

October 12, 2006

Mr. Mitchell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
Qualla Boundary
Cherokee, NC 28719

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

Dear Principal Chief Hicks:

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 Indians. 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 Indians 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 Indians 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 Vogle_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 or cxcg3@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\ML062850244.wpd
Accession No.: **ML062850244**
*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 Principal Chief M. Hicks, Dated: October 12, 2006

Accession No.: ML062850244

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. Dombey, 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 16th 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