January 12, 2009

Mr. Chad 'Corntassel' Smith
Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465

SUBJECT: REQUEST FOR PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE VIRGIL C. SUMMER NUCLEAR STATION, UNITS 2 AND 3, COMBINED LICENSE APPLICATION

Dear Mr. Smith:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by South Carolina Electric and Gas Company (SCE&G) acting for itself and as an agent for South Carolina Public Service Company (also referred to as Santee Cooper) for Combined Licenses (COLs) for the construction and operation of two new nuclear power plants at its Virgil C. Summer Nuclear Station (VCSNS) site in Fairfield County, South Carolina. As part of the review of this COL application, the NRC staff is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended (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. The area of potential effect for this COL review is the area at the VCSNS site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new units.

SCE&G submitted its application for COLs on March 27, 2008, pursuant to NRC requirements of 10 CFR Part 52. The application was accepted for docketing on July 31, 2008. 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 ML081300569. The VCSNS COL application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/col/summer.html.

The VCSNS site is located on approximately 3,600 acres in Fairfield County, South Carolina, approximately 15 miles west of the county seat of Winnsboro and 26 miles northwest of Columbia, South Carolina. The VCSNS site currently has one operating pressurized light water reactor that has the capacity to generate 966 megawatts of electricity. SCE&G plans to construct two new nuclear units adjacent to the existing site. The siting area for the new transmission lines will include Calhoun, Chester, Colleton, Dorchester, Hampton, Lancaster, Lexington, Orangeburg, and Richland Counties of South Carolina, in addition to Fairfield County.

The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the VCSNS site. SCE&G has also identified three 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 VCSNS 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 COLs should be granted or denied. If granted, the COLs would authorize the applicant to construct and operate the proposed units.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The VCSNS site is in close proximity to lands that may be of interest to the Cherokee 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 Cherokee Nation to provide input to the scoping process relating to the NRC's environmental review of the COL application.

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 plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through 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 VCSNS 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 March 2010.

The NRC plans to hold two identical public NEPA scoping meetings. The first meeting will be held at the Fairfield Central High School, 836 U.S. Highway 321 Bypass S, Winnsboro, South Carolina 29180 on Tuesday, January 27, 2009 at 7:00 p.m., and will continue until approximately 10:00 p.m. The second meeting will be held at the McCrorey-Liston Elementary School, 1978 State Highway 215 South, Blair, South Carolina 29015 on Wednesday, January 28, 2009 at 7:00 p.m., with a repetition of the overview portions of the first meeting, and will continue until approximately 10:00 p.m. Each meeting will be preceded by an open house from 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 March 06, 2009. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or via e-mail to Summer.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Ms. Patricia Vokoun, Environmental Project Manager, at 301-415-3470 or by e-mail at Patricia.Vokoun@nrc.gov. In her absence, please contact Mr. Paul Michalak at 301-415-7612 or via email at Paul.Michalak@nrc.gov.

Sincerely,

/RA/

Gregory P. Hatchett, Acting Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-027 and 52-028

cc: See next page

Please submit any written comments your tribe may have to offer on the scope of the environmental review by March 06, 2009. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or via e-mail to Summer.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Ms. Patricia Vokoun, Environmental Project Manager, at 301-415-3470 or by e-mail at Patricia.Vokoun@nrc.gov. In her absence, please contact Mr. Paul Michalak at 301-415-7612 or via email at Paul.Michalak@nrc.gov.

Sincerely,

/RA/

Gregory P. Hatchett, Acting Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-027 and 52-028

cc: See next page

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DATE	12/2/2008	12/4/2008	12/2/2008	12/12/2008	01/12/2009

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