March 19, 2010

Mr. Anthony E. Street, Tribal President
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653

SUBJECT: SECTION 106 CONSULTATION AND NOTIFICATION OF THE ISSUANCE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SOUTH TEXAS PROJECT, UNITS 3 AND 4, COMBINED LICENSE APPLICATION REVIEW

Dear Mr. Street:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by the STP Nuclear Operating Company (STPNOC) for two combined licenses (COLs) to construct and operate two new nuclear units at its South Texas Project Electric Generating Station (STP) site in Matagorda County, Texas. As part of its review of the proposed action, the NRC staff has prepared a draft environmental impact statement (DEIS). The U.S. Army Corps of Engineers, Galveston District (Corps), is a cooperating agency on the DEIS. The DEIS includes analyses of relevant environmental issues, including potential impacts to historic properties, and documents the NRC staff's determination regarding the suitability of the proposed site for the construction and operation of two new nuclear units.

A copy of the DEIS is enclosed. In chapter 2 of the DEIS you will find a discussion of the area of potential effect. Chapters 4 and 5 discuss impacts to historic properties from construction and operation. By letter dated January 25, 2008, the NRC staff notified you that in accordance with Title 36 of the Code of Federal Regulations (36 CFR) 800.8(c), the NRC staff is using the process required by the National Environmental Policy Act of 1969, as amended (NEPA), for the preparation of the EIS. The NRC staff is using this process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

The NRC staff has conducted an environmental audit at the site, and has reviewed historic and archaeological records. In the context of NEPA, under which the DEIS was prepared, the NRC staff's preliminary determination is that the impact of the two new proposed nuclear units on historical and archaeological resources is small, and additional mitigation is not warranted. Under the provisions of NHPA, the NRC staff's preliminary determination is that no historic properties will be affected by the proposed action.

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.

In accordance with our letter to you dated January 25, 2008, the NRC staff is forwarding the DEIS to you for your review and comment. Pursuant to 36 CFR 800.8(c), we are requesting your comments on the DEIS, and specifically on our preliminary conclusions regarding historic properties. The NRC staff will address your comments in the final EIS and upon resolving comments, the NRC would complete consultation under Section 106 of the NHPA with the Tonkawa Tribe of Oklahoma regarding STPNOC's COL application.

The NRC staff plans to hold two public meetings to discuss the analysis and results in the DEIS on Thursday, May 6, 2010, at the Bay City Civic Center, 201 7th Street, Bay City, Texas. The first meeting will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second meeting will convene at 7:00 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10:00 p.m., as necessary. The meetings will be preceded by open house sessions from 12:30 p.m. to 1:30 p.m. and 6:00 p.m. to 7:00 p.m., during which members of the public may meet and talk with NRC and Corps staff members on an informal basis. You and your staff are invited to attend.

Please provide any information, comments, or concerns you may have on the DEIS during the comment period, which ends on June 9, 2010. Comments should be submitted either by mail to the Chief, Rulemaking, Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, Washington, D.C. 20555-0001 or via e-mail to STP.COLAEIS@nrc.gov.

If you have any questions or require additional information, please contact Ms. Jessie Muir, Environmental Project Manager, by phone at 301-415-0491 or via e-mail at Jessie.Muir@nrc.gov, or Ms. Sarah Lopas at 301-415-1147 or via e-mail at Sarah.Lopas@nrc.gov.

Sincerely,

/RA/

Ryan Whited, Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.:
52-012 and 52-013

Enclosure:
As stated

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Sincerely,

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Environmental Projects Branch 2
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As stated

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DATE	02/19/2010	02/22/2010	3/16/2010	3/19/2010

OFFICIAL RECORD COPY

Letter to Anthony E. Street from Ryan Whited dated March 19, 2010.

SUBJECT: NOTIFICATION OF THE ISSUANCE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SOUTH TEXAS PROJECT, UNITS 3 AND 4 COMBINED LICENSES APPLICATION REVIEW

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