March 19, 2010

Principal Chief Oscola Clayton Sylestine
Alabama-Coushatta Tribe
Historical Preservation Department
Route 3, Box 659
Livingston, TX 77351

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 Chief Sylestine:

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 proposed new 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 Alabama-Coushatta Tribe 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 or comments 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, and Directives, 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,

/RA/

Ryan Whited, Chief
Environmental Projects Branch 2
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Enclosure:
As stated

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NAME	JMuir/**RA/**	ARedden/**RA/**	SVrahoretis/**RA/**	RWhited/**RA/**
DATE	02/19/2010	02/22/2010	03/16/2010	03/19/2010

OFFICIAL RECORD COPY

Letter to Oscola Clayton Sylestine 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 LICENSE APPLICATION REVIEW

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JDixon, R4	BTharakan, R4		

Nona Diediker, PNNL Team Lead (Nona.Diediker@pnl.gov)
Beverly Miller, PNNL Deputy Team Lead (Beverly.Miller@pnl.gov)
Jayson Hudson, US Army Corps (Jayson.M.Hudson@usace.army.mil)

South Texas Project Mailing List
cc:

A.C. Conrad
P.O. Box 187
Egypt TX 77436-0187

Mr. Robert Alvarado
234 Baker Ave,
San Antonio TX 78211-1806

Mr. Ira T. Anderson
11839 Wink Rd.
Houston TX 77024-7132

Mr. Douglas Anderson
253 PR 518
Bay City TX 77414

Mr. Kevin Anderson
4204 Hines Ln.
Bay City TX 77414

Mr. Larry Archer
528 Walnut St.
Lake Jackson TX 77566

Mr. William R. Bealefield, Jr.
201 Red River Rd.
Bay City TX 77414

Mr. Owen Bludau
Matagorda County EDA
3928 Wickersham
Bay City TX 77414

Ms. Mary Carter
4709 Austin St.
Houston TX 77004

Mr. Jim Cohenour
Route 1, Box 237
Palacios TX 77465

Mr. W. Craig Conklin, Director
Chemical and Nuclear Preparedness
& Protection Division (CNPPD)
Office of Infrastructure Protection
Department of Homeland Security
Washington DC 20528

Mr. Roy Craft
1707 Pecan St.
Bay City TX 77414

Mr. Jim Crawford
4300 Virginia
Bay City TX 77414

Ozell Crockett
1901 Palm Vilage Blvd., # 123
Bay City TX 77414

Pat Curry
4001 Aggie Dr.
Bay City TX 77414

Mr. Bill Curry
4001 Aggie Dr.
Bay City TX 77414

Ms. Lara Cushing
Southwest Workers Union
P.O. Box 830706
San Antonio TX 78283

Mr. Lee Dannhaus
149 PR 672
Bay City TX 77414

Mr. Dora Duncan
1720 Elm Ave.
Bay City TX 77141

Mr. Marvin Fertel
Sr. VP and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW, Ste. 400
Washington DC 20006-3708

Ms. Cathy Gann
P.O. Box 289
Wadsworth TX 77483

Mr. Mike Griffith
34 Valhalla Dr.
Bay City TX 77414

Ms. Karen Hadden
SEED Coalition
1801 Westlake Dr., #209
Austin TX 78746

Ms. Maria Hamilton
4605 7th Street
Bay City TX 77414

Ms. Sandra Harris
2200 7th St., #303
Bay City TX 77414

Mr. L.V. Harvey
1707 Moore Ave.
Bay City TX 77414

Bobby Head
P.O. Box 2431
Bay City TX 77414

Mr. Kevin Hecht
P.O. Box 1603
Bay City TX 77404-1603

Georgia Rice Herreth
3224 Avenue K
Bay City TX 77414

Ms. Debra Huse
2000 Willow St.
Bay City TX 77414

Mr. Charles Irvine
4709 Austin St.
Houston TX 77004

Blanche & Eugene Johnson
3419 Walnut Dr.
Bay City TX 77414

Mr. Stephen Kale
3010 Sable Crossing
San Antonio TX 78232

Ms. Laura G. Lewis
P.O. Box 693
Van Vleck TX 77482

Mr. Brent Marceaux
204 Ronald Ave.
Bay City TX 77414

Mr. Gary L. Mathis
Sheriff - Matagorda County
2308 Avenue F
Bay City TX 77414

Mr. Jimmy McCauley
P.O. Box 848
Van Vleck TX 77482

Mr. Mike McGehearty
3320 Avenue J
Bay City TX 77414

Mr. Larry Merritt
614 8th St.
Bay City TX 77414

Ms. Stephanie Merritt
ARC
614 8th St.
Bay City TX 77414

Mr. Kevin Moriarty
105 Circle Way
Lake Jackson TX 77566

Mr. Kevin Murphy
6406 Scott Ln.
Pearland TX 77581

Ben & Sara Murphy
4216 FM 2853
Palacios TX 77465

Mr. Ernest J. Opella
2405 Avenue E
Bay City TX 77414

Mr. Juan Parras
6733 Harrisburg Blvd.
Houston TX 77011

Cameron Payne
1919 A Harold St.
Houston TX 77098

Ms. Jackie Peden
714 W. House St.
Alvin TX 77511

Mr. David Plunkett
P.O. Box 65
Lake Jackson TX 77566-0065

Rev. John N. B. Pope
3008 El Camino St.
Bay City TX 77414

Ms. Vanessa E. Quinn, Acting Director
Technical Hazards Division
National Preparedness Directorate
Federal Emergency Management Agency
500 C St., NW
Washington DC 20472

Mr. Howard T. Ray
7505 Legend Rock
San Antonio TX 78244

Mr. Cyrus Reed
1202 San Antonio
Austin TX 78701

Ms. Mary Ruth Rhodenbaugh
P.O. Box 368
Brazonia TX 77422

Mr. Tony Rigdon
Port of Palacios
P.O. Box 551
Palacios TX 77465

Ms. Roberta Ripke
457 Commerce
Palacios TX 77465

Ms. Cristella Rodriquez
P.O. Box 546
Bay City TX 77414

Ms. Kim Russell
2501 Carrington
Bay City TX 77414

Mr. Robert Singleton
2048 W. Stassney Ln., #234
Austin TX 78745

Ms. Becca Sitz
2206 Avenue G
Bay City TX 77414

Bill & Anna Strickland
203 CR 243
Bay City TX 77414

Ladell Sump
104 Lindsey Ave.
Bay City TX 77414

Ms. Anna Sue Thompson
2951 SH 35C
Bay City TX 77414

Ms. Vicki Vaughan
Avenue E & Third St.
P.O. Box 2171
San Antonio TX 78297

Mr. Bob Watts
2200 7th St.
Bay City TX 77414

Mr. John Weaver
1013 Mockingbird Ln.
Richwood TX 77531

Mr. Charles R. Winfield
315 West Craymer
Palacios TX 77465

Ms. Cathy Woods
2300 Hillcrest Dr.
Bay City TX 77414

Mr. James Woods
2800 Hillcrest Dr.
Bay City TX 77414

Bay City Public Library
1100 7th Street
Bay City, TX 77414

Charles Maguire
Division Director
Water Quality Division
TCEQ
PO Box 13087
Austin, TX 78711-3087

John M. Fowler
ACHP
Old Post Office Building
1100 Pennsylvania Avenue NW
Suite 803
Washington, DC 20004

Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, TX 77551-5997
USA

Principal Chief Oscola Clayton Sylestine
Alabama-Coushatta Tribe
Historical Preservation Department
Route 3, Box 659
Livingston, TX 77351

Ms. Ruth Toahty, NAGPRA Coordinator
Comanche Nation
NAGPRA and Historic Preservation
Comanche National Museum
701 NW Ferris Avenue
Lawton, OK 73507

Ms. Moni Belton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Ecological Services
17629 El Camino Real
Houston, TX 77058-3051

Mr. Billy Evans Horse
Chairman of the Kiowa Tribe
P.O. Box 369
Carnegie, OK 73015

Mr. David Bernhart
Assistant Regional Administrator
National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Mark Wolfe
Executive Director and
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

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

Cathy Gilmore
Office of Planning and Coordination, Chief
Compliance Assurance and Enforcement
Division\
EPA Region 6
1445 Ross Avenue, Suite 1200, 6EN-XP
Dallas, Texas 75202

Jayson Hudson
US Army Corps of Engineers
Galveston District
PO Box 1229
Galveston, TX 77554

Russell Kiesling
South Texas Project Units 3 and 4
4000 Avenue F
Suite A
Bay City, TX 77414

Eliza Brown
Sustainable Energy & Economic
Development (SEED) Coalition
1303 San Antonio #100
Austin, Texas 78701

Amy Turner
Texas Parks and Wildlife
Wildlife Habitat Assessment Program
2805 N. Navarro, Suite 600-B
Victoria, Texas 77901

Tammy S. Brooks
Coastal Coordination Council Secretary
Consistency Review Coordinator
Coastal Protection Division
Texas General Land Office
P. O. Box 12873
Austin, TX 78711-2873

Robert Eye
Kauffman & Eye
112 SW 6th Ave
Suite 202
Topeka, Kansas, 66603-3850

John Corder
313 CR 912
Brazoria, TX 77422

South Texas Project Mailing List
cc:

Email:
ceja.aswunion.org (Robert Alvarado)
bennettS2@bv.com (Steve A. Bennett)
charles.brookhouser@wellsfargo.com (Charles Brookhouser)
eliza.seedcoalition@gmail.com (Eliza Brown)
jcorder@brazorianet.com (John Corder)
texPatriots@aol.com (Bobby Head)
Jayson.M.Hudson@usace.army.mil (Jayson Hudson)
stephen.kale@sbcglobal.net (Stephen Kale)
rwkiesling@stpegs.com (Russell Kiesling)
wanda.k.marshall@dom.com (Wanda K. Marshall)
frankq@hursttech.com (Frank Quinn)
george.stramback@gene.ge.com (George Stramback)
waraksre@westinghouse.com (Rosemarie E. Waraks)
amy.turner@tpwd.state.tx.us (Amy Turner)