

EDO Principal Correspondence Control

FROM: DUE: 02/12/09

EDO CONTROL: G20090038

DOC DT: 01/23/09

FINAL REPLY:

Senator Kay Bailey Hutchison

TO:

Schmidt, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO: 09-0025

Borchardt, EDO

DESC:

Environmental Impact Statement (EIS) for the
South Texas Project Nuclear Operating Company,
Units 3 and 4 Combined License Application -
Direct Payment (EDATS: SECY-2009-0037)

ROUTING:

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Collins, RIV
Schmidt, OCA
Cyr, OGC
Shoop, OEDO
Williams, OEDO

DATE: 01/26/09

ASSIGNED TO:

CONTACT:

NRO

Johnson

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2009-0037

Source: SECY

General Information

Assigned To: NRO

OEDO Due Date: 2/12/2009 5:00 PM

Other Assignees:

SECY Due Date: 2/17/2009 5:00 PM

Subject: Environmental Impact Statement (EIS) for the South Texas Project Nuclear Operating Company, Units 3 and 4 Combined License Application - Direct Payment

Description:

CC Routing: Region IV; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20090038, LTR-09-0025

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: EDO

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Senator Kay Bailey Hutchison

Date of Incoming: 1/23/2009

Originating Organization: Congress

Document Received by SECY Date: 1/26/2009

Addressee: Rebecca Schmidt, OCA

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 26, 2009 10:32

PAPER NUMBER: LTR-09-0025 **LOGGING DATE:** 01/26/2009
ACTION OFFICE: EDO

AUTHOR: SEN Kay Bailey Hutchison
AFFILIATION: CONG
ADDRESSEE: Rebecca Schmidt
SUBJECT: Constituent correspondence - concerning ultimate direct payment for the EIS involvement cost for the proposed STP nuclear units 3 and 4

ACTION: Signature of EDO
DISTRIBUTION: OCA to Ack

LETTER DATE: 01/23/2009
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES:
FILE LOCATION: ADAMS

DATE DUE: 02/17/2009 **DATE SIGNED:**

EDO --G20090038

KAY BAILEY HUTCHISON
TEXAS

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE,
AND TRANSPORTATION
RULES AND ADMINISTRATION
VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510-4304

January 23, 2009

RESPECTFULLY REFERRED:

U.S. Nuclear Regulatory Commission
Ms. Rebecca L. Schmidt
Director of Congressional Affairs
Washington, D.C. 20555

Amy Powell- Congressional Affairs Officer

Dear Ms. Schmidt:

The attached communication was forwarded to Senator Hutchison by a constituent who is concerned about a matter that falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated on this individual's behalf, and if a full response could be prepared for me to report to the constituent.

It would be very helpful if the attached were to accompany your response. In the event you require more information, please do not hesitate to contact me in Austin at 512/916-5834 or by fax at 512/916-5839.

Thank you for your courtesy.

Office of Senator Kay Bailey Hutchison
Attention: Robyn Parker
961 Federal Building
300 East 8th Street
Austin, Texas 78701

Enclosure

2008 DEC -2 1:14:38

November 20, 2008

Dear Honorable Congressmen
Hutchinson
Cornyn
Paul

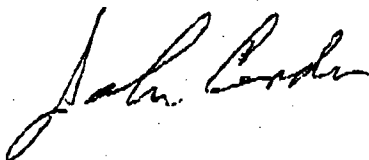
Re: USACE/NRC EIS cost

Dear Congressmen:

Please find enclosed my sequiencal correspondacce effort to obtain an answer re the subject ultimate direct payment for the EIS envolvment cost for the proposed STP nuclear units 3and 4: NRC?, USACE?, or the STP power company? Point being, isn't the NRC agency capable enough to perform the required safeguards. But for the USACE to invite themselves to get in on the NEPA, act seems to be creating overkill expense. Then have the Texas Commission on Environmental Quality stacked on top of that.

Perhaps my FAX numbers to your Washington offices are out of date; or something, so I am mailing this "package" to your district offices.

Respectfully,



John Corder
313 CR 912
Brazoria, TX 77422



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 29, 2008

Mr. Fred L. Anthamatten
Chief, Regulatory Branch
Department of the Army
Galveston District
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

SUBJECT: REQUEST TO COOPERATE WITH THE NUCLEAR REGULATORY
COMMISSION ON THE ENVIRONMENTAL IMPACT STATEMENT FOR
THE SOUTH TEXAS PROJECT NUCLEAR OPERATING COMPANY,
UNITS 3 AND 4 COMBINED LICENSE APPLICATION

Dear Mr. Anthamatten:

This letter responds to your letter dated July 07, 2008, in which you requested that the U.S. Army Corps of Engineers (USACE) be designated as a cooperating agency for the environmental impact statement (EIS) related to the application for a combined license for the South Texas Project Nuclear Operating Company (STPNOC), Units 3 and 4. We agree to include the USACE as a cooperating agency on this project with the NRC as the lead agency.

The NRC's environmental project manager for the South Texas Project application is Mr. Paul Kallan. Mr. Kallan can be reached at (301-415-2809) or via email at (Paul.Kallan@nrc.gov); he will be the principal NRC point of contact for interactions with the USACE on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Flanders", is positioned above the typed name.

Scott Flanders, Division Director
Division of Site and Environmental Review
Office of New Reactors

cc: See next page

September 24, 2008

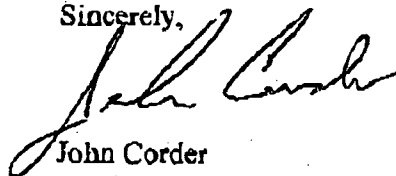
Mr. Fred L. Anthamatten
Chief, Regulatory Branch
Department of the Army
Galveston District
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Re: REQUEST TO COOPERATE WITH THE NUCLEAR REGULATORY
COMMISSION ON THE ENVIRONMENTAL IMPACT STATEMENT FOR
THE SOUTH TEXAS PROJECT NUCLEAR OPERATING COMPANY,
UNITS 3 AND 4 COMBINED LICENSE APPLICATION

Dear Mr. Anthamatten:

In your request that the U.S. Army Corps of Engineers (USACE) be designated as a cooperating agency for the environmental impact statement (EIS) related to the application for a combined license for the South Texas Project Nuclear Operating Company (STPNOC) Units 3 and 4 did you provide a cost estimate for the USACE involvement? Because STPNOC is a for profit company will the cost be billed to the company?

Sincerely,



John Corder
313 CR 912
Brazoria, TX 77422

cc Scott Flanders, Division Director
Division of Site and Environmental Review
Office of New Reactors

M. A. McBurnett
VP, Oversight/Regulatory Affairs
STP Nuclear Operating Company

J.J. Sheppard
President & CEO
STP Nuclear Operation Company

November 2, 2008

Mr. Fred L. Anthamatten
Chief Regulatory Branch
Department of the Army
Galveston District
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Re: Corps EIS Cost Involvement - STP Units 3 & 4

Dear Mr. Anthamatten :

I do not recall having received your response to my subject letter dated September 24, 20008. I did not request a detailed cost accounting at that time and under the circumstances in Galveston, I can understand such but, please give me an indication if the Corps has/is providing a financial value for it's Environmental Impact Study (EIS) participation.

Sincerely,



John Corder
313 CR 912
Brazoria, TX 77422

cc Scott Flanders, Division Director
Division of Site and Environmental Review
Office of New Reactors

M. A. McBurnett
VP, Oversight/Regulatory Affairs
STP Nuclear Operating Company

J. J. Sheppard
President & CEO
STP Nuclear Operation Company

Bridget C. Bohac
Director, Public Assistance, TCEQ
P.O. Box 13087, Austin, TX 78711-3087
e-mail

Billie Pirner Garde, Esq.
Washington, D. C.
e-mail

Brazoria Co Commissioners Crt
Angleton, TX 77515
FAX

Ms. Erin McKeon
The FACTS
720 S. Main, Clute, Tx 77531
e-mail

November 12, 2008

The Honorable Kay Bailey Hutchison
SR-284
Washington, D.C 20510-4304

+ FAX (202) 224-0776

✓ The Honorable John Cornyn
✓ SH-517
Washington, D.C. 20510-4302

+ FAX (202) 228-2856

Re: Lack of Response -- United States Army Corps of Engineers; NRC

Dear Senators:

Under these now trying recent economic times I am more concerned than ever when I first ask if the United States Army Corps of Engineers (USACE), which volunteered to assist with the Environmental Impact Statement (EIS) on the STP proposed new nuclear Units 3 and 4 and was accepted, what would the cost be to the taxpayers. Isn't the Nuclear Regulatory Commission capable to manage the EIS?

I have not received a response as of now from the USACE person of record. Please ask around and determine if the USACE assistance is really necessary - particularly since they decided to voluntarily ask to get evolved. Nice vs necessary? Thank you.

Respectfully,



John Corder
313 CR 912
Brazoria, TX 77422

cc: See next Page

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Second page: Corder letter to Senators Hutchison and Cornyn
USACE / NRC Dated 11-13-08

cc: The Honorable Ron Paul, U.S. Representative

Mr. Fred L. Anthamatten, USACE

Scott Flanders, NRC

James P. Biggins, Esq., NRC

M. A. McBurnett, STP

J. J. Sheppard, STP

Bridget C. Bohac, TCEQ

Billie Pirner Garde, Esq.

Brazoria County Commissioners Court

Erin McKeon

encl: Corder letters to Anthamatten; 9-24-08 & 10-24-08

Flanders letter to Anthamatten; 8-29-08, w/o NRC mailing list



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DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

NOV 14 2008

Regulatory Branch

SUBJECT: NEPA Review of STP Units 3 & 4

Mr. John Corder
313 CR 912
Brazoria, Texas 77422


Dear Mr. Corder:

This concerns your request for information pertaining to the National Environmental Policy Act (NEPA) review pursuant to the South Texas Project Units 3 and 4 (STP).

At this time, the South Texas Project has not applied for a Department of the Army permit. However, pursuant to the Memorandum of Understanding between the U.S. Army Corps of Engineers and the U.S. Nuclear Regulatory Commission (NRC), the Galveston District has agreed to be a Cooperating Agency and will provide the comments appropriate to our jurisdiction by law and our special expertise with respect to any jurisdictional impacts the proposed STP may have. Other than the time it takes to review and comment on matters within its purview, the Corps will not provide any financial value for the NRC's Environmental Impact Statement.

If you have any questions concerning this matter, please contact Mr. Jayson M. Hudson at the letterhead address or by telephone at 409-766-3108 or email at jayson.m.hudson@swg02.usace.army.mil.

Sincerely,


Fred L. Anthamatten
Chief, Regulatory Branch

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November 19, 2008

Mr. Jayson M. Hudson
Department of the Army
Galveston District, Corps of Engineers
P. O. Box 1229
Galveston, TX 77553-1229

Re: USACE Participation Cost – EIS STP
USACE Purview Review, Comments Costs

Dear Mr. Hudson:

I noticed that Mr. Anthamatten did not cc to you the enclosed letter to me. Please contact him for the three (3) letters concerning cost that the USACE expects to incur in cooperating with the NRC. Did the USACE coordinate with the NRC on the STP Units 1 and or 2?

What is your understanding about the USACE billing STP or the NRC for services? Is it mandatory for the NRC to involve the USACE in the NEPA? Under the Memorandum of Understanding between the USACE and NRC, has the Galveston District Corps of Engineers prepared a cost budget to cover their review and comments under the District's purview?

Sincerely,



John Corder
313 CR 912
Brazoria, TX 77422

cc: Mr. Paul Kallan & second sheet w/o encl

encl: Anthamatten to Corder letter, dated November 14, 2008



KAY BAILEY HUTCHISON

United States Senator • Texas

TO: US Nuclear Regulatory Commission
Congressional Liaison - Amy Powell

FAX #: 301, 415-8571

FROM: ☐ Andi Ball ☐ John Etue ☐ Jennifer Barker ☒ Robyn Parker
☐ Josh Cortez ☐ Cori Modisett ☐ Lindsey Howe Parham ☐ Joyce Sibley

PHONE: (512) 916-5834

DATE: Jan 23, 2009

FAX: (512) 916-5839

PAGES: (including this
cover sheet)

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NOTE