March 2, 2011

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

SUBJECT: CONFERENCE CONSULTATION FOR THE ATLANTIC STURGEON FOR THE VOGTLE ELECTRIC GENERATING PLANT, UNITS 3 AND 4 COMBINED LICENSES APPLICATION

Dear Mr. Bernhart:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application, submitted on March 31, 2008, from Southern Nuclear Operating Company, Inc (Southern) and its four co-applicants for combined licenses (COLs) to construct and operate two Westinghouse AP1000 pressurized water reactors at the Vogtle Electric Generating Plant (VEGP) site in Burke County, GA. The COL application referenced an early site permit (ESP) for the VEGP site that was issued to Southern and its co-applicants in 2009. As part of the ESP process, the NRC staff developed a draft and final environmental impact statement.

As part of the NRC's responsibilities under Section 7 of the Endangered Species Act (ESA), the NRC staff prepared a biological assessment (BA) in connection with the VEGP ESP review documenting potential impacts on the shortnose sturgeon (*Acipenser brevirostrum*) as a result of preconstruction site-development activities of the two new units at the VEGP site. That BA, which was submitted to your office on January 25, 2008, concluded that the proposed action is not likely to adversely affect the shortnose sturgeon. The National Marine Fisheries Service (NMFS) concurred with that determination in a letter dated August 11, 2008. In a letter dated September 3, 2010, the NRC confirmed with your office that the ESP-stage consultation encompassed the proposed actions included in the COL application.

The shortnose sturgeon was the only applicable listed or proposed species under the purview of the NMFS during the NRC staff's ESP-stage consultation. On October 6, 2010, NMFS, published in the Federal Register (75 FR 61904), a proposed rule for listing the Carolina and South Atlantic distinct population segments of the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered under the ESA. To address this development, the NRC has prepared the enclosed document which describes the potential effects of the construction and operation of two new nuclear units at the VEGP site on the Atlantic sturgeon and serves as our conference consultation under Title 50 of the Code of Federal Regulations (CFR) Part 402, subpart B, Section 402.10 (50 CFR 402). This document is limited to consultation on the Atlantic sturgeon and does not affect the prior NRC or NMFS assessment regarding the shortnose sturgeon. The NRC is requesting NMFS concurrence with the NRC staff's determination that the proposed action is unlikely to adversely affect the Atlantic sturgeon.

If you have any questions regarding this consultation letter or the staff's request, please contact Ms. Mallecia Sutton, NRC Environmental Project Manager via telephone at 301-415-0673 or via e-mail to Mallecia.Sutton@nrc.gov.

Sincerely,

/RA/

Gregory 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 w/o encl: See next page

If you have any questions regarding this consultation letter or the staff's request, please contact Ms. Mallecia Sutton, NRC Environmental Project Manager via telephone at 301-415-0673 or via e-mail to Mallecia.Sutton@nrc.gov.

Sincerely,

/RA/

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Docket Nos.: 52-025
52-026

Enclosure:
As stated

cc w/o encl: See next page

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