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ND-11-1394

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Southern Nuclear Operating Company  
Vogtle Electric Generating Plant Units 3 and 4 Combined License Application  
Final Supplemental Environmental Impact Statement  
Construction Time of Year Limitations

Ladies and Gentlemen:

On March 28, 2008, Southern Nuclear Operating Company (SNC) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) requesting combined licenses (COLs) for two AP1000 advanced passive pressurized water reactors. In accordance with 10 CFR 51.92(e), the NRC issued the Final Supplemental Environmental Impact Statement (NUREG-1947) in March 2011 for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4 COL Application which incorporates by reference the conclusions of the VEGP Early Site Permit (ESP) Final Environmental Impact Statement (FEIS) (NUREG-1872).

In a January 30, 2007 response (SNC Letter AR-07-0061) to a NRC Request for Additional Information (RAI) on the ESP Environmental Report, SNC stated that it anticipated construction activities in the floodplain would be performed in the summer, fall, and early winter to minimize the potential for unwanted flooding of the construction area. Based on that statement, NRC staff concluded in the ESP FEIS that such a construction schedule would also be protective of fish species during their spring migration and spawning season. The same determination was included as a basis in NRC's January 2008 Biological Assessment for the Shortnose Sturgeon prepared for National Marine Fisheries Service as part of the Endangered Species Act, Section 7 consultations during development of the VEGP ESP FEIS, as well in NRC's March 2, 2011 Analysis Regarding Potential Impacts on Atlantic Sturgeon prepared in support of the VEGP Units 3 and 4 FSEIS for the COL.

During a June 24, 2011, phone call with SNC, the NRC inquired about the construction activities within the Savannah River and the floodplain as they related to the time of year limitations. SNC understands that the intent of the time of year limitation is to minimize the impact to fish and other aquatic organisms that move into the floodplain with the high water conditions that typically occur during the months of February, March, and April.

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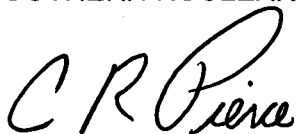
With that in mind, SNC reaffirms its commitment that no construction activities will take place in the Savannah River during the months of February, March and April. Also, prior to the installation of erosion control Best Management Practices (BMP's), including the cofferdam/construction berm surrounding the intake, no construction activities will take place in the Savannah River floodplain under high water conditions during the months of February, March and April. One exception to this limitation would be construction activities necessary to maintain safe working conditions and site BMP's, such as silt fences, silt curtains, sedimentation ponds, etc. Following installation of BMP's defining the limits of disturbance, construction activities within the floodplain will continue year-round.

The SNC environmental contact for this application is D. L. Fulton at (205) 992-7536.

Mr. C. R. Pierce states he is the AP1000 Licensing Manager of Southern Nuclear Operating Company, is authorized to execute this oath on behalf of Southern Nuclear Operating Company and to the best of his knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

SOUTHERN NUCLEAR OPERATING COMPANY



C. R. Pierce

Sworn to and subscribed before me this 12<sup>th</sup> day of July, 2011

Notary Public: Dana Marie Williams

My commission expires: 12/1/2014

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Dec 1, 2014  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

cc: Southern Nuclear Operating Company

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