December 10, 2009

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

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR SOUTHERN NUCLEAR OPERATING COMPANY'S COMBINED LICENSE APPLICATION FOR THE PROPOSED CONSTRUCTION AND OPERATION OF UNITS 3 AND 4 AT THE VOGTLE ELECTRIC GENERATING PLANT IN WAYNESBORO, GEORGIA

Dear Ms. McCoy:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Southern Nuclear Operating Company, Inc. (Southern or SNC), on behalf of itself and several co-applicants, for a combined license (COL) for construction and operation of two new nuclear units at its Vogtle Electric Generating Plant (Vogtle or VEGP) site in Burke County, Georgia. The purpose of this letter is to invite the Eastern Band of Cherokee Indians to consult with the NRC regarding the proposed action, pursuant to NRC regulations at 10 CFR Part 51 and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The NRC plans to coordinate compliance with Section 106 of the NHPA using the National Environmental Policy Act (NEPA) process identified in 36 CFR 800.8(c) in lieu of the procedures set forth in §§ 800.3 through 800.6. Additionally, the NRC staff will rely on procedures in its regulations at 10 CFR 51.92 for supplementing a final environmental impact statement (FEIS).

Section 51.26(d) of the NRC regulations describes the processes for determining the need to supplement a FEIS, issue a notice of intent, and determine whether or not a formal scoping process will be conducted. As required by 10 CFR 51.92, the NRC staff will prepare a supplement to the FEIS for the early site permit (ESP) issued on August 26, 2009, to SNC and the same co-applicants. In this case, the NRC staff has determined that it will not conduct a formal scoping process for the development of the supplemental environmental impact statement (SEIS).

An ESP is a Commission approval of a site suitable for construction and operation of one or more new nuclear units. Under 10 CFR 51.50(c), a COL applicant referencing an ESP need not submit information or analyses regarding environmental issues that were resolved in the ESP EIS, except to the extent the COL applicant has identified any new and potentially significant information.

In accordance with the provisions in 36 CFR § 800.8, 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.

Thus, to support the NRC staff's review of any new and potentially significant circumstances or information relevant to the environmental concerns related to the proposed action or its impacts, we request you submit written comments, if any, your tribe may have to offer on the environmental review of the COL by January 15, 2010.

The NRC intends to propose measures in the SEIS for the COL analyses for potential impacts to historical and cultural resources including developing alternatives and proposing measures that might avoid, minimize, or mitigate any adverse effects of the propose action on historic properties. To complete consultation under § 800.8(c), the NRC staff will forward the SEIS on the COL to you for your review and comment, and will address your comments in the final SEIS on the COL.

The proposed new reactors, Vogtle Units 3 and 4 would be located approximately 26 miles southeast of Augusta, Georgia, near the town of Waynesboro, Georgia. SNC currently operates two reactors, Vogtle Units 1 and 2 on the site and plans to construct the new units adjacent to the existing reactors. The application for the COL was accepted for docketing on May 30, 2008, and is available through the web-based version of the NRC Agency-wide Documents Access Management System (ADAMS), which can be found at http://www.nrc.gov/readingrm/adams.html. The Environmental Report for the application is listed under ADAMS accession number ML081050181. The Vogtle Plant COL application is also available on the Internet at http://www.nrc.gov/reactors/new-licensing/col/vogtle.html. A detailed review by NRC of the environmental impacts of constructing and operating proposed Units 3 and 4 is documented in NUREG-1872, "Final Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site." (ESP FEIS Volumes 1 and 2 are available in ADAMS under ADAMS accession numbers ML082240145 and ML082240165, respectively.)

Please submit comments either by mail to Mrs. Mallecia Sutton, Environmental Project Manager, Division of Site and Environmental Reviews, Mail Stop T-7E18, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or via e-mail to Vogtle.COLAEIS@nrc.gov by January 15, 2010.

If you have any questions or require additional information, please contact Mrs. Sutton at (301) 415-0673 or via e-mail to Mallecia.Sutton@nrc.gov.

Sincerely,

/RA/

Gregory P. Hatchett, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos. 52-025 and 52-026

cc: See next page

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Gregory P. Hatchett, Branch Chief
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Office of New Reactors

Docket Nos. 52-025 and 52-026
cc: See next page
Distribution: See next page
ADAMS Accession No.: ML 092730317

OFFICE	PM:DSERRAP1:NRO	LA:DSER/RAP1:NRO	OGC */copy w/track changes. See comments/*	BC:DSERRAP1:NRO
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