

October 12, 2006

Ms. Kathy McCoy, NAGPRA Contact  
Eastern Band of Cherokee Indian  
P.O. Box 455  
Cherokee, NC 28719

SUBJECT: EARLY SITE PERMIT (ESP) REVIEW FOR THE VOGTLE SITE

Dear Ms. McCoy:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application for an early site permit (ESP) to set aside a site for the potential future construction of one or more new nuclear power plants. The application was submitted by Southern Nuclear Operating Company, on August 15, 2006, pursuant to NRC requirements at Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52. The applicant supplemented the application by letters dated September 6, 2006 (two letters), and September 13, 2006. The application was accepted for docketing on September 19, 2006. If built, the new unit(s) would be located on a site adjacent to the existing Vogtle Electric Generating Plant (VEGP) site which is located on a Coastal Plain bluff on the southwest side of the Savannah River in eastern Burke County, Georgia.

As part of its review of the application, the NRC staff will prepare an environmental impact statement (EIS) under the provisions of 10 CFR Part 51, the NRC rules that implement the National Environmental Policy Act of 1969. The NRC environmental review process includes an opportunity for public participation in the environmental review. The VEGP ESP site is located on land that may be of interest to the Eastern Band of Cherokee Indian. We want to ensure that you are aware of our efforts and, pursuant to our regulations at 10 CFR 51.28(b), the NRC invites the Eastern Band of Cherokee Indian to provide input to the scoping process relating to the NRC's environmental review of the application. The following is a description of the application and the environmental review process.

The EIS will document the NRC staff's evaluation of the impacts of construction and operation of one or more new nuclear plants at the Vogtle ESP site. In addition, the staff will also consider alternatives to the proposed action, including alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the VEGP ESP 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 ESP should be granted or denied. If granted, the ESP would not authorize the applicant to begin construction of the unit(s).

Therefore, as part of this review, and in accordance with the provisions in 36 CFR § 800.8, the NRC staff is using the NEPA process to comply with the obligations imposed under § 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Accordingly, the staff invites the Eastern Band of Cherokee Indian to consult with the staff in this regard by participating in the scoping process; identifying historic properties on the Vogtle ESP site; assessing the effects of the proposed action on any historic properties identified; and developing alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The NRC intends to describe such alternatives and proposed measures in the EIS analyses of potential impacts to historical and cultural resources. To complete consultation under § 800.8, the NRC staff will forward the draft EIS to you for your review and comment, and will address your comments in the final EIS.

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 (APE) 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 APE for this ESP review is the area at the power plant site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new unit(s). The application, which describes the APE, is available through the web-based version of the NRC's Agencywide Documents Access and Management System which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The application is listed under accession number ML062290248.

On October 19, 2006, the NRC will conduct a public environmental scoping meeting from 7:00 p.m. until 10:00 p.m., at the Augusta Technical College, Waynesboro Campus Auditorium, 216 Hwy 24 South, Waynesboro, GA 30830. Representatives of your tribe are invited to attend. The meeting will be preceded by a two-hour open house 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 December 4, 2006. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or by e-mail to [Vogtle\\_EIS@nrc.gov](mailto:Vogtle_EIS@nrc.gov).

At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and will send a copy to you. In addition, after it is issued, your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is July 2007. If you have any questions or require additional information, please contact the Environmental Project Manager for the VEGP ESP project, Mark Notich at 301-415-3053 or Cristina Guerrero at 301-415-2981. You may also e-mail us at [mdn@nrc.gov](mailto:mdn@nrc.gov) or [cxg3@nrc.gov](mailto:cxg3@nrc.gov).

Sincerely,

*/RA/*

Christopher Nolan, Branch Chief  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

Project No. 737

cc: See next page

At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and will send a copy to you. In addition, after it is issued, your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is July 2007. If you have any questions or require additional information, please contact the Environmental Project Manager for the VEGP ESP project, Mark Notich at 301-415-3053 or Cristina Guerrero at 301-415-2981. You may also e-mail us at mdn@nrc.gov or cxg3@nrc.gov.

Sincerely,

*/RA/*

Christopher Nolan, Branch Chief  
Division of New Reactor Licensing  
Office of Nuclear Reactor Regulation

Project No. 737

cc: See next page

DISTRIBUTION: See next page

C:\FileNet\ML062850120.wpd  
Accession No.: **ML062850120**  
\*See Previous Concurrence

OFFICE	LA:DNRL:NEPB	GS:DNRL:NEPB	PM:DNRL:NAPB	PM:DNRL:NEPB	OGC	BC:DNRL:NEPB
NAME	M. Viera	C. Guerrero	C. Araguas	M. Notich	KWinsberg	C. Nolan
DATE	09/11/06	09/19/06	09/20/06	09/19/06	10/05/06	10/12/06

OFFICIAL RECORD COPY

DISTRIBUTION: Ltr. to the Ms. K. McCoy, Dated: October 12, 2006

**Accession No.: ML062850120**

Docket File

Public

D. Matthews/B. Beckner (RidsNrrDNRS)

M. Notich

C. Nolan

C. Araguas

J. Wilson

C. Guerrero

T. Kenyon

J. Davis

O. Siurano-Perez

K. Clark, RII

G. McCoy, SRI

B. Anderson, RI

M. Sackschewsky (PNNL)

K. Leigh (PNNL)

OCA

OPA

NEPB

Vogtle Electric Generating Plant

cc:

Mr. Jeffrey T. Gasser  
Executive Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. Louis B. Long  
Vice President Technical Support  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. Charles R. Pierce  
ESP Project Manager  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. Thomas O. McCallum  
ESP Project Manager  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. Steven M. Jackson  
Senior Engineer - Power Supply  
Municipal Electric Authority of Georgia  
1470 Riveredge Parkway, NW  
Atlanta, GA 30328-4684

Mr. Reece McAlister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington St., SW  
Atlanta, GA 30334

Mr. Adrian Heymer  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Attorney General  
Law Department  
132 Judicial Building  
Atlanta, GA 30334

Mr. Laurence Bergen  
Oglethorpe Power Corporation  
2100 East Exchange Place  
P.O. Box 1349  
Tucker, GA 30085-1349

Arthur H. Dombay, Esquire  
Troutman Sanders  
Nations Bank Plaza  
600 Peachtree Street, NE  
Suite 5200  
Atlanta, GA 30308-2216

Resident Inspector  
Vogtle Plant  
8805 River Road  
Waynesboro, GA 30830

Mr. Paul Gunter  
Director of the Reactor Watchdog Project  
Nuclear Information & Resource Service  
1424 16<sup>th</sup> Street, NW, Suite 404  
Washington, DC 20036

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Mr. Jay M. Gutierrez  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Robert E. Sweeney  
IBEX ESI  
4641 Montgomery Avenue  
Suite 350  
Bethesda, MD 20814

Ms. Vanessa E. Quinn, Chief  
Radiological Emergency Preparedness  
Branch  
Nuclear and Chemical Preparedness and  
Protection Division  
Department of Homeland Security  
1800 South Bell Street, Room 837  
Crystal City-Arlington, VA 22202-3546

Mr. Paul Leventhal  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Jim Davis  
ESP Project Engineer  
Southern Nuclear Company  
Post Office Box 1295, BIN B056  
Birmingham AL 35201

O.C. Harper IV  
Vice President - Resources Planning and  
Nuclear Development  
Georgia Power Company  
241 Ralph McGill Boulevard  
Atlanta, GA 30308

Bentina C. Terry  
Southern Nuclear Operating Company, Inc.  
Bin B-022  
P.O. Box 1295  
Birmingham, AL 35201-1295

Director, Consumers' Utility  
Counsel Division  
Governor's Office of Consumer Affairs  
2 M.L. King, Jr. Drive  
Plaza Level East; Suite 356  
Atlanta, GA 30334-4600

Resident Manger  
Oglethorpe Power Corporation  
Alvin W. Vogtle Nuclear Plant  
Electronic Mail Distribution

Mr. Thomas P. Miller  
U.S. Department of Energy  
Headquarters - Germantown  
19901 Germantown Road  
Germantown, MD 20874-1290

Mr. Joseph (Buzz) Miller  
Senior Vice President  
Southern Nuclear Operating Company, Inc.  
P.O. Box 1295  
Birmingham, AL 35201-1295

Mr. M. Stanford Blanton, Esquire  
Balch and Bingham, LLP  
P.O. Box 306  
Birmingham, AL 35201

Email:  
TOMCCALL@southernco.com  
CRPIERCE@southernco.com  
erg-xl@cox.net  
patriciaL.campbell@ge.com  
bob.brown@ge.com  
mark.beaumont@wsms.com  
sfrantz@morganlewis.com  
ksutton@morganlewis.com  
jgutierrez@morganlewis.com  
tom.miller@hq.doe.gov or  
tom.miller@nuclear.energy.gov  
steven.hucik@ge.com  
david.hinds@ge.com  
James1.Beard@ge.com  
chris.maslak@ge.com  
jim@ncwarn.org  
pshastings@duke-energy.com  
ronald.hagen@eia.doe.gov