September 2, 2010

Mr. A. D. Ellis, Principal Chief
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

SUBJECT: SECTION 106 CONSULTATION AND NOTIFICATION OF THE ISSUANCE AND REQUEST FOR COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 COMBINED LICENSE APPLICATION

Dear Chief Ellis:

On behalf of the Nuclear Regulatory Commission (NRC) staff, I am forwarding a copy of the "Draft Supplemental Environmental Impact Statement for Combined Licenses (COLs) for Vogtle Electric Generating Plant Units 3 and 4," for your review and comments. The NRC is reviewing the application submitted by Southern Nuclear Operating Company, Inc. (SNC) and several co-applicants for two combined licenses (COLs) to construct and operate two new nuclear units at the Vogtle Electric Generating Plant site in Burke County, GA. As part of its review of the proposed action, the NRC staff has prepared the draft supplemental environmental impact statement (DSEIS) to include an analysis of relevant environmental issues, including potential impacts to historic properties. The DSEIS documents the NRC determination regarding the environmental impacts at the proposed site from the construction and operation of two new nuclear units.

This DSEIS is a supplement to the Final Environmental Impact Statement (FEIS) for the early site permit (ESP) issued on August 26, 2009, to SNC and the same co-applicants. An ESP is a Commission approval of a site suitable for construction and operation of one or more new nuclear units. Under Title 10 of the *Code of Federal Regulations* (10 CFR) 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. Accordingly, in preparing the DSEIS, the NRC staff considered whether new and significant information has been identified, including with respect to potential impacts to historic properties. The NRC staff conducted an environmental audit at the site and reviewed historic and archaeological records. The NRC staff also contacted Indian Tribes identified as having potential interest in the proposed action.

By letter dated December 10, 2009, the NRC staff notified you that it will comply with its obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, (NHPA) using the process set forth in 36 CFR 800.8(c) in lieu of the procedures set forth in 36 CFR 800.3 through 36 CFR 800.6. Pursuant to 36 CFR 800.8(c), the NRC staff is using the preparation of the DSEIS required by the National Environmental Policy Act of 1969, as amended, (NEPA), to comply with its obligations under Section 106 of the NHPA.

In the context of NEPA, under which the DSEIS was prepared, the NRC preliminary determination is that the impact of the two new proposed nuclear units on historical and archaeological resources remains moderate, as concluded in the ESP FEIS. In addition, SNC has entered into a Memorandum of Understanding with the Georgia State Historic Preservation Officer (SHPO). Under the provisions of the National Historic Preservation Act, the NRC preliminary determination is that, consistent with the determination in the ESP FEIS, the proposed project will affect, but not adversely affect, historic properties. Note that in Chapter 2 of the DSEIS you will find a discussion of the areas of potential effect, and impacts to historic properties from construction and operation are discussed in Chapters 4 and 5.

The NRC plans to hold a public meeting to go over the analysis and results in the DSEIS on October 7, 2010, at Augusta Technical College, Waynesboro Campus, 216 Highway 24 South, Waynesboro, Georgia 30830. The meeting will convene at 7:00 p.m. and will continue until 10 p.m., as necessary. In addition, the meeting will be preceded by an open house session from 6:00 p.m. to 7:00 p.m., during which members of the public may meet and talk with NRC staff members on an informal basis. You and your staff are invited to attend.

Pursuant to 10 CFR 51.92 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 areas 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 December 10, 2009, letter, the NRC staff is forwarding the DSEIS for your review and comments. Pursuant to 36 CFR 800.8(c), we are requesting your comments on the DSEIS, specifically, on our preliminary conclusions regarding historic properties. Please provide any information or comments you may have on the DSEIS during the comment period, which ends on November 24, 2010. The NRC may consider additional comments after the comment period, to the extent practicable. Comments should be submitted either by mail to the Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, Washington, D.C. 20555-0001 or via e-mail to Vogtle.COLAEIS@nrc.gov. Your comments will be addressed in the final SEIS.

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

Sincerely,

/RA/

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

Docket Nos. 52-025
52-026
Enclosure:
As stated

cc: See next page

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

Sincerely,

/RA/

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

Docket Nos. 52-025
52-026
Enclosure:
As stated

cc: See next page

DISTRIBUTION:
PUBLIC
RAP1 r/f
G. Hatchett
M. Notich
M. Sutton
OGC
RidsOcaMailCenter
RidsOpaMail
RidsNroDser
RidsOgcMailCenter
RidsRgn4MailCenter
RidsNroDserRap1
RidsNroDserRap2
RidsNroDserRap3
RidsNroDserRenv
PNNL Team Lead (Michael.sackschewsky@pnl.gov)
PNNL Deputy Team Lead (Kimberly.leigh@pnl.gov)

ADAMS Accession Number:**ML102000264 [ML102000138 pkg]** NRO-002

OFFICE	NRO/DSER/PM	NRO/DSER/LA	OGC/NLO subject to edits	NRO/DSER
NAME	MSutton	GHawkins	PMoulding	GHatchett
DATE	08/27/2010	09/02/2010	08/24/2010	09/02/2010

OFFICIAL RECORD COPY

Southern Nuclear - Vogtle Mailing List

Mr. M. Stanford Blanton
Esquire
Balch and Bingham, LLP
P.O. Box 306
Birmingham, AL 35201

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Marvin Fertel
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

County Commissioner
Office of the County Commissioner
Burke County Commission
Waynesboro, GA 30830

O. C. Harper, IV
Vice President - Resources Planning and
Nuclear Development
Georgia Power Company
241 Ralph McGill Boulevard
Atlanta, GA 30308

Mr. Steven M. Jackson
Senior Engineer - Power Supply
Municipal Electric Authority of Georgia
1470 Riveredge Parkway, NW
Atlanta, GA 30328-4684

Mr. Louis B. Long
Vice President Technical Support
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Director
Consumer's Utility
Counsel Division
Governor's Office of Consumer Affairs
2 Martin Luther King, Jr. Drive
Plaza Level East, Suite 356
Atlanta, GA 30334-4600

Mr. Arthur H. Domby, Esquire
Troutman Sanders
Nations Bank Plaza
600 Peachtree Street, NE
Suite 200
Atlanta, GA 30308-2216

Mr. Jeffrey T. Gasser
Executive Vice President
Southern Nuclear Operating Company,Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Laurence Bergen
Oglethorpe Power Corp.
2100 E Exchange Pl, PO Box 1349
Tucker, GA 30085-1349

Mr. Charles R. Pierce
Vogtle Deployment Licensing Manager
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

Resident Inspector
Vogtle Plant
8805 River Road
Waynesboro, GA 30830

Southern Nuclear - Vogtle Mailing List

Resident Manager
Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
Atlanta, GA 30334

Mr. Thomas O. McCallum
Site Development Project Engineer
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

Mr. Joseph (Buzz) Miller
Senior Vice President
Southern Nuclear Operating Company, Inc.
P.O. Box 1295
Birmingham, AL 35201-1295

Mr. Thomas Moorer
Environmental Project Manager
Southern Nuclear Operating Co., Inc.
PO Box 1295
Birmingham, AL 35201-1295

David Bernhart
Assistant Regional Administrator
for Protect Resources
National Marine Fisheries Service
263 13th Avenue South
St. Petersburg, Florida 33701

Oglethorpe Power Corporation
Alvin W. Vogtle Nuclear Plant
7821 River Road
Waynesboro, GA 30830

Mr. Jerry Smith
Commissioner
District 8
Augusta-Richmond County Commission
1332 Brown Road
Hephzibah, GA 30815

Mr. Robert E. Sweeney
IBEX ESI
4641 Montgomery Avenue
Suite 350
Bethesda, MD 20814

Bentina C. Terry
Southern Nuclear Operating Company,Inc.
PO Box 1295, BIN B-022
Birmingham, AL 35201-1295

Southern Nuclear - Vogtle Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
bennettS2@bv.com (Steve A. Bennett)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
crpierce@southernco.com (C.R. Pierce)
cwaltman@roe.com (C. Waltman)
david.hinds@ge.com (David Hinds)
david.lewis@pillsburylaw.com (David Lewis)
dlochbaum@UCSUSA.org (David Lochbaum)
erg-xl@cox.net (Eddie R. Grant)
frankq@hursttech.com (Frank Quinn)
greshaja@westinghouse.com (James Gresham)
james.beard@gene.ge.com (James Beard)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
jim@ncwarn.org (Jim Warren)
JJNesrsta@cpsenergy.com (James J. Nesrsta)
john.o'neil@pillsburylaw.com (John O'Neil)
Joseph.savage@ge.com (Joseph Savage)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lynchs@gao.gov (Sarah Lynch - Meeting Notices Only)
Margaret.Bennet@dom.com (Margaret Bennet)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
mcaston@southernco.com (Moanica Caston)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
nirsnet@nirs.org (Michael Mariotte)
patriciaL.campbell@ge.com (Patricia L. Campbell)
paul.gaukler@pillsburylaw.com (Paul Gaukler)
Paul@beyondnuclear.org (Paul Gunter)
phinnen@entergy.com (Paul Hinnenkamp)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
RKTemple@cpsenergy.com (R.K. Temple)
roberta.swain@ge.com (Roberta Swain)
ronald.hagen@eia.doe.gov (Ronald Hagen)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
steven.hucik@ge.com (Steven Hucik)

Southern Nuclear - Vogtle Mailing List

tomccall@southernco.com (Tom McCallum)
VictorB@bv.com (Bill Victor)
waraksre@westinghouse.com (Rosemarie E. Warak)