

December 10, 2009

Mr. Gilbert Blue, Chairperson  
Catawba Indian Tribe  
P.O. box 188  
Catawaba, SC 29704

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 Mr. Blue:

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 Catawba Indian Tribe 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 proposed 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](mailto: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](mailto: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

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 proposed 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](mailto: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](mailto: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

Distribution: See next page

ADAMS Accession No.: ML 092730321

|        |                 |                  |                                          |                 |
|--------|-----------------|------------------|------------------------------------------|-----------------|
| OFFICE | PM:DSERRAP1:NRO | LA:DSER/RAP1:NRO | OGC /copy w/track changes. See comments/ | BC:DSERRAP1:NRO |
| NAME   | MSutton         | GHawkins /gdh/   | AHodgdon /APR/                           | GHatchett       |
| DATE   | 12/02/09        | 12/08/09         | 12/07/09                                 | 12/10/09        |

OFFICIAL RECORD COPY

Letter to Gilbert Blue from Gregory Hatchett dated 12/10/2009

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

DISTRIBUTION:

Docket Nos.: 52-025 and 52-026

PUBLIC

D. Matthews/B. Beckner (RidsNrrDNRS)

M. Notich

C. Nolan

C. Araguas

J. Wilson

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. Domby, 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

Vogtle Electric Generating Plant  
cc:

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

Vogtle Electric Generating Plant  
cc:

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