



Nuclear Regulatory Commission  
Exhibit # - NRCR00184-MA-BD01  
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NRCR00184

**Question No. 1, Prefiled Exh. AES000[0]95, at 1-2:** *Regarding the AES response to environmental question 23 (Prefiled Exh. AES000[0]95, at 1-2), is the AES treatment of National Natural Landmarks (NNLs) as part of its Phase I screening process consistent with (i) any existing staff regulatory guidance regarding the treatment afforded to NNLs; and/or (ii) the manner in which NNLs have been treated by other applicants involved in a site screening process? In answering this question, please provide specific examples, if possible.*

**Response No. 1 (S. Lemont, B. Biwer, and D. O'Rourke):** (i) NRC Regulatory Guide 4.9, "Preparation of Environmental Reports for Commercial Uranium Enrichment Facilities, Revision 1," October 1975 (RG 4.9) (NRC000188), is the NRC Regulatory Guide available to applicants that would be applicable to AES's environmental report (ER, AES000070) for the EREF, in which AES describes its site screening process. In addition to RG 4.9, NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report," August 2003 (NRC000189), provides guidance on the NRC staff's general procedures for environmental reviews of licensing actions regulated by the Office of Nuclear Material Safety and Safeguards (NMSS) and the preparation of environmental impact statements for such licensing actions, including that for the proposed EREF. NUREG-1748 is also used by license applicants for NMSS-regulated facilities, including AES (see AES000070 at 1.0-1), because it provides guidance on the preparation of ERs.

Neither RG 4.9 nor NUREG-1748 mentions the treatment that should be afforded to NNLs in applicant site screening processes, nor does either reference any other regulatory guidance that should be followed with regard to site screening or the treatment that should be afforded to NNLs in a site screening process. In fact, NUREG-1748 does not include any reference to the terms "National Natural Landmark" or "NNL" nor does it include any guidance regarding how NRC staff should review applicants' site screening processes.

RG 4.9 provides some guidance on factors that should be considered by an applicant when comparing alternative sites in the plant siting process (see NRC000188, Chapter 7, 4.9-21 to 4.9-24), but this guidance does not specifically include the treatment of NNLs in the siting process. RG 4.9 does, however, provide guidance about the evaluation of aesthetics in plant siting, where in Table 1, item 3.3 (Aesthetic appeal) on page 4.9-24, it states, "The landscape may be changed beneficially or detrimentally by the construction and operation of the facility. Qualified opinions including those of local and regional authorities should be rendered." Also, RG 4.9 includes one indirect reference to NNLs: "The environmental report should include a brief discussion of the...scenic...and natural significance of the site and nearby areas, with specific attention to the sites and areas listed in...the 'National Registry of Natural Landmarks'" (see NRC000188 at 4.9-7). NNLs are included in the National Registry of Natural Landmarks; however, the reference relates to how an applicant should describe its proposed project site in the ER and not to any site screening processes. Consequently, AES had no applicable NRC regulatory guidance to follow for its site screening process and, therefore, on how to treat NNLs in its site screening process.

(ii) The NRC staff is not aware of any previous applicant site screening processes in which treatment of NNLs was a factor, and no such information was found by the staff in a recent search in the NRC's Agencywide Documents Access and Management System (ADAMS).