



**Sensitive Information  
Withhold From Public Disclosure  
Under 10 CFR § 2.390(a)(3)**

**Bryan J. Dolan**  
VP, Nuclear Plant Development

Duke Energy  
EC09D/ 526 South Church Street  
Charlotte, NC 28201-1006

Mailing Address:  
P.O. Box 1006 - EC09D  
Charlotte, NC 28201-1006

704-382-0605

[bjdolan@duke-energy.com](mailto:bjdolan@duke-energy.com)

February 19, 2009

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

Subject: Duke Energy Carolinas, LLC  
William States Lee III Nuclear Station - Docket Nos. 52-018 and 52-019  
AP1000 Combined License Application for the  
William States Lee III Nuclear Station Units 1 and 2  
Response to Request for Additional Information  
Ltr# WLG2009.02-08

Reference: Letter from L.M. Tello (NRC) to B.J. Dolan (Duke Energy), *Request for Additional Information Regarding the Environmental Review of the Combined License Application for William States Lee III Nuclear Station, Units 1 and 2*, dated January 21, 2009

This letter provides the Duke Energy response to the Nuclear Regulatory Commission's (NRC) request for the following additional information (RAI) item listed in the reference letter:

RAI 119, Terrestrial Ecology

Duke Energy requests that the report included as Attachment 119-3 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390(a)(3).

The response to this NRC request is addressed in the enclosure which also identifies any associated changes that will be made in a future revision of the William States Lee III Nuclear Station application.

If you have any questions or need any additional information, please contact Peter S. Hastings at 980-373-7820.

Bryan J. Dolan  
Vice President  
Nuclear Plant Development

**Cover Letter Without Attachment 119-3 Is  
Not Sensitive Information**

[www.duke-energy.com](http://www.duke-energy.com)

DD93  
NRC

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Enclosure:

1. Response to RAI 119, Terrestrial Ecology

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Under 10 CFR § 2.390(a)(3)**

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AFFIDAVIT OF BRYAN J. DOLAN

1. I am Vice President, Nuclear Plant Development, and as such have the responsibility for reviewing the information sought to be withheld from public disclosure in connection with this submittal and am authorized to apply for its withholding on behalf of Duke Energy Carolinas, LLC (Duke).
2. I am making this affidavit in accordance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke in designating information as sensitive, proprietary or confidential.
4. Pursuant to paragraph (a)(3) of 10 CFR 2.390, the following is furnished for consideration of the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
  - a. This information is of the type that would customarily be held in confidence by Duke. The information sought to be withheld from public disclosure contains the location of cultural resource and archaeological sites.
  - b. The information is protected from public disclosure in accordance with the provisions of 16 USC 470hh, Confidentiality of information concerning the nature and location of archaeological resources.
  - c. The information is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.

  
Bryan J. Dolan

(Continued)

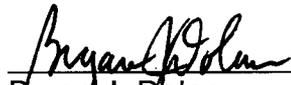
**Cover Letter Without Attachment 119-3 Is  
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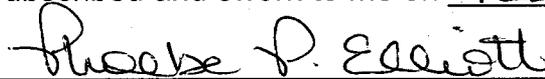
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AFFIDAVIT OF BRYAN J. DOLAN

Bryan J. Dolan, being duly sworn, states that he is Vice President, Nuclear Plant Development, Duke Energy Carolinas, LLC, that he is authorized on the part of said Company to sign and file with the U. S. Nuclear Regulatory Commission this supplement to the combined license application for the William States Lee III Nuclear Station and that all the matter and facts set forth herein are true and correct to the best of his knowledge.

  
\_\_\_\_\_  
Bryan J. Dolan

Subscribed and sworn to me on February 19, 2009

  
\_\_\_\_\_  
Notary Public

My commission expires: June 26, 2011



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xc (wo/enclosure):

Loren Plisco, Deputy Regional Administrator, Region II  
Stephanie Coffin, Branch Chief, DNRL  
Robert Schaaf, Branch Chief, DSER

xc (w/enclosure):

Linda Tello, Project Manager, DSER  
Brian Hughes, Senior Project Manager, DNRL

**Cover Letter Without Attachment 119-3 Is  
Not Sensitive Information**

**Lee Nuclear Station Response to Request for Additional information (RAI)**

**RAI Letter Dated:** January 21, 2009

**Reference NRC RAI Number:** ER RAI-119

**NRC RAI:**

Provide a copy of the Duke reports and consultation letters, as they become available, that were submitted to Federal and State agencies, e.g., USACE, SCDNR, USFWS, SCDHEC, etc.

**Duke Energy Response:**

Copies of the following are provided with this response:

1. Dec. 10, 2007 letter to Ms. R. Dobrasko transmitting the *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina*.
2. Jan. 9, 2008 letter from Ms. R. Dobrasko approving the *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina*.
3. Bailey, R. 2007, *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina*. **[Withhold from Public Disclosure Under 10 CFR § 2.309(a)(3)]**

There has been no other correspondence with South Carolina or Federal agencies.

**Associated Revisions to the Lee Nuclear Station Combined License Application:**

None

**Associated Attachments:**

- |                  |   |
|------------------|---|
| Attachment 119-1 | Dec. 10, 2007 letter from Mr. T. Bowling to Ms. R. Dobrasko transmitting the <i>Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina</i> .         |
| Attachment 119-2 | Jan. 9, 2008 letter from Ms. R. Dobrasko to Mr. T. Bowling approving the <i>Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina</i> .             |
| Attachment 119-3 | Bailey, R. 2007, <i>Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina</i> . <b>[Withhold from Public Disclosure Under 10 CFR § 2.309(a)(3)]</b> |

Attachment 119-1

Dec. 10, 2007 letter from Mr. T. Bowling to Ms. R. Dobrasko transmitting the *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina.*



526 S. Church Street  
Charlotte, NC 28202

Mailing Address:  
EC09D/P.O. Box 1006  
Charlotte, NC 28201-1006  
704382-5917

December 10, 2007

Ms. Rebekah Dobrasko  
State Historic Preservation Office  
South Carolina Department of Archives and History  
8301 Parkland Road  
Columbia, South Carolina 29223-4905

Dear Ms. Dobrasko,

Subject: William S. Lee III Nuclear Station  
Draft Report, *Cultural Resources Survey of the Lee Nuclear Station  
Railroad Corridor, Cherokee County, South Carolina*

We have previously provided you with copies of *Cultural Resources Survey of the Proposed Lee Nuclear Station, Cherokee County, South Carolina* and the Addendum covering the proposed meteorological tower. At that time we indicated that the survey for the railroad corridor and transmission line corridors would be provided in separate reports.

I am enclosing two copies of the draft report on the railroad corridor for your review and comment. I am also providing a copy to Mr. Tyler Howe, THPO for the Eastern Band Cherokee Nation for his review. As Mr. Ralph Bailey discussed previously with you, the scope of work for this survey is minimal because the corridor was previously surveyed in the 1970's and significant grading was performed at that time. Mr. Bailey's report is abbreviated because of the past survey and his current survey did not discover any cultural resources within the corridor.

If you have any questions please call me at 704-382-5917.

Theodore J. Bowling  
Environmental Project Manager

Enclosure: *Cultural Resources Survey of the Lee Nuclear Station Railroad  
Corridor, Cherokee County, South Carolina*

Ms. Rebekah Dobrasko  
December 10, 2007  
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xc: Ralph Bailey (Brockington Associates/wo enclosure)  
WL 4000.35-05 (w enclosure)

Attachment 119-2

Jan. 9, 2008 letter from Ms. R. Dobrasko to Mr. T. Bowling approving the *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina.*



January 9, 2008

Mr. Theodore Bowling  
Environmental Project Manager  
Duke Energy  
EC09D/P.O. Box 1006  
Charlotte, NC 28201-1006  
704382-5917

Re: Cherokee Nuclear/Lee Nuclear Station  
Cherokee County, South Carolina

Dear Mr. Bowling:

Thank you for your letter of December 10, which we received on December 12, along with two copies of the draft report entitled *Cultural Resources Survey of the Lee Nuclear Station Railroad Corridor, Cherokee County, South Carolina*. This survey focuses on the railroad corridor portion of the overall Cherokee Nuclear/Lee Nuclear Station project.

The Ellen Furnace Works (38CK0068) is listed in the National Register of Historic Places and is within the Area of Potential Effects for this project. Our office concurs with the assessment that the proposed railroad corridor reactivation will cause **no adverse effect** to the Ellen Furnace Works.

We do request that our office be notified immediately if archaeological materials are encountered during any construction activities associated with the railroad. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

These comments are provided by the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act, as amended. If you have questions, please contact me at (803) 896-6169 or [dobrasko@scdah.state.sc.us](mailto:dobrasko@scdah.state.sc.us).

Sincerely,

*Rebekah Dobrasko*

Rebekah Dobrasko  
Review and Compliance Coordinator  
State Historic Preservation Office