May 27, 2008

The Honorable Michell A. Hicks, Chief
Eastern Band of Cherokee
P.O. Box 455
Cherokee, NC 28719

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 2 AND 3 COMBINED LICENSE APPLICATION REVIEW

Dear Chief Hicks:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by the Progress Energy Carolinas, Inc. (PEC) for a combined license (COL) for the construction and operation of two new nuclear power plants at its Shearon Harris Nuclear Power Plant (HAR) Site in southwestern corner of Wake County, North Carolina. As part of the review of this COL application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10, Part 51 of the *Code of Federal Regulations*, the NRC's regulation that implements the National Environmental Policy Act (NEPA) of 1969. 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.

The HAR Site is located in the southwestern corner of Wake County, North Carolina, with portions located in southeastern Chatham County. The City of Raleigh, North Carolina is approximately 34.9 kilometers (km) (21.7 miles [mi]) northeast of the site and the City of Sanford, North Carolina is approximately 26.5 km (16.5 mi) southwest of the site. The HAR Site is located just northwest of the existing Shearon Harris Nuclear Power Plant on a peninsula that extends into Harris Reservoir. PEC plans to construct two new nuclear units northwest of 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 HAR Site. PEC has also identified three alternative sites that will be evaluated in the EIS. The NRC's staff 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 HAR 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 the applicant 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 HAR Site is in close proximity to lands that may be of interest to the Eastern Band of Cherokee Tribe. We want to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the Eastern Band of Cherokee Tribe to provide input to the scoping process relating to the NRC's environmental review of the application.

In accordance with 36 CFR 800.8(c), the NRC is using the process required by NEPA to comply with the obligations imposed by Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the Eastern Band of Cherokee Tribe will be conferring with the NRC staff by participating in the scoping process; identifying historic properties on the HAR Site; assessing the effects of the proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The NRC's draft EIS will include identification of historic properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is June 2009. To complete consultation under 36 CFR 800.8, the NRC will forward the draft EIS to you for your review and comment and will address your comments in the final EIS.

Pursuant to 10 CFR 51.28 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 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 HAR Site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of the new units.

PEC submitted the application for COL on February 18, 2008, pursuant to NRC requirements at 10 CFR Part 52. The application was accepted for docketing on April 23, 2008. The HAR 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 Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. The Environmental Report is listed under Accession Number ML08061078. 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 1-800-397-4209/301-415-4737 or via e-mail at pdr@nrc.gov. The HAR COL application is also available on the Internet at http://www.nrc.gov/reactors/new-licensing/col/harris.html. In addition, the Eva H. Perry Library, located at 2100 Shepherd's Vineyard Drive, Apex, North Carolina; Holly Springs Library, located at 300 West Ballentine Street, Holly Springs, North Carolina; West Regional Library, located at 4000 Louis Stephens Drive, Cary, North Carolina have agreed to make the application available for public inspection.

On Tuesday, June 10, 2008, the NRC is providing the public with the opportunity to participate in environmental scoping meetings to be held from 12:30 p.m. to 3:00 p.m., and 6:00 p.m. to 8:30 p.m., at Holly Springs Cultural Center, 300 West Ballentine Street, Holly Springs, North Carolina 27540. Representatives of your tribe are invited to attend. Each meeting will be preceded by an open house from 11:30 p.m. to 12:30 p.m., and 5:00 p.m. to 6:00 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 July 25, 2008. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or via e-mail to Harris.COLEIS@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 and will send a copy to you.

If you have any questions or require additional information, please contact Dr. Donald Palmrose, Project Manager for the HAR COL Project at 301-415-3803 or via e-mail at donald.palmrose@nrc.gov.

Sincerely,

/RA/
William Burton, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-022 and 52-023

cc: See next page

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William Burton, Branch Chief
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