

December 12, 2011

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

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. Townsend:

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 Document 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 (ML080840513) and May 24, 2010 (ML101200371), 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.

By letter dated November 20, 2008 (ML083370297), the Eastern Band of Cherokee Indians requested copies of all related archaeological, cultural resources and historical investigatory materials. Duke informed the NRC staff that they had been providing copies of their cultural resource surveys for your review. In a recent letter dated September 13, 2011, the Eastern Band of Cherokee Indians Tribal Historical Preservation Officer (THPO) indicated that they concurred with the South Carolina State Historic Preservation Office's (SCSHPO) recommendation that no sites eligible for inclusion on the National Register of Historic Places were encountered in the Areas of Potential Effects (APE) for the proposed project. As such, the Eastern Band of Cherokee Indians THPO concluded that no cultural resources important to the Cherokee people should be affected by the proposed project.

We understand that the Eastern Band of Cherokee Indians, along with the Catawba Indian Nation, 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) by e-mail to Lee.COLAEIS@nrc.gov; or (3) in person during the public meetings.

R. Townsend

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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 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 via e-mail to Sarah.Lopas@nrc.gov.

Sincerely,

/RA/

William Burton, Chief
Environmental Projects Branch 1
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Docket Nos.: 52-018 and 52-019

Enclosure:
As stated

cc: See next page

Tyler B. Howe, Tribal Historic Preservation Specialist

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Accession No.: ML11332A1006

*via email

NRO-002

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