

December 12, 2011

Mr. Reid Nelson, Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 803  
Old Post Office Building  
Washington, DC 20004

SUBJECT: NOTIFICATION OF THE ISSUANCE OF THE DRAFT ENVIRONMENTAL  
IMPACT STATEMENT FOR THE WILLIAM STATES LEE III NUCLEAR  
STATION, UNITS 1 AND 2 COMBINED LICENSES APPLICATION REVIEW

Dear Mr. Nelson:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Duke Energy Carolinas, LLC (Duke) for combined licenses (COL) for construction and operation of two new nuclear units at its William States Lee III Nuclear Station, Units 1 and 2 (Lee Nuclear Station) site in Cherokee County, South Carolina. As part of its review of the proposed action, the NRC staff has prepared a draft environmental impact statement (EIS). The U.S. Army Corps of Engineers, Charleston District (USACE), is a cooperating agency on the draft EIS. The draft EIS includes analyses of relevant environmental issues, including potential impacts and effects on historic properties, and documents the NRC staff's determination regarding the suitability of the proposed site for the construction and operation of two new nuclear units.

Through this letter, the NRC and USACE staff are forwarding the draft EIS for your review and comment. The draft EIS is also available through the NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html> at accession number ML1134300194. In addition, the draft EIS can be found online at the NRC's Lee Nuclear Station specific webpage at <http://www.nrc.gov/reactors/new-reactors/col/lee/documents/nrc-2011.html>.

Pursuant to Chapter 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c), we are requesting your comments on the draft EIS and on our preliminary conclusions regarding historic properties. We will address your comments in the final EIS, thus completing consultation under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) with the Advisory Council on Historic Preservation regarding the Lee Nuclear Station COLs application.

By letters dated April 9, 2008 (ML080840472) and May 24, 2010 (ML093560024), the NRC staff has previously notified you that, in accordance with 36 CFR 800.8(c), the NRC is using the National Environmental Policy Act of 1969, as amended (NEPA), process to comply with the obligations imposed under Section 106 of the NHPA, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The NRC staff also contacted eight Federally recognized Indian tribes to request information regarding historic, cultural, and archaeological resources potentially

affected by the proposed Lee Nuclear Station project. The Catawba Indian Nation and Eastern Band of Cherokee Indians expressed interest in the Lee Nuclear Station environmental review and NRC staff has maintained communication with these two tribes.

The NRC and USACE review team conducted an environmental audit at the Lee Nuclear Station site and reviewed information for cultural resources and historic properties within both the direct and indirect areas of potential effect (APE), as documented in reports prepared by Duke for the COL action. The results of the NRC staff's review, including conclusions regarding the presence of cultural resources and historic properties within the APEs and the potential effects of the COL action on historic properties, are documented in this draft EIS. Chapter 2 describes historic properties and cultural resources located within the direct and indirect APEs for the Lee Nuclear Station site, the Make-Up Pond C site, the transmission-line corridors, and the railroad-spur corridor. Chapter 4 discusses impacts to cultural resources during pre-construction and NRC-authorized construction, and Chapter 5 discusses impacts during operation of the proposed Lee Nuclear Station. Chapter 7 addresses cumulative impacts to historic properties and cultural resources in the vicinity of the Lee Nuclear Station APEs.

The NRC has concluded that upon implementation of the proposed Memorandum of Agreement (MOA) currently being finalized between Duke, the South Carolina State Historic Preservation Office (SCSHPO), USACE, the Eastern Band of Cherokee Indians, and the Catawba Indian Nation, impacts to historic properties and cultural resources at the Lee Nuclear Station site and associated facilities would be minimal. Implementation of the MOA would include protection of known historic properties and cultural resources, investigations prior to ground-disturbing activities, and procedures for inadvertent cultural resources discoveries. Inundation of Make-Up Pond C would require the relocation of the Service Family cemetery, which Duke has stated it would undertake in consultation with the SCSHPO, in accordance with South Carolina law, and in cooperation with descendants.

The NRC and USACE staff plan to hold two public meetings to discuss the analyses and results in the draft EIS on Thursday, January 19, 2012, at Restoration Church International, 1905 North Limestone Street, Gaffney, South Carolina 29340. The first meeting will convene at 1:00 p.m. and will continue until 4:00 p.m., as necessary. The second meeting will convene at 7:00 p.m., with a repeat of the overview portions of the first meeting, and will continue until 10:00 p.m., as necessary. The meetings will be transcribed and will include: (1) a presentation of the contents of the draft EIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC and USACE staff will host informal discussions one hour before the start of each meeting during which members of the public may meet and talk with NRC and USACE staff on an informal basis. You and your staff are invited to attend.

Please provide any information, comments, or concerns you feel are appropriate on the draft EIS during the comment period, which ends on March 6, 2012. Comments can be submitted: (1) by mail to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; (2) via e-mail to [Lee.COLEIS@nrc.gov](mailto:Lee.COLEIS@nrc.gov); or (3) in person during the public meetings.

R. Nelson

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If you have any questions or require additional information, please contact Ms. Sarah Lopas, Environmental Project Manager, by phone at 301-415-1147 or via e-mail to Sarah.Lopas@nrc.gov.

Sincerely,

*/RA/*

William F. Burton, Chief  
Environmental Projects Branch 1  
Division of New Reactor Licensing  
Office of New Reactors

Docket Nos.: 52-018 and 52-019

Enclosure:  
As stated

cc w/o enclosure: See next page

R. Nelson

- 2 -

If you have any questions or require additional information, please contact Ms. Sarah Lopas, Environmental Project Manager, by phone at 301-415-1147 or via e-mail to Sarah.Lopas@nrc.gov.

Sincerely,

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Docket Nos.: 52-018 and 52-019

Enclosure:  
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Accession No.: ML11332A003

\*via email

NRO-002

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