May 24, 2010

Mr. Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, NC 28719

SUBJECT: REQUEST FOR PARTICIPATION IN A SUPPLEMENTAL SCOPING PROCESS REGARDING THE ADDITION OF A THIRD COOLING WATER RESERVOIR FOR THE WILLIAM STATES LEE III NUCLEAR STATION, UNITS 1 AND 2 COMBINED LICENSE APPLICATION

Dear Mr. Townsend:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing a supplement to the environmental report (ER) submitted by Duke Energy Carolinas, LLC (Duke) for a combined license (COL) application for construction and operation of two new nuclear power plants, William States Lee III Nuclear Station, Units 1 and 2 (Lee), at the 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 regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA). The U.S. Army Corps of Engineers (USACE), Charleston District, is a cooperating agency with the NRC for the purpose of complying with NEPA. The Memorandum of Understanding between USACE and NRC on environmental reviews related to the issuance of COLs can be found at Agencywide Documents Access Management System [ADAMS] Accession No. ML082540354. The request for cooperation on the Lee environmental review, dated March 30, 2009, can be found at ML090700384. ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. 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 NRC first initiated consultation with the Eastern Band of Cherokee Indians under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), for the proposed Lee Project by letter dated April 9, 2008 (ML080840513). By letter dated November 20, 2008 (ML083370297), the Eastern Band of Cherokee Indians indicated they would like copies of all related archaeological, cultural resources and historical investigatory materials. The NRC understands that Duke has been providing copies of their archaeological surveys for your review.

The purpose of this letter is to inform you that the NRC and USACE are providing the public with an additional opportunity to submit scoping comments on supplemental information submitted by Duke, regarding the construction and operation of a third, additional cooling water reservoir for the proposed Lee Project.

The NRC and USACE are currently seeking information pertaining to the proposed addition of this third reservoir from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, or other issues relating to the proposed undertaking's potential effects on historic properties.

Pursuant to NRC requirements in 10 CFR Part 52, Duke submitted a supplement to Revision 1 of its ER by letter dated September 24, 2009. The supplement to the Lee ER is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from ADAMS. The ER is listed under accession number ML090990348, and the supplement to the ER is listed under accession number ML092810308. The ER and supplement are also available on the Internet at http://www.nrc.gov/reactors/new-reactors/col/lee.html. In addition, the Cherokee County Public Library, 300 E. Rutledge Avenue, Gaffney, South Carolina 29340, has agreed to make the ER and the supplement available for public inspection.

The Lee site is located on approximately 1,900 acres in the eastern portion of Cherokee County in north-central South Carolina, approximately 7.5 miles southeast of Gaffney, on the west side of the Broad River just upstream from the Ninety-Nine Islands Hydroelectric Plant. The supplement to the ER describes the environmental impacts of Duke's plans to construct and operate an additional off-site make-up pond (Pond C) as a source of supplemental water to mitigate the potential loss of generating capacity that could result from an extended drought. Pond C would encompass approximately 620 acres northwest of the Lee site, and would be formed by impounding London Creek, a tributary of the Broad River. A figure of the Lee site showing the proposed Pond C is enclosed.

The EIS will document the NRC and USACE staff's evaluation of the impacts of construction and operation of two new nuclear units at the Lee site, as well as the impacts of the construction and operation of Pond C. The preparation of the EIS requires compliance with the obligations imposed under Section 106 of the NHPA. Accordingly, the NRC staff is identifying parties who may wish to consult with NRC and USACE staff on the proposed addition of Pond C to the Lee project scope, and is inviting them to consult with the staff on this matter.

To complete consultation under 36 CFR 800.8(c), the NRC will forward the Lee draft EIS to you for your review and comments. Your comments will be addressed in the final EIS. The draft EIS will include identification of historic properties, assessment of impacts, and a preliminary determination of the environmental impacts of the proposed action, including the addition of Pond C to the project scope.

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 affected by Pond C 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 NRC and USACE plan to hold a supplemental public scoping meeting regarding Pond C on Thursday, June 17, 2010, at Restoration Church International, 1905 N. Limestone Street, Gaffney, South Carolina 29340. The meeting will convene at 7:00 p.m., and will continue until approximately 10:00 p.m. The meeting will be preceded by an open house from 6:00 p.m. to 7:00 p.m., during which members of the public may meet and talk with NRC and USACE staff members on an informal basis.

Please provide any information, comments, or concerns you feel are appropriate on the addition of Pond C to the proposed Lee Project during this scoping period, which ends on July 2, 2010. Comments should be submitted either by mail to the Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or via 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 and will send a copy to you.

If you have any questions or require additional information, please contact Ms. Sarah Lopas, Environmental Project Manager for the environmental review for the Lee COL Project, at (301) 415-1147, or via e-mail to Sarah.Lopas@nrc.gov.

Sincerely,

/RA/

Robert G. Schaaf, Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

Docket Nos.: 52-018 and 52-019

Enclosures:
As stated

cc: See next page

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Sincerely,

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Robert G. Schaaf, Chief
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As stated

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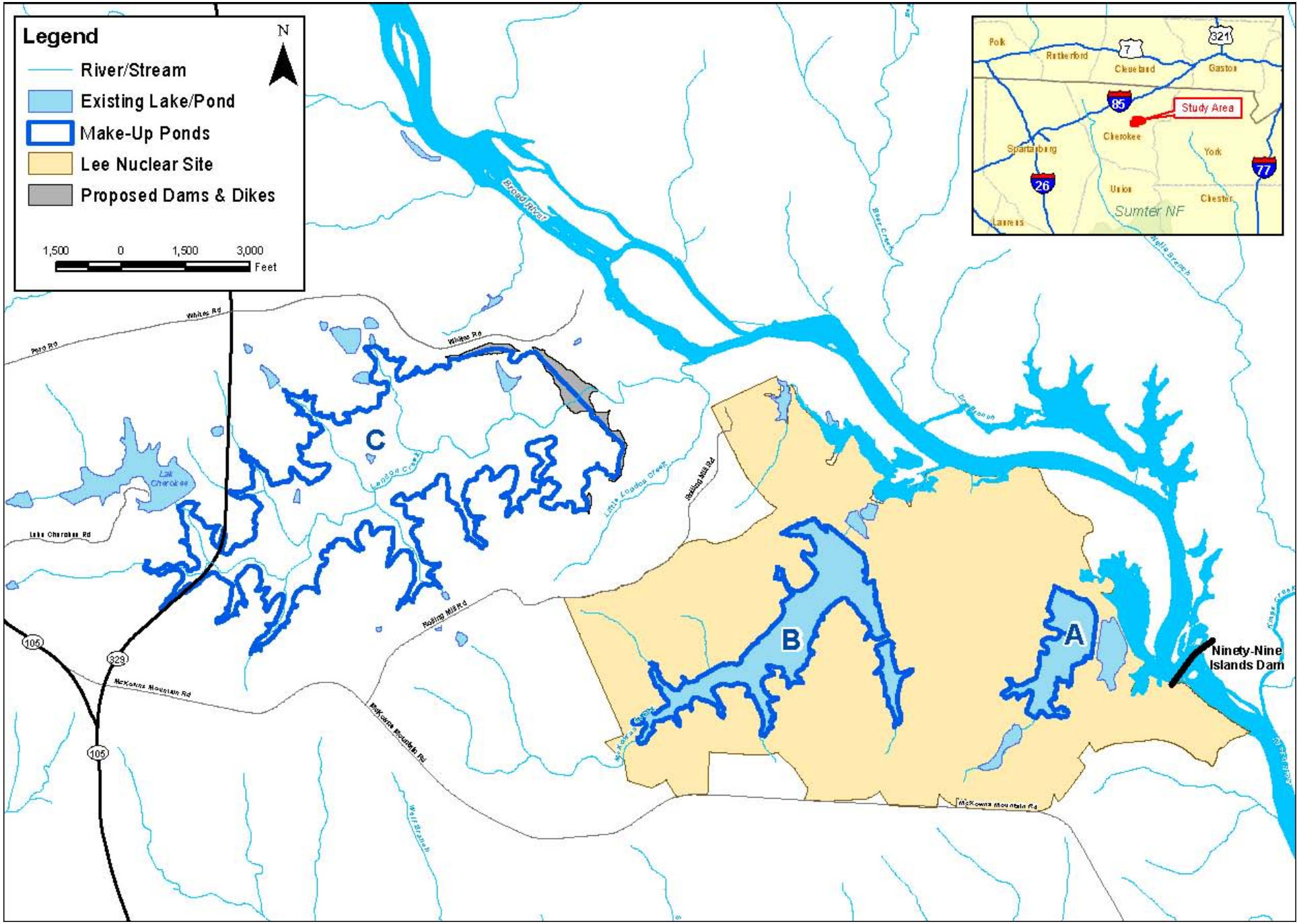
Legend
N
River/Stream
Existing Lake/Pond
Make-Up Ponds
Lee Nuclear Site
Proposed Dams & Dikes
1,500 0 1,500 3,000
Feet
Broad River
Bear Creek
Little London Creek
London Creek
Lake Cherokee
Lake Cherokee Rd
Whites Rd
Polo Rd
Rolling Mill Rd
McKowns Mountain Rd
Wolf Branch
McKowns Creek
Kings Creek
Ninety-Nine Islands Dam
A
B
C
Polk
Rutherford
Cleveland
Gaston
Cherokee
Spartanburg
York
Union
Chester
Laurens
Sumter NF
Study Area
321
7
85
26
77
105
329

Enclosure 1

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