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 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
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

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

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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 16th Street, NW, Suite 404
Washington, DC 20036

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NWWashington, 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
Geogia 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