

January 25, 2008

Mr. Billy Evans Horse  
Chairman of the Kiowa Tribe  
Kiowa Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015

SUBJECT: APPLICATION FOR THE COMBINED LICENSES FOR THE SOUTH TEXAS  
PROJECT SITE, UNITS 3 & 4

Dear Mr. Horse:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by STP Nuclear Operating Company (STPNOC) for combined licenses (COLs) for the potential future construction of two new nuclear power plants at the South Texas Project (STP) Site, Units 3 and 4. The application was submitted by STPNOC on September 20, 2007, pursuant to NRC requirements in Part 52, Title 10 of the *Code of Federal Regulations*. The application was accepted for docketing on November 29, 2007. The applicant's preferred location for the new units, if built, would be located approximately 2,000 feet northwest of the existing STP Site. The location for Units 3 and 4 would be located on approximately 12,200 acres in a rural area of Matagorda County, TX, approximately 12 miles south-southwest of the city limits of Bay City, TX, and 10 miles north of Matagorda Bay along the west bank of the Colorado River.

As part of its review of the application, the NRC staff will prepare an environmental impact statement (EIS) under the provisions of 10 CFR Part 51, the NRC rule that implements the National Environmental Policy Act (NEPA) of 1969. The NRC environmental review process includes an opportunity for public participation in the environmental review. The STP COL Site is located on land that may be of interest to the Kiowa Tribe of Oklahoma. We want to ensure that you are aware of our efforts and pursuant to regulations in 10 CFR 51.28(b), the NRC invites the Kiowa Tribe of Oklahoma to provide input to the scoping process relating to the NRC's environmental review of the application. The following is a description of the application and the environmental review process.

The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the STP COL Site. In addition, the staff will also consider alternatives to the proposed action, including alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the STP COL Site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic properties (among others) and will contain a recommendation on whether the requested COL should be granted or denied.

Therefore, as part of this review and in accordance with the provisions in 36 CFR § 800.8(c), the NRC staff is using the NEPA process to comply with the obligations imposed under § 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. Accordingly, the Kiowa Tribe of Oklahoma will be conferring with the NRC staff by participating in the scoping process; identifying historic properties on the STP COL Site; assessing the effects of the proposed action on any historic properties identified; and developing alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The NRC intends to describe such alternatives and proposed measures in the EIS analyses of potential impacts to historical and cultural resources. To complete consultation under § 800.8(c), the NRC staff will forward the draft EIS to you for your review and comment and will address your comments in the final EIS.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional, religious, and cultural importance and if necessary, participate in the resolution of any adverse effects to such properties.

The area of potential effect for this COL review is the area at the power plant site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new units. The application, which describes the area of potential effect is available through the web-based version of the NRC's Agency-wide Documents Access and Management System (ADAMS) which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The environmental report listed under accession number ML072831239.

On February 5, 2008, the NRC will conduct two public environmental scoping meetings commencing at 1:30 p.m. until 4:30 p.m., and again at 7:00 p.m. until 10:00 p.m., at the Bay City Civic Center, 201 7<sup>th</sup> Street, Bay City, TX. Representatives of your tribe are invited to attend. Each meeting will be preceded by a one-hour open house during which members of the public may meet and talk with NRC staff members on an informal basis.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by February 18, 2008. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or by e-mail to [STP\\_COL@nrc.gov](mailto:STP_COL@nrc.gov).

B. Horse

3

At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached and will send a copy to you. In addition, after it is issued, your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is to be determined.

If you have any questions or require additional information, please contact Paul Kallan, Environmental Project Manager for the STP COL Project at 301-415-2809 or Cristina Guerrero, Deputy Project Manager at 301-415-2981. You may also e-mail them at [pbk1@nrc.gov](mailto:pbk1@nrc.gov) or [cxg3@nrc.gov](mailto:cxg3@nrc.gov), respectively.

Sincerely,

/RA/

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

Docket Nos.: 52-012 and 52-013

cc: See next page

At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached and will send a copy to you. In addition, after it is issued, your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is to be determined.

If you have any questions or require additional information, please contact Paul Kallan, Environmental Project Manager for the STP COL Project at 301-415-2809 or Cristina Guerrero, Deputy Project Manager at 301-415-2981. You may also e-mail them at [pbk1@nrc.gov](mailto:pbk1@nrc.gov) or [cxg3@nrc.gov](mailto:cxg3@nrc.gov), respectively.

Sincerely,

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

Docket Nos.: 52-012 and 52-013

cc: See next page

**DISTRIBUTION:**

Public	J. Dixon. SRI
J. Lyons	G. Wunder
N. Diediker (PNNL)	M. Thadani
OPA	W. Burton
P. Kallan	STP_COL
N. Chokshi	J. Biggins
RidsNroDser	V. Dricks, RIV
PMNS	OCA
C. Guerrero	

**ADAMS Accession No: ML073620378 \*See Previous Concurrence**

OFFICE	PM:DSER:RAP1	LA:DSER:RAP1	Gs:DSER:RAP1	BC:DSER:RAP1
NAME	PKallan*	GHawkins*	CGuerrero*	BBurton
DATE	1/13/08	1/10/08	1/11/08	1/25/08

**OFFICIAL RECORD COPY**





South Texas Project Mailing  
List

1

cc:

Mr. Brian Almon  
Public Utility Commission  
William B. Travis Building  
PO Box 13326  
1701 North Congress Ave  
Austin, TX 78701-3326

Judge  
Matagorda County  
Matagorda County Courthouse  
1700 Seventh Street  
Bay City, TX 77414

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

C. Kirksey  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

C.M. Canady  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

M.A. McBurnett  
VP, Oversight/Regulatory Affairs  
STP Nuclear Operating Company  
4000 Avenue F, Suite A  
Bay City, TX 77414

W. Craig Conklin, Director  
Chemical and Nuclear Preparedness &  
Protection Division (CNPPD)  
Office of Infrastructure Protection  
Department of Homeland  
Security  
Washington, DC 20528

Mr. Terry Parks  
Chief Inspector  
Texas Department of Licensing  
and Regulation  
Boiler Division  
PO Box 12157  
Austin, TX 78711

Director  
Division of Compliance & Inspection  
Bureau of Radiation Control  
Texas department of State Health Services  
1100 West 49<sup>th</sup> Street  
Austin, TX 78756-3189

Policy Director  
Environmental and Natural Resources  
PO Box 12428  
Austin, TX 78711-3189

Mr. Ted Enos  
4200 South Hulen  
Suite 422  
Forth Worth, TX 76109

Mr. Frank M. Quinn  
8 Oak Avenue  
Gaithersburg, MD 20877-2705

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street, NW  
Suite 400  
Washington, DC 20006-3708

Vanessa E. Quinn, Acting Director  
Technological Hazards Division  
National Preparedness Directorate  
Federal Emergency Management Agency  
500 C Street, NW  
Washington, DC 20472

Ms. Susan M. Jablonski  
Office of Permitting, Remediation  
and Registration  
Texas Comm. on Env. Quality  
MC-122  
PO Box 13087  
Austin, TX 78711-3087

Regional Administrator  
Region IV  
U.S. Regulatory Commission  
611 Ryan Plaza Drive  
Suite 400  
Arlington, TX 76011-8064

J.J. Sheppard  
President & CEO  
STP Nuclear Operating Company  
PO Box 289  
Wadsworth, TX 77483

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Ave  
Suite 350  
Bethesda, MD 20814

Mr. Steve Winn  
NRG Texas LLC  
1301 McKinney, Suite 2300  
Houston, TX 77010

Mr. Jon C. Wood  
Cox, Smith, & Mathews  
112 East Pecan, Suite 1800  
San Antonio, TX 78205



[APH@NEI.org](mailto:APH@NEI.org) (Adrian Heymer)  
[awc@nei.org](mailto:awc@nei.org) (Anne W. Cottingham)  
[bennettS2@bv.com](mailto:bennettS2@bv.com) (Steve A. Bennett)  
[bob.brown@ge.com](mailto:bob.brown@ge.com) (Robert E. Brown)  
[BrinkmCB@westinghouse.com](mailto:BrinkmCB@westinghouse.com) (Charles Brinkman)  
[chris.maslak@ge.com](mailto:chris.maslak@ge.com) (Chris Maslak)  
[cwaltman@roe.com](mailto:cwaltman@roe.com) (C. Waltman)  
[david.lewis@pillsburylaw.com](mailto:david.lewis@pillsburylaw.com) (David Lewis)  
[dlochbaum@UCSUSA.org](mailto:dlochbaum@UCSUSA.org) (David Lochbaum)  
[dwoodla1@txu.com](mailto:dwoodla1@txu.com) (Donald Woodlan)  
[erg-xl@cox.net](mailto:erg-xl@cox.net) (Eddie R. Grant)  
[frankq@hursttech.com](mailto:frankq@hursttech.com) (Frank Quinn)  
[george.stramback@gene.ge.com](mailto:george.stramback@gene.ge.com) (George Stramback)  
[greshaja@westinghouse.com](mailto:greshaja@westinghouse.com) (James Gresham)  
[gzinke@entergy.com](mailto:gzinke@entergy.com) (George Alan Zinke)  
[jgutierrez@morganlewis.com](mailto:jgutierrez@morganlewis.com) (Jay M. Gutierrez)  
[jim.riccio@wdc.greenpeace.org](mailto:jim.riccio@wdc.greenpeace.org) (James Riccio)  
[JJNesrsta@cpsenergy.com](mailto:JJNesrsta@cpsenergy.com) (James J. Nesrsta)  
[john.o'neill@pillburylaw.com](mailto:john.o'neill@pillburylaw.com) (John O'Neil)  
[Joseph.savage@ge.com](mailto:Joseph.savage@ge.com) (Joseph Savage)  
[Joseph.Hegner@dom.com](mailto:Joseph.Hegner@dom.com) (Joseph Hegner)  
[Junichi\\_uchiyama@mnes-us.com](mailto:Junichi_uchiyama@mnes-us.com) (Junichi Uchiyama)  
[KSutton@morganlewis.com](mailto:KSutton@morganlewis.com) (Kathryn M. Sutton)  
[kwaugh@impact-net.org](mailto:kwaugh@impact-net.org) (Kenneth O. Waugh)  
[lynchs@gao.gov](mailto:lynchs@gao.gov) (Sarah Lynch – Meeting Notices Only)  
[Margaret.Bennet@dom.com](mailto:Margaret.Bennet@dom.com) (Margaret Bennet)  
[maria.webb@pillsburylaw.com](mailto:maria.webb@pillsburylaw.com) (Maria Webb)  
[mark.beaumont@wsms.com](mailto:mark.beaumont@wsms.com) (Mark Beaumont)  
[matias.travieso-diaz@pillsburylaw.com](mailto:matias.travieso-diaz@pillsburylaw.com) (Matias Travieso-Diaz)  
[media@nei.org](mailto:media@nei.org) (Scott Peterson)  
[mike\\_moran@fpl.com](mailto:mike_moran@fpl.com) (Mike Moran)  
[nirsnet@nirs.org](mailto:nirsnet@nirs.org) (Michael Mariotte)  
[patriciaL.campbell@ge.com](mailto:patriciaL.campbell@ge.com) (Patricia L. Campbell)  
[paul.gaukler@pillsburylaw.com](mailto:paul.gaukler@pillsburylaw.com) (Paul Gaukler)  
[Paul@beyondnuclear.org](mailto:Paul@beyondnuclear.org) (Paul Gunter)  
[phinnen@entergy.com](mailto:phinnen@entergy.com) (Paul Hinnenkamp)  
[pshastings@duke-energy.com](mailto:pshastings@duke-energy.com) (Peter Hastings)  
[RJB@NEI.org](mailto:RJB@NEI.org) (Russell Bell)  
[RKTemple@cpsenergy.com](mailto:RKTemple@cpsenergy.com) (R.K. Temple)  
[Roberta.swain@ge.com](mailto:Roberta.swain@ge.com) (Roberta Swain)  
[Ronald.hagen@eia.doe.gov](mailto:Ronald.hagen@eia.doe.gov) (Ronald Hagen)  
[sandra.sloan@areva.com](mailto:sandra.sloan@areva.com) (Sandra Sloan)  
[sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com) (Stephen P. Frantz)  
[Tansel.Selekler@nuclear.energy.gov](mailto:Tansel.Selekler@nuclear.energy.gov) (Tansel Seleklek)  
[Tom.miller@hq.doe.gov](mailto:Tom.miller@hq.doe.gov) (Tom Miller)  
[VictorB@bv.com](mailto:VictorB@bv.com) (Bill Victor)  
[waraksre@westinghouse.com](mailto:waraksre@westinghouse.com) (Rosemarie E. Waraks)  
[wayne.marquino@ge.com](mailto:wayne.marquino@ge.com) (Wayne Marquino)