

May 16, 2008

Mr. James Scarola
Senior Vice President &
Chief Nuclear Officer
Progress Energy, Inc.
P.O. Box 1551
Raleigh, NC 27602

SUBJECT: NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND CONDUCT SCOPING RELATED TO A COMBINED LICENSE FOR SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 2 AND 3 (RD3325)

Dear Mr. Scarola:

The U.S. Nuclear Regulatory Commission (NRC) has received an application by letter dated February 18, 2008, from Progress Energy Carolinas, Inc. (PEC) for a combined license (COL) for the Shearon Harris Nuclear Power Plant (HAR), Units 2 and 3. In support of the application and in accordance with Title 10 of the *Code of Federal Regulations*, Part 52 and 10 CFR 51, PEC submitted an environmental report (ER).

The NRC has prepared a notice of intent (NOI) that advises the public that the NRC intends to gather information necessary to prepare an environmental impact statement (EIS) in support of the review of the application for the HAR COL. Enclosed is a copy of the NOI which has been forwarded to the Office of the *Federal Register* for publication.

Pursuant to 10 CFR 51.28, PEC is invited to participate in the environmental scoping process. As discussed in the enclosed notice, the NRC is providing the public with the opportunity to participate in the environmental scoping meetings to be held Tuesday, June 10, 2008. The first meeting will convene at 12:30 p.m., and will continue until approximately 3:00 p.m. The second meeting will convene at 6:00 p.m., with a repeat of the overview portions of the first meeting and will continue until approximately 8:30 p.m. The NRC will present an overview of the environmental review process and will describe how the process will be implemented for the review of the HAR COL application. The meeting will be held at the Holly Springs Cultural Center, 300 West Ballentine Street, Holly Springs, North Carolina 27540. A separate NRC meeting notice with a more detailed agenda is forthcoming.

Additionally, NRC staff and contractors plan to be on-site July 14-18, 2008, for a site audit to discuss the background details of the preparation of the ER with members of your staff to perform a walk down of the site and its environs, and to review documentation.

J. Scarola

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Additional details regarding the site visit will be provided to your staff before the visit. In the interim, should you have any questions regarding the scoping meetings or the environmental review, please contact Dr. Donald Palmrose, NRC Environmental Project Manager at (301) 415-3803 or by e-mail at donald.palmrose@nrc.gov.

Sincerely,

/RA/

James E. Lyons, Director
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-022 and 52-023

Enclosure: As stated.

cc w/Enclosure: see next page

J. Scarola

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Enclosure: As stated.

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DATE	5/7/08	5/7/08	5/7/08	5/15/08	5/16/08	5/16/08

OFFICIAL RECORD COPY

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(Revised 03/03/2008)

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UNITED STATES NUCLEAR REGULATORY COMMISSION
DOCKET NOS. 52-022 AND 52-023
PROGRESS ENERGY CAROLINAS, INC.
SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 2 AND 3
COMBINED LICENSE APPLICATION
NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL
IMPACT STATEMENT AND CONDUCT SCOPING PROCESS

Progress Energy Carolinas, Inc. (PEC) has submitted an application for a combined license (COL) to build Units 2 and 3 at its Shearon Harris Nuclear Power Plant (HAR) site, located in the extreme southwestern corner of Wake County, North Carolina with portions located in southeastern Chatham County. The City of Raleigh, North Carolina, is approximately 34.9 kilometers (km) (21.7 miles [mi]) northeast of the site and the City of Sanford, North Carolina, is approximately 26.5 km (16.5 mi) southwest of the site. The HAR site is located just northwest of the existing Shearon Harris Nuclear Power Plant on a peninsula that extends into Harris Reservoir. The application for the COL was submitted by PEC via letter dated February 18, 2008, pursuant to Title 10 of the *Code of Federal Regulations*, Part 52. A notice of receipt and availability of the application including the environmental report (ER), was published in the *Federal Register* on March 11, 2008 (72 FR 66200).

A notice of acceptance for docketing of the application for the COL was published in the *Federal Register* on April 23, 2008 (73 FR 21995). A notice of hearing and opportunity to petition for leave to intervene will be published at a later date. The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an

environmental impact statement (EIS) in support of the review of the application for the COL and 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 on 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, PEC 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 (PAR) component of NRC's Agency-wide 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 (ERR) link. The accession number in ADAMS for the ER is ML080601078. 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 pdr@nrc.gov. The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-licensing/col/harris.html>. In addition, the Eva H. Perry Library, 2100 Shepherd's Vineyard Drive, Apex, NC 27502; West Regional Library, 4000 Louis Stephens Drive, Cary, NC 27519; and Holly Springs Library, 300 West Ballentine

Street, Holly Springs, NC 27540 have agreed to make the ER 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 Functions,
- 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 Plants,
- 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 1.206, Combined License Applications for Nuclear Power Plants, and
- j. NRR Office Instruction LIC-203, Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues.

The regulations, NUREG-series documents, regulatory guides, and the fact sheet can be found under Document Collections in the ERR on the NRC webpage. The Office Instruction LIC-203 can be found in ADAMS in two parts under the accession numbers ML011710073 (main text) and ML011780314 (charts and figures).

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS in support of the review of the application for COL at the HAR site. Possible alternatives to the proposed action (issuance of the COL for the HAR site) include no action, reasonable alternative energy sources, and alternate sites. The NRC is required by

10 CFR 51.20(b)(2) to prepare an EIS in connection with the issuance of the COL. This notice is being published in accordance with NEPA and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the EIS and immediately thereafter will prepare a draft EIS for public comment. Participation in this scoping process by members of the public, 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; PEC,
- 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 PEC COL application. The scoping meeting will be held at the Holly Springs Cultural Center, 300 West Ballentine Street, Holly Springs, NC 27540, on Tuesday, June 10, 2008. The meeting will convene at 12:30 p.m. and will continue until approximately 3:00 p.m., and again at 6:00 p.m. and will continue until approximately 8:30 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; (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 Dr. Donald Palmrose or Ms. Tomeka Terry at 1-800-368-5642, extensions 3803 or 1488, respectively. In addition, persons can register via e-mail to the NRC at Harris.COLEIS@nrc.gov no later than June 3, 2008.

Members of the public may also register to speak at the meeting prior to of 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 Dr. Donald Palmrose or Ms. Tomeka Terry's attention no later than June 5, 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 HAR COL environmental review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m., and 4:15 p.m., on federal workdays. To be considered in the scoping process, written comments must be postmarked or delivered by Comment period end date July 18, 2008. Electronic comments may be sent by e-mail to the NRC at Harris.COLEIS@nrc.gov. Electronic submissions must be sent no later than the

Comment period end date of July 18, 2008, 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. Notice of a hearing regarding the application for COL will be separately noticed in the Federal Register.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions on the scope of the environmental review reached including the significant issues identified, and will be made publicly available. 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 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 the comments, 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 Dr. Donald Palmrose or Ms. Tomeka Terry at 1-800-368-5642, extensions 3803 or 1488, respectively or by e-mail at donald.palmrose@nrc.gov and tomeka.terry@nrc.gov.

Dated at Rockville, Maryland, this 16th day of May, 2008.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

James E. Lyons, Director
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