April 9, 2008

Ms. Michelle Pounds
Representative
Pine Hill Indian Community
4055 Coberg Land
Orangeburg, SC 29115

SUBJECT: REQUEST FOR PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE WILLIAM STATES LEE III NUCLEAR STATION, UNITS 1 AND 2 COMBINED LICENSE APPLICATION

Dear Ms. Pounds:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Duke Energy Carolinas, LLC (Duke) for a combined license (COL) for construction and operation of two new nuclear power plants at its William States Lee III Nuclear Station, Units 1 and 2 (Lee) site in Gaffney, South Carolina. As part of the review of this COL application, the NRC is preparing an environmental impact statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulation that implements the National Environmental Policy Act of 1969 as amended (NEPA). The NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area to identify issues relating to the proposed undertaking's potential effects on historic properties.

Duke submitted the application for the COL on December 13, 2007, pursuant to NRC requirements of 10 CFR Part 52. The application was accepted for docketing on February 25, 2008. The Lee COL application is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852 or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. The application is listed under accession number ML073510876. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail at pdr@nrc.gov. The Lee COL application is also available on the Internet at http://www.nrc.gov/reactors/new-licensing/col/lee.html. In addition, the Cherokee County Public Library located at 300 E. Rutledge Avenue Gaffney, SC 29340, has agreed to make the environmental report available for public inspection.

The Lee site is located on approximately 1900 acres in the eastern portion of Cherokee County in north central South Carolina approximately 7.5 miles southeast of Gaffney, South Carolina, on the west side of the Broad River, just upstream from the Ninety-Nine Islands Hydroelectric Plant. Duke Power Company partially constructed the proposed Cherokee Nuclear Station on this site between 1977 and 1982. Duke plans to construct two new nuclear units at the existing site. The EIS will document the NRC staff's evaluation of the impacts of construction and operation of two new nuclear plants at the Lee site.

Duke has also identified three alternative sites that will be evaluated in the EIS. The staff's review will consider alternatives including evaluation of alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the Lee site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic properties (among others), and will contain a recommendation on whether the requested COL should be granted or denied. If granted, the COL would authorize Duke to construct and operate the new proposed units.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The Lee Nuclear Station site is in close proximity to lands that may be of interest to the Pine Hill Indian Community. We want to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the Pine Hill Indian Community to provide input to the scoping process relating to the NRC's environmental review of the application.

The NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the requirements of NEPA. In accordance with 36 CFR 800.8(c), the NRC staff is using the process required by NEPA for the preparation of the EIS to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying parties who may wish to consult with the staff on the proposed action and is inviting them to consult with the NRC staff on this matter. Consultation will include participation in the scoping process; identification of historic properties on the Lee site; assessment of the effects of the proposed action on any historic properties identified; and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. To complete consultation under 36 CFR 800.8(c), the NRC will forward the draft EIS to you for your review and comment, and will address your comments in the final EIS. You will receive a copy of the draft EIS along with a request for comments once it is issued. This draft EIS will include identification of historic properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is May 2009.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that American 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. The area of potential effect for this COL review is the area at the Lee site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new units.

On Thursday, May 1, 2008, the NRC is providing the public with the opportunity to participate in an environmental scoping meeting to be held from 7:00 p.m. to 10:00 p.m., at the Gaffney High School, 149 Twin Lake Road, Gaffney, SC 29341. Representatives of your tribe are invited to attend. The meeting will be preceded by an open house from 5:00 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.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by May 20, 2008.

Comments should be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or by e-mail to Lee.COLAEIS@nrc.gov.

At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached. When issued, the summary will be available to the public.

If you have any questions or require additional information, please contact Ms. Linda Tello, Environmental Project Manager, at 301-415-2907 or by e-mail at Linda.Tello@nrc.gov.

Sincerely,

/RA/

Richard P. Raione, Branch Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-018 and 52-019

cc: See next page

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Sincerely,

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Richard P. Raione, Branch Chief
Environmental Projects Branch 2
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