

June 24, 2010

Ms. Joyce Bear
Cultural Preservation Manager
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

SUBJECT: NOTIFICATION AND REQUEST FOR CONSULTATION AND PARTICIPATION
IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE
TURKEY POINT, UNITS 6 AND 7 COMBINED LICENSE APPLICATION

Dear Ms. Bear:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Florida Power & Light Company (FPL) for a combined license (COL) for the construction and operation of two new nuclear power plants (Units 6 and 7) at its Turkey Point site near Homestead, Florida. 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 regulations that implements the National Environmental Policy Act of 1969 (NEPA), as amended. The U.S. Army Corps of Engineers, Jacksonville District, is a cooperating agency with the NRC for the purpose of complying with 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 Turkey Point site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new units.

FPL submitted its application for a COL on June 30, 2009 pursuant to NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on September 4, 2009. 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 ML091980548. The Turkey Point COL application is also available on the Internet at <http://www.nrc.gov/reactors/new-reactors/col/turkey-point.html>. Persons who do not have access to ADAMS or who encounter problems in Accessing documents located in ADAMS should contact the NRC's Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209 or (315) 415-4737 or by email at pdr.resource@nrc.gov.

The Turkey Point site consists of approximately 11,000 acres in southeast Miami-Dade County, Florida, approximately 25 miles south of Miami and 4.5 miles east of the southeastern municipal limits of Homestead, Florida on Biscayne Bay. The Turkey Point site currently has five operating power plants installed; three fossil units (Units 1, 2 and 5) and two pressurized water nuclear units (Units 3 and 4). The existing units have a combined capacity to generate 3,350 mega watts of electricity. FPL plans to construct two new nuclear units south of the existing

units. The new units would be built on an undeveloped island that is surrounded by portions of the cooling canal system associated with Units 1 through 4. Other areas that will be permanently affected on site include the location for a training center just north of the new units, and a reclaimed water treatment facility northwest of the existing units. Most of the land affected by on-site activities has been previously disturbed by activities related to the existing five units. Off-site areas that will be impacted include the routes for transmission lines, a route for the pipeline for reclaimed water from Miami, and a borrow pit for fill material. The siting area for new transmission lines will be completely within Miami-Dade County. To the extent practical, FPL expects the transmission lines and pipeline to be run in corridors that already contain other linear facilities. The identified borrow area is currently used for agriculture.

The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the Turkey Point site. FPL has also identified four alternative sites that will be evaluated in the EIS. 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 Turkey Point 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. If granted, the COL 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 Turkey Point site is in close proximity to lands that may be of interest to the Muscogee (Creek) Nation. 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 Muscogee (Creek) Nation to consult with it regarding the proposed action and to otherwise 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 (NHPA), as amended, with 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 Turkey Point 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 October 2011.

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 NRC staff plans to hold two public meetings on Thursday, July 15, 2010 at the YMCA Homestead, 1034 Northeast 8th Street, Homestead, Florida. 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 repeat of the overview portions of the first meeting and will continue until approximately 10:00 p.m. The meetings 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., 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 August 16, 2010. Comments should be submitted either by mail to the Chief, Rules, Announcements 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 TurkeyPoint.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Mr. Andrew Kugler, Environmental Project Manager, at (301) 415-2828 or via e-mail to Andrew.Kugler@nrc.gov, or Ms. Tomeka Terry at (301) 415-1488 or via email to Tomeka.Terry@nrc.gov.

Sincerely,

Andy Kugler for /RA/

Laurel Bauer, Acting Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-040 and 52-041

cc: See next page

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Sincerely,
Andy Kugler for /RA/
 Laurel Bauer, Acting Chief
 Environmental Projects Branch 2
 Division of Site and Environmental Reviews
 Office of New Reactors

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