September 2, 2010

Mr. Chadwick Smith, Principal Chief
Cherokee Nation of Oklahoma
P.O. Box 948
Tahlequa, OK 74465

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 Smith:

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
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Docket Nos. 52-025
52-026

Enclosure:
As stated

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ADAMS Accession Number: **ML102000375 [MI102000138 pkg]** NRO-002

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