objectives were combined to capture the common essential issues that had been raised in the source comments. Once comments were grouped according to subject area, the staff and contractor determined the appropriate action for each comment. Table 1 identifies the individuals providing comments and the Commenter ID letter associated with each person's set(s) of comments. The Commenter ID letter is preceded by WCGS.

TABLE 1 - Individuals Providing Comments During Scoping Comment Period

Commenters ID	Commenter	Affiliation (If Stated)	Comment Source and ADAMS Accession Number
WCGS-A	Mike Seymour	Local Resident	email comments (ML070110437)
WCGS-B	Michael J. LeValley	US Department of the Interior, Fish and Wildlife Services	Letter (ML070330025)
WCGS-C	Kimberly O. Johnson, P.E.	US Environmental Protection Agency, NEPA	Letter (ML070430252)

The comments and suggestions received as part of the scoping process are documented in this section, and the disposition of each comment is discussed. Comments are grouped by category. The categories are as follows:

1. Comments Concerning Aquatic Ecology
2. Comments Concerning Threatened and Endangered Species
3. Comments Concerning Transmission Lines
4. Comments Concerning General Environmental Impacts
5. Comments Concerning Decommissioning
6. Comments Concerning License Renewal and Its Processes

Each comment is summarized in the following pages. For reference, the unique identifier for each comment (Commenter ID letter listed in Table) is provided. In those cases where no new environmental information was provided by the commenter, no further evaluation will be performed.

The preparation of the supplemental environmental impact statement, or SEIS will take into account all the relevant issues raised during the scoping process. The SEIS will address both Category 1 and 2 issues, along with any new information identified as a result of scoping. The SEIS will rely on conclusions supported by information in the GEIS for Category 1 issues, and will include the analysis of Category 2 issues and any new and significant information. The draft plant-specific supplement to the GEIS will be made available for public comment. The comment period will offer the next opportunity for the applicant, interested Federal, State, and local government agencies, local organizations, and members of the public to provide input to the NRC's environmental review process. The comments received on the draft SEIS will be considered in the preparation of the final SEIS. The final SEIS, along with the staff's Safety Evaluation Report, NRC Region IV inspections, and independent review by the Advisory Committee on Reactor Safeguards, will provide basis for the NRC's decision on the WCGS license renewal application.

Public Scoping Meeting Comments and Responses

1. Comments Concerning Aquatic Ecology

Comment: Impingement and entrainment at the intakes for the cooling system should also be addressed in the EIS. As you are probably aware, on January 26, 2007, the United States Court of Appeals for the Second Circuit issued a decision remanding to EPA the 2004 Clean Water Act Section 316(b) Phase II rule, which regulates cooling water intake structures at existing power producing facilities, (Riverkeeper, Inc. v EPA, 2d Cir. Jan. 25, 2007). Although this decision may modify the regulations, 316(b) will still apply to the Wolf Creek facility. (WCGS-C)

Response: *The comment is related to operation of the plants cooling system, specifically the effects of impingement and entrainment. A discussion of the potential impacts associated with the plants cooling system will be presented in Chapter 4 of the SEIS. Additionally a brief discussion of potential mitigation measures to limit impingement and entrainment impacts will be presented in Chapter 4 of the SEIS.*

2. Comments Concerning Threatened and Endangered Species

Comment: In accordance with section 7(c) of the Endangered Species Act, we have determined that the federally-listed threatened bald eagle (*Haliaeetus leucocephalus*), the threatened Mead's milkweed (*Asclepias meadii*) and the threatened Neosho madtom (*Norturus placidus*) may occur in the project area. If the project may adversely affect listed species, the Nuclear Regulatory Commission (NRC) should initiate informal or formal section 7 consultation with this office. (WCGS-B)

Response: *The comment is noted. The impacts on any federally-threatened or endangered species will be evaluated and discussed in Chapter 4 of the SEIS and the Biological Assessment. Informal or formal consultations with the Fish and Wildlife Service will be initiated as appropriate.*

Comment: There has been an active bald eagle nest at WCGS since 1994; however, the pair has not successfully fledged any young since 1999. Because of the uncertain reproductive status of this nesting pair and it's proximity to potential source contaminants from WCGS, we recommend further evaluation of the potential affects of WCGS on the bald eagle and other piscivorous bird and mammal species that may occur in the project area. (WCGS-B)

Response: *The comment is noted. An evaluation of the current status and potential impacts of WCGS on the bald eagle (*Haliaeetus leucocephalus*) pair at the site will be evaluated and discussed in Chapters 2 and 4 of the SEIS and also in the Biological Assessment.*

Comment: The many acres of native prairie and rangeland found on WCGS may provide suitable habitat for Mead's milkweed. If these habitats have not been previously surveyed for Mead's milkweed, we recommend a field survey by the Kansas Biological Survey or other qualified botanists. The Kansas Biological Survey may be contacted by writing at 2041 Constant Avenue, Lawrence, Kansas 66047-2906, or by telephone at (785) 864-1538. In addition, if

suitable Mead's milkweed habitat is found on-site or could be made suitable through management, we would like to discuss with the applicant the potential for transplant and management of this plant on the WCGS site. (WCGS-B)

Response: *The comment is noted. As part of the environmental review process, the staff will evaluate the existing conditions, including any existing survey data, at the site as well as the potential impacts likely to result from operation of the WCGS for an additional 20 years. This evaluation will be documented in the Biological Assessment that will be submitted to the U.S. Fish and Wildlife Service. However, requiring the applicant to conduct additional biological surveys or requiring a Mead's milkweed transplant and monitoring program is not within the purview of the NRC.*

Comment: The Neosho madtom occurs in the Neosho River both upstream and downstream of John Redmond Reservoir. Your National Environmental Policy Act (NEPA) analyses should evaluate the potential direct and indirect effects of water withdrawal from the Neosho River on this species, especially during drought years. (WCGS-B)

Response: *The comment is noted. The potential direct and indirect effects of water withdrawal from the Neosho River on the Neosho madtom will be evaluated and discussed in Chapter 4 of the SEIS and also in the Biological Assessment.*

Comment: Also, due to the aging of the facility and corrosion within the cooling tower structure, trace elements such as nickel, iron, and chromium may be accumulating in Coffey County Lake at higher than background levels. The potential exposure of Neosho madtom, bald eagle and the Neosho mucket to these trace elements should be addressed in the NEPA documents. (WCGS-B)

Response: *The comment is noted. The WCGS utilizes a once through cooling system, not a cooling tower structure for heat dissipation. Regardless of the cooling system, the discharge of other metals in cooling system waste water is considered a Category 1 issue. These discharges have not been found to be a problem at operating nuclear power plants with cooling-tower-based heat dissipation systems and have been satisfactorily mitigated at other plants (i.e., once through cooling water systems) and are not expected to be a problem during the license renewal term. As part of the environmental review, the staff will conduct an independent review of existing information to determine if there is any new and significant information that would alter the conclusions of the GEIS and the findings will be presented in Chapter 4 of the SEIS.*

Comment: The candidate species Neosho mucket (*Lampsilis rafinesqueana*), which is a freshwater unionid mussel, occurs in the Neosho River within the project area. Candidates are those species for which the USFWS has on file substantial information on biological vulnerability and threats to support proposals to list them as endangered or threatened species. Development and publication of proposed rules to list candidate species as threatened or endangered are anticipated at some point in the future. Candidate species have no legal protection under the Endangered Species Act; however, the USFWS is concerned for their conservation due to their uncertain status. (WCGS-B)

Response: *The comment is noted. An evaluation of the current status and potential impacts of WCGS on the Neosho mucket will be evaluated and discussed in Chapters 2 and 4 of the SEIS and also in the Biological Assessment.*

3. Comments Concerning General Environmental Impacts

Comment: Transmission lines have been documented as constituting a significant collision hazard to migratory birds including waterfowl, wading birds, shorebirds, and raptors. Project lines occurring within one mile of streams, wetlands, and other water bodies such as the Neosho River, Coffey County Lake, John Redmond Reservoir, and Flint Hills National Wildlife Refuge, should be evaluated for their potential to impact migratory birds. If project lines meet these criteria, and there is little existing field data documenting the presence or absence of a collision hazard, we recommend that line segments be monitored during the renewal process to determine whether a collision hazard exists. If a hazard is identified, line segments should be marked for enhanced visibility following established guidelines. (WCGS-B)

Response: *The comment is noted. Bird collisions with power lines is a Category 1 issue, determined to be of small significance at all sites and not required to be reevaluated in the site-specific SEIS, unless new and significant information is identified that would lead the NRC staff to reevaluate the GEIS's conclusions. As part of the environmental review, the staff will evaluate existing data to determine if there is any new and significant information that would change the GEIS conclusions. This review would include all available data, including the wildlife monitoring program that included avian collision surveys of the transmission lines that was conducted by the applicant from 1982 through 1986. However, requiring the applicant to conduct additional monitoring for collision hazards is outside NRC regulatory purview.*

Comment: Our main environmental and human health concerns with nuclear generating stations include safety, water quality, and spent fuel storage. The unintended release of tritium and strontium from plant operations and the impacts on groundwater is an emerging issue at some power plants, as well as the local impacts of transporting high-level waste (spent fuel) once a long-term repository is finalized. We recommend that these issues be analyzed and discussed in the EIS. (WCGS-C)

Response: *The comment is noted. Safety will be addressed as a separate part of the license review process. The NRC staff performs a safety review, on-site inspections, and audits to determine if the applicant has adequately demonstrated that the effects of aging will not have adverse impacts during the extended period operation. In addition, a safety evaluation report (SER) documents the results of the NRC's staff's review of aging-management and the applicant's programs to address these matters during the period of extended operation. Water and groundwater issues, as well as potential mitigation measures, if applicable, will be addressed in Chapters 2 and 4 of the SEIS. Currently, the transportation of high-level waste (spent fuel) is considered a Category 1 issue, determined to be of small significance at all sites and not required to be reevaluated in the site-specific SEIS, unless new and significant information is identified that would lead the NRC staff to reevaluate the GEIS's conclusions. As part of the environmental review, the staff will evaluate existing data to determine if there is any new and significant information that would change the GEIS conclusions.*

4. Comments Concerning Decommissioning

Comment: Wolf Creek is probably half way to the time of decommission. Approximate costs for decommission will be around \$1.5 Billion. Half of that sum is \$750 million. Is there enough money in that fund or will other environmental issues be left begging when our children are forced to use scarce tax dollars for this inevitable cleanup? No one likes to talk about this major issue. It is my belief that the present stockholders intend to take a profit and then bail out leaving a huge cleanup cost for my grandchildren to pay for. Please ask two direct questions. 1) How much money is in the cleanup fund? 2) Who controls it? The answers should be: 1) No less than \$750 million. 2) Some unbiased third party. Any other answer means we have a serious problem here. (WCGS-A)

Response: *NRC regulations that establish the requirements for how a licensee will provide reasonable assurance that funds will be available for the decommissioning process are provided in 10 CFR 50.75. The Commission's final rule on "Financial Assurance Requirements," published in the Federal Register on September 22, 1998 (63 FR 50465), required, among other things, that power reactor licensees submit decommissioning funding status reports to the NRC by March 31, 1999, and every 2 years thereafter.*

In response to the site specific questions, the most recent (March 2005) 10 CFR 50.75 Report on Status of Decommission Funding provided by WCGS (ADAMS Accession No. ML0509603661) details the amount collected to date for decommissioning, and the amounts yet to be collected. As of the March 2005 report, the NRC has projected that the WCGS will have sufficient funds for decommissioning in the year 2025. This money has been placed in an external sinking fund. An external sinking fund is a fund established and maintained by setting funds aside periodically into an account segregated from licensee assets and outside the licensee's administrative control. The total amount of these funds would be sufficient to pay decommissioning costs at the time that it is anticipated that the licensee will cease operations. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. If the NRC issues a new license to WCGS, then NRC regulations would require the licensee to provide sufficient funds to the trust to support decommissioning by the new license expiration date.

Although this comment is noted, the cost of renewal versus decommissioning is a business decision that NRC does not control. The Commission has determined these issues are outside the scope of the environmental analysis for license renewal.

5. Comments Concerning License Renewal and Its Processes

Comment: We are also interested in how the Nuclear Regulatory Commission will address issues and actions that may arise between the license renewal date in 2009 and 2025 when the renewed license becomes effective. The useful "life" of an EIS is considered to be 5 years; after that time period, additional analysis and documentation may be required. (WCGS-C)

Response: *If the license is renewed, the licensee will be issued a new license that incorporates and supercedes the existing license. The new license will have a new expiration date, which is up to twenty years past the expiration date of the original operating license. Therefore, issues and actions that may arise between 2009 and 2025 and through the remaining term of the new license would be addressed as current operating issues.*

Wolf Creek Generating Station

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Wolf Creek Generating Station

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