

NUCLEAR REGULATORY COMMISSION

DOCKET NOS. 52-040 AND 52-041

[NRC-2009-0337]

FLORIDA POWER & LIGHT COMPANY

TURKEY POINT, UNITS 6 AND 7

COMBINED LICENSE APPLICATION, NOTICE OF INTENT TO PREPARE AN
ENVIRONMENTAL IMPACT STATEMENT AND CONDUCT SCOPING PROCESS

Florida Power & Light Company (FPL) has submitted an application for a combined license (COL) to build Units 6 and 7 at its Turkey Point site, located in Miami-Dade County, Florida. The nearest incorporated municipality is the City of Homestead located approximately 4.5 miles from the nearest boundary of the Turkey Point site; the site is approximately 25 miles south of the City of Miami. The application for the COL was submitted by FPL by letter dated June 30, 2009, pursuant to Title 10 of the *Code of Federal Regulations (10 CFR)*, Part 52.

A notice of receipt and availability of the application including the environmental report (ER) was published in the *Federal Register* on August 3, 2009 (74 FR 38477). A notice of acceptance for docketing of the application for the COL was published in the *Federal Register* on October 7, 2009 (74 FR 51621). A notice of hearing and opportunity to petition for leave to intervene will be published at a later date.

The purposes of this notice are 1) to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) as part of the review of the COL application and 2) to provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29. The NRC has invited the U.S.

Army Corps of Engineers, Jacksonville District, to participate in the preparation of the EIS as a cooperating agency.

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 its 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 at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, FPL submitted the ER as part of the COL 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 Agencywide 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 ADMAS for the environmental report is ML091870926. 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 via e-mail at pdrc@nrc.gov. The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html>. In addition, the South Dade Regional Library located at 10750 SW 211th Street in Miami, Florida; and the Homestead Branch Library at 700 North Homestead Boulevard in Homestead, Florida have agreed to maintain a copy of the ER and make it 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 Guide 1.206, Combined License Applications for Nuclear Power Plants,
- j. Nuclear Regulatory Commission Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions.

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 environmental justice policy statement can be found in the *Federal Register*, 69 FR 52040, August 24, 2004.

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS as part of the review of the application for the COLs at the Turkey Point site. Possible alternatives to the proposed action (issuance of the COLs for the Turkey Point site) include no action, reasonable alternative energy sources, and alternate sites. This notice is being published in accordance with NEPA and the NRC's regulations found in 10 CFR Part 51. As set forth in 10 CFR 51.20(b)(2), issuance of a COL under 10 CFR Part 52 is an action that requires an EIS.

The NRC will first conduct a scoping process for the EIS and thereafter will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and 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, FPL,

- 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 staff has elected to hold two identical public scoping meetings at the Homestead YMCA located at 1034 Northeast 8th Street, Homestead, Florida, 33030, on Thursday, July 15, 2010. 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. and will continue until approximately 10:00 p.m. The meetings will be transcribed and will include the following: (1) an overview by the NRC staff of the environmental review process, the proposed scope of the EIS, and the proposed review schedule; (2) an opportunity for interested government agencies, organizations, and individuals to submit comments 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 EIS by contacting Mr. Andrew Kugler or Ms. Tomeka L. Terry at

1-800-368-5642, extensions 2828 or 1488, respectively. In addition, persons can register via e-mail to the NRC at TurkeyPoint.COLEIS@nrc.gov no later than July 12, 2010.

Members of the public may also register to speak at the meetings prior to the start of each 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, such requests should be brought to Mr. Kugler's or Ms. Terry's attention no later than July 7, 2010, 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 Turkey Point COL environmental review to the Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. To be considered in the scoping process, written comments must be postmarked or delivered by the comment period end date of **[60 days from publication of this FRN]**. Electronic comments may be sent by e-mail to the NRC at TurkeyPoint.COLEIS@nrc.gov. Electronic submissions must be sent no later than the comment period end date of **[60 days from publication of this FRN]**, to be considered in the scoping process.

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 COLs will be noticed separately 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, including the significant issues identified, and will make this summary 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 of the draft EIS 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 Mr. Andrew Kugler or Ms. Tomeka L. Terry at the U.S. Nuclear Regulatory Commission, Mail Stop T7-E30, Washington, DC 20555-0001, by phone at 1-800-368-5642, extensions 2828 or 1488, respectively, or via e-mail at Andrew.Kugler@nrc.gov or Tomeka.Terry@nrc.gov.

Dated at Rockville, Maryland, this 9th day of June, 2010.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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