

December 12, 2011

Dr. Wenonah G. Haire
Tribal Historic Preservation Officer
Catawba Indian Nation
1536 Tom Steven Road
Rock Hill, SC 29730

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 Dr. Haire:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by Duke Energy Carolinas, LLC (Duke) for combined licenses (COL) for construction and operation of two new nuclear power units, William States Lee III Nuclear Station Units 1 and 2, at its 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 is 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 ML11332A104. 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>.

In letters dated April 9, 2008 (ML080840506) and May 24, 2010 (ML101200150), the NRC described the proposed action and invited your tribe to provide any comments or identify any concerns or issues related to the licensing action that should be addressed in the draft EIS. These scoping letters also indicated that, in accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c), the NRC staff is using the process required by the National Environmental Policy Act for the preparation of the EIS to comply with the obligations imposed under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

In letters dated June 11, 2008 (ML081750079) and February 19, 2009 (ML090840061) the Catawba Indian Nation indicated interest in the Section 106 review of the Lee Nuclear Station COL application, however they had no immediate concerns with regard to traditional cultural properties, sacred sites, or Native American archaeological sites within the boundaries of the proposed Lee Nuclear Station project area. In a follow-up letter dated July 22, 2010 (ML102110494), the Catawba Indian Nation requested to be consulted during any ground-disturbing activities for the proposed project. By letter dated March 14, 2011 (ML103000023), the NRC provided copies of cultural resource surveys provided by Duke in support of its COL application to the Catawba Indian Nation.

We understand that the Catawba Indian Nation, along with the Eastern Band of Cherokee Indians, will be a signatory on a combined Memorandum of Agreement (MOA) and Cultural Resources Management Plan for the proposed Lee Nuclear Station between USACE, Duke, and the South Carolina State Historic Preservation Office. 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, including notification of signatories.

Through this letter, the NRC and USACE staff are forwarding the draft EIS to you for your review and comment. 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. We will address your comments in the final EIS, thus completing consultation under Section 106 of the NHPA for the Lee Nuclear Station COL application.

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.COLAEIS@nrc.gov; or (3) in person during the public meetings.

W. Haire

- 3 -

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

Sincerely,

/RA/

William 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: See next page

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

Sincerely,

/RA/

William Burton, Chief
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Docket Nos.: 52-018 and 52-019

Enclosure:
As stated

cc: See next page

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Accession No.: ML11332A005

*via email

NRO-002

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