December 23, 2008

Scott Miller, Governor
Absentee Shawnee Tribe Headquarters
2025 South Gordon Cooper Drive
Shawnee, OK 74801

SUBJECT: NOTIFICATION AND REQUEST FOR CONSULTATION AND PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4 COMBINED LICENSE APPLICATION

Dear Governor Miller:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by the Luminant Generation Company LLC (Luminant) for two Combined Licenses (COLs) for construction and operation of two new nuclear power plants at its Comanche Peak Nuclear Power Plant (CPNPP) site near Glen Rose, Texas. As part of the review of this COL application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA). The NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, to identify issues relating to the proposed undertaking's potential effects on historic properties. The area of potential effect for this COL review is the area at the CPNPP site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new unit.

Luminant submitted its application for two COLs on September 19, 2008, pursuant to NRC requirements of 10 CFR Part 52. The NRC staff accepted the application for docketing on December 2, 2008. It is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. The environmental report portion of the application is listed under the accession number ML083240374. The Comanche Peak COL application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/col/comanche-peak.html.

The CPNPP site consists of approximately 7,950 acres in rural Hood and Somervell Counties, Texas approximately 5.2 miles north of Glen Rose, Texas on the southern banks of the Squaw Creek Reservoir. The CPNPP site currently has two Westinghouse four-loop pressurized water reactors, CPNPP, Units 1 and 2 which have the capacity to generate 2300 megawatts of electricity combined. Luminant proposes to construct two U.S. Advanced Pressurized Water Reactors (US-APWR) adjacent to the existing site in areas of previous construction activity (such as lay-down yards and parking) along with previously undisturbed areas of land. Each unit is designed to produce approximately 1600 megawatts electric. Luminant has identified the need for new and expanded transmission line corridors. The siting area for a proposed 17-mile

transmission line is in Hood County, Texas and a proposed 45-mile line would go through Somervell and Bosque Counties. For three existing transmission line right-of-ways with lengths of 41.6, 22.4, and 22.4 miles, Luminant has stated that no land-use impacts are anticipated since transmission lines would be added to vacant circuit positions on existing steel towers and vegetative maintenance is already performed on those right-of-ways. The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the CPNPP site. Luminant has also identified three alternative sites that will be evaluated in the EIS. The first alternative site is located near the border of Victoria and Calhoun Counties. The second site alternative site is located near the border of San Augustine and Sabine Counties. The third site is located near the border of McLennan and Limestone Counties. The staff's review will consider alternatives including evaluation of alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the CPNPP 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 COLs should be granted or denied. If granted, the COLs would authorize the applicant to construct and operate the new proposed units.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The CPNPP site is in close proximity to lands that may be of interest to the Absentee Shawnee Tribe. The NRC staff wants to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the Absentee Shawnee Tribe to provide input to the scoping process relating to the NRC's environmental review of the COL application.

The NRC staff hereby provides notice that the staff will coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the requirements of NEPA. In accordance with 36 CFR 800.8(c), the NRC staff is using the process required by NEPA for the preparation of the EIS to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying parties who may wish to consult with the staff on the proposed action and is inviting them to consult with the NRC staff on this matter. Consultation will include participation in the scoping process; identification of historic properties on the CPNPP site; assessment of the effects of the proposed action on any historic properties identified; and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. To complete consultation under 36 CFR 800.8(c), the NRC will forward the draft EIS to you for your review and comment and will address your comments in the final EIS. You will receive a copy of the draft EIS along with a request for comments after it is issued. This draft EIS will include identification of historic properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is December 2009.

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. In addition, the NRC Staff wants to ensure that Indian Tribes have the opportunity to 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. Accordingly, you are invited to consult with the NRC pursuant to the NHPA using the NEPA process.

The NRC staff plans to hold two public NEPA scoping meetings on January 6, 2009 at the Glen Rose Expo Center, 202 Bo Gibbs Blvd., Glen Rose, Texas 76043. The first meeting will convene at 1:00 p.m. and will continue until approximately 4:00 p.m. The second meeting will convene at 7:00 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 10:00 p.m. Each meeting will be preceded by an open house from 12:00 p.m. to 1:00 p.m. and 6:00 p.m. to 7:00 p.m., respectively, during which members of the public may meet and talk with NRC staff members on an informal basis.

Please provide any information, comments, or concerns you feel are appropriate on the scope of the proposed action during the scoping comment period, which ends on February 17, 2009. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or by e-mail to Comanche.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Mr. Michael Willingham, Environmental Project Manager at 301-415-3924 or by e-mail at michael.willingham@nrc.gov. In his absence, please direct your inquiries to Mr. John Fringer at 301-415-6208 or by email at john.fringer@nrc.gov.

Sincerely,

/RA/BClayton for

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

Docket Nos.: 52-034 and 52-035

cc: See next page

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