



Bryan J. Dolan
VP, Nuclear Plant Development

Duke Energy
EC09D/ 526 South Church Street
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December 3, 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# WLG2009.12-01

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 supplemental information to 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, Ecology

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

D093
NRC

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December 3, 2009
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Enclosure:

1. Supplemental Response C to RAI 119, Ecology

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 December 3, 2009



Notary Public

My commission expires: April 19, 2010



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December 3, 2009
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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):

Michelle Moser, Project Manager, DSER
Brian Hughes, Senior Project Manager, DNRL

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

RAI Letter Dated: January 21, 2009

Reference NRC RAI Number: ER RAI-119, Supplement C

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:

This supplemental response provides additional correspondence with the US Fish and Wildlife Service and the SC State Historic Preservation Office.

Copies of the following are provided with this response:

1. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the Lee Nuclear Site, August 22, 2007.
2. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the rail corridor, April 1, 2009.
3. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the 230 kV and 525 kV transmission lines, August 26, 2009.
4. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the Make-Up Pond C area, October 28, 2009.
5. Letter from R. Dobrasko (SCSHPO) to R. Bailey (Brockington & Assoc.) concurring with the cultural resource survey for the Lee Nuclear Station, June 8, 2007.
6. Letter from R. Dobrasko (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the Lee Nuclear Station rail corridor, January 9, 2008.
7. Letter from C. Cantley (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the onsite utilities, May 14, 2009.
8. Letter from RC. Cantley (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the Make-Up Pond C area, September 29, 2009.

Associated Revisions to the Lee Nuclear Station Combined License Application:

None

Associated Attachments:

1. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the Lee Nuclear Site, August 22, 2007.
2. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the rail corridor, April 1, 2009.
3. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the 230 kV and 525 kV transmission lines, August 26, 2009.
4. Letter from T.N. Hall (USFWS) to T.J. Bowling (Duke Energy) concurring with rare, threatened and endangered species survey for the Make-Up Pond C area, October 28, 2009.
5. Letter from R. Dobrasko (SCSHPO) to R. Bailey (Brockington & Assoc.) concurring with the cultural resource survey for the Lee Nuclear Station, June 8, 2007.
6. Letter from R. Dobrasko (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the Lee Nuclear Station rail corridor, January 9, 2008.
7. Letter from C. Cantley (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the onsite utilities, May 14, 2009.
8. Letter from RC. Cantley (SCSHPO) to T.J. Bowling (Duke Energy) concurring with the cultural resource survey for the Make-Up Pond C area, September 29, 2009.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

August 22, 2007

Mr. Theodore Bowling
Duke Energy
EC09D / P.O. Box 1006
Charlotte, NC 28201-1006

Re: Duke Energy, Cherokee Project
Cherokee, South Carolina
FWS Log No: 2006-I-0530

Dear Mr. Bowling:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter requesting concurrence on your threatened and endangered species determination. The proposed project would involve construction and operation of a nuclear power generation facility in Cherokee County, South Carolina. The following comments are provided in accordance with section 7 of the Endangered Species Act (Act), as amended (16 U.S.C. 1531-1543).

Based on species occurrence records contained in the Heritage Trust database and Service files, and the information provided in your consultation request, we concur with your conclusion that there are no federally threatened or endangered species on the proposed site that would be impacted by the construction or operation of the Lee Nuclear Station. In view of this, the Service believes that the requirements of Section 7 of the Act have been fulfilled relative to the proposed action, and no further consultation is necessary at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed project may affect listed species in a manner or to an extent not previously considered, (2) the proposed project is subsequently modified to include activities which were not considered during this consultation; or (3) new species are listed or critical habitat designated that might be affected by the proposed project.

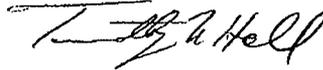
Your letter indicates an Environmental Report to evaluate the potential impacts to trust resources from project construction and operation is forthcoming. The Service looks forward to review and comment of the environmental analysis pursuant to the National Environmental Policy Act (42 U.S.C. § 4321 et seq.). Until the issuance of the Environmental Report, we reserve the opportunity to submit comments regarding potential impacts to migratory fishes and aquatic

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resources, in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e).

Your interest in ensuring the protection of endangered species is appreciated. If you have further questions or require additional information, please contact Lora Zimmerman of this office at (843) 727-4707 ext. 226. In future correspondence concerning this project, please reference FWS Log No. 2006-I-0530.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy N. Hall". The signature is fluid and cursive, with a prominent horizontal stroke at the beginning.

Timothy N. Hall
Field Supervisor

TNH/LLZ



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



April 1, 2009

Mr. Theodore Bowling
Environmental Project Manager
Nuclear Plant Development
Duke Energy
EC09D/Post Office Box 1006
Charlotte, NC 28201-1006

Re: Endangered Species Review, W. S. Lee, III, Nuclear Station Rail Line, Cherokee County, SC, FWS Log No. 42410-2009-TA-0266.

Dear Mr. Bowling:

The U.S. Fish and Wildlife Service (Service) has reviewed your survey results on potential impacts to threatened and endangered species (T&E) by the proposed rail line which will serve the W. S. Lee, III, Nuclear Station in Cherokee County, SC. The proposed rail line is located on an existing rail line corridor that was originally intended to serve the Cherokee Nuclear Station. The Cherokee Nuclear Station was never constructed and the rail line was abandoned. Duke Energy has re-acquired this rail line for use by the new proposed nuclear facility.

Duke Energy surveyed a 100 foot wide corridor centered along the abandoned rail line to characterize existing habitat as well as to search for Federal and state listed species. Approximately 1300 feet of the proposed rail line will be realigned to avoid an existing commercial facility; therefore, the new alignment was also surveyed. Only one T&E species, the dwarf flowered heartleaf, *Hexastylis naniflora*, is known to occur within Cherokee County. However, Duke Energy also surveyed for the Schweinitz's sunflower, *Helianthus schweinitzii*, as there is suitable habitat within the rail line corridor. The survey found no occurrence of the heartleaf or the sunflower within the 100 foot corridor. Based on these results, Duke Energy concludes that the proposed re-use of the abandoned rail line and construction of the new 1300 foot rail section would have no effect upon federally listed species.

Upon view of the information provided, the Service agrees that construction of the new rail line within the existing corridor, and the new alignment portion, will have no effect upon federally listed species. However, obligations under section 7 of the Endangered Species Act must be

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considered if: (1) new information reveals impacts of this identified action that may affect any listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

The Service appreciates the opportunity to provide you with this information regarding this project. If you have any questions regarding the Service's comments, please do not hesitate to contact Mark Caldwell at (843) 727-4707 ext. 215.

Sincerely,



for Timothy N. Hall
Field Supervisor

TNH/MAC/km



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



August 26, 2009

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

Re: Endangered Species Survey, W. S. Lee, III, Nuclear Station Transmission Line,
Cherokee County, SC, FWS Log No. 42410-2009-TA-0596

Dear Mr. Bowling:

The U.S. Fish and Wildlife Service (Service) has reviewed your survey results on potential impacts to threatened and endangered species (T&E) by the proposed transmission lines which will distribute power generated from the W. S. Lee, III, Nuclear Station in Cherokee County, SC. Two routes were surveyed for the presence of threatened and endangered species in addition to jurisdictional wetland areas.

As described in the submitted survey report; a new 525 kV line would extend from the Oconee-Newport 525 kV line to the Lee Nuclear Station switchyard (Switchyard) and a new 230 kV line would extend from the Pacolet Tie-Catawba 230 kV line to the Switchyard. The west 525 kV line would extend 17.42 miles to the Switchyard. The west 230 kV line would run parallel to the 525 kV line for 7.95 miles to the Switchyard. The east 525 kV line would extend 13.87 miles to the Switchyard. The east 230 kV line would run parallel to the 525 kV line for 7.09 miles to the Switchyard. The 525 kV line right of way (ROW) from the Oconee-Newport line to the Pacolet Tie-Catawba line would be 200 feet wide in both routes. The ROW from the Pacolet Tie-Catawba line to the Switchyard, where the lines parallel each other in a single corridor, would be 325 feet wide in both routes.

Habitat from four South Carolina counties, Cherokee, York, Union and Chester, will potentially be impacted through placement of the transmission lines. Therefore, Duke Energy surveyed for the federally threatened and endangered species known to occur in these counties, the dwarf flowered heartleaf, *Hexastylis naniflora*, the Schweinitz's sunflower, *Helianthus schweinitzii* and the Carolina heelsplitter, *Lasmigona decorata*. In addition, a number of state protected species were included in the survey efforts.

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The survey found no occurrence of the dwarf flowered heartleaf or the Schweinitz's sunflower within the proposed transmission line corridors. Further, the Carolina heelsplitter was not found within streams that will be crossed by the lines. Based on these results Duke Energy concludes that the proposed construction of the transmission lines would have no effect upon federally listed species.

Upon view of the information provided, the Service agrees that construction of the new 230kV and 525kV transmission lines will have no effect upon federally listed species. However, obligations under section 7 of the Endangered Species Act must be considered if (1) new information reveals impacts of this identified action that may affect any listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment, or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

We appreciate the opportunity to provide you with this information regarding this project. If you have any questions regarding the Service's comments, please do not hesitate to contact Mark Caldwell at (843) 727-4707 ext. 215.

Sincerely,


for Timothy N. Hall
Field Supervisor

TNH/MAC/km



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



October 28, 2009

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

Re: Endangered Species Survey for Proposed Make-up Pond C, W. S. Lee, III, Cherokee County, SC, FWS Log No.42410-2010-TA-0029

Dear Mr. Bowling:

The U.S. Fish and Wildlife Service (Service) has reviewed your survey results on potential impacts to threatened and endangered species (T&E) by the proposed creation of Make-up Pond C which will serve as a water source for the proposed W. S. Lee, III, Nuclear Station in Cherokee County, SC.

- We concur with your determination that the proposed action will have no effect on resources under the jurisdiction of the USFWS that are currently protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act). Therefore, no further action is required under Section 7(a)(2) of the Act.
- We concur with your determination that the proposed action is not likely to adversely affect resources under the jurisdiction of the USFWS that are currently protected by the Act. Therefore, no further action is required under Section 7(a)(2) of the Act.
- It is our opinion that the proposed action is not likely to have reasonably foreseeable adverse effects on resources under the jurisdiction of the USFWS that are currently protected by the Act. Therefore, no further action is required under Section 7(a)(2) of the Act.

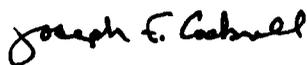
Please note that obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a

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manner which was not considered in this assessment, or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

If the proposed project will impact wetlands, please contact the U.S. Army Corps of Engineers, Charleston District. If you have any questions regarding the Service's determination, please do not hesitate to contact Mark Caldwell at (843) 727-4707 ext 215.

Sincerely,

Handwritten signature of Joseph F. Caldwell in cursive.

for Timothy N. Hall
Field Supervisor

TNH/MAC/km



June 8, 2007

Mr. Ralph Bailey
Brockington and Associates
1051 Johnnie Dodds Blvd., Ste. F
Mt. Pleasant, SC 29464

Re: Draft Report and Addendum, *Cultural Resources Survey of the Proposed Lee Nuclear Station, Cherokee County, South Carolina*

Dear Mr. Bailey:

Our office has had the opportunity to review the above-referenced report and addendum. The report meets federal and state guidelines for the identification and assessment of historic properties.

Our office concurs with your assessment that architectural resources 0061.00-0068.03 are **not eligible** for listing in the National Register of Historic Places. The development and construction of the Lee Nuclear Station will not affect these properties. Architectural resource 0042.00-01, the Ninety-Nine Islands Hydro Plan and Dam, is eligible for listing in the National Register of Historic Places. We believe that the proposed work at the Lee Nuclear Station should cause **no adverse effect** to this historic property.

This cultural resources investigation was prepared in anticipation of an application for construction and operation to the Nuclear Regulatory Commission. We understand that additional cultural resources work will be conducted on the railroad, transmission lines, and the discharge facility for the plant. It is likely that some sort of agreement will be needed to govern future cultural resources identification and address future work to be done at the plant through the life of the license, if granted. We look forward to continuing to work with you and Duke Energy on this project.

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.

Sincerely,

Rebekah Dobrasko

Rebekah Dobrasko
Review and Compliance Coordinator
State Historic Preservation Office



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.

Sincerely,

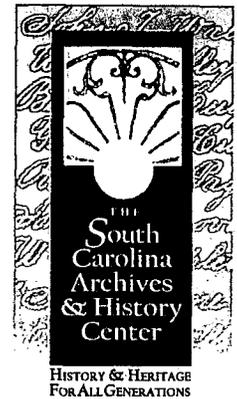
Rebekah Dobrasko

Rebekah Dobrasko
Review and Compliance Coordinator
State Historic Preservation Office

May 14, 2009

SHPO # 06-RD0163

Mr. Theodore Bowling
Environmental Project Manager
Nuclear Plant Development
EC09D/PO Box 1006
Charlotte, NC 28201-1006



Re: Cherokee Nuclear Facility/Lee Nuclear Plant, Cultural Resource Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina

Dear Mr. Bowling:

Thank you for your letter of April 22, 2009, which we received on April 23, 2009, regarding the above-mentioned project. We also received a copy of Brockington and Associates' cultural resources report as supporting documentation for this undertaking. The State Historic Preservation Office is providing comments to Duke Energy pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800.

Based on the description of the Area of Potential Effect (APE) and the identification of historic properties within the APE, our office concurs with the assessment that no newly discovered archaeological properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project. Also, SHPO concurs with the recommendation that the proposed wastewater line will not have an adverse effect on the Ninety-Nine Islands Dam that is listed in the National Register of Historic Places.

If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. 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. The federal agency or the applicant receiving federal assistance should contact our office immediately.

If you have any questions, please contact me at (803) 896-6181 or ccantley@scdah.state.sc.us.

Sincerely,

Chuck Cantley, MA, RPA
Staff Archaeologist/GIS Coordinator
State Historic Preservation Office

cc: Ralph Bailey, Brockington and Associates

September 29, 2009

SHPO # 09-CW0462

Mr. Theodore Bowling
Environmental Project Manager
Nuclear Plant Development
EC09D/PO Box 1006
Charlotte, NC 28201-1006



Re: Proposed London Creek Reservoir SC 329 Realignment, Phase I (Lee Nuclear Plant) Cherokee County, South Carolina

Dear Mr. Bowling:

Thank you for your letter of September 3, 2009, which we received on September 4, 2009, regarding the above-mentioned project. We also received a copy of Brockington and Associates' cultural resources report as supporting documentation for this undertaking. The State Historic Preservation Office is providing comments to Duke Energy pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800.

Based on the description of the Area of Potential Effect (APE) for Phase I of this project and the identification of historic properties within the Phase I APE, SHPO concurs with the assessment that no archaeological or architectural properties listed in or eligible for listing in the National Register of Historic Places will be adversely affected by this project within the Phase I APE. Also, SHPO concurs with the recommendation for the plans to relocate the Service Family Cemetery (38CK142). SHPO will provide an assessment of effects for all cultural resources occurring within the proposed London Creek Reservoir upon the submittal and review of the Phase II report concerning the geoarchaeological investigation of the London Creek bottomlands, a proposed transmission line corridor, and individual parcels excluded from the Phase I APE.

To successfully conclude the Phase I consultation, SHPO requires hardcopies of the architectural survey cards (on cardstock w/ actual photos). The draft report sent only photocopies. Contact Ms. Caroline Wilson, the Review and Compliance Coordinator, if there are any questions pertaining to the architectural reporting requirements.

If you have any other questions, please contact me at (803) 896-6181 or ccantley@scdah.state.sc.us.

Sincerely,

Chuck Cantley, MA, RPA
Staff Archaeologist/GIS Coordinator
State Historic Preservation Office

cc: Ralph Bailey, Brockington and Associates