

March 15, 2016

Mr. Thomas D. McCoy, Field Supervisor
U.S. Department of the Interior
U.S. Fish and Wildlife Service
176 Croghan Spur Road, Suite 200
Charleston, SC 29407

SUBJECT: REQUEST FOR CONCURRENCE REGARDING POTENTIAL IMPACTS TO
FEDERALLY PROTECTED TRUST RESOURCES RESULTING FROM THE
WILLIAM STATES LEE III NUCLEAR STATION, UNITS 1 AND 2 COMBINED
LICENSES APPLICATION ENVIRONMENTAL REVIEW

Dear Mr. McCoy:

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 reactors, William States Lee III Nuclear Station, Units 1 and 2 (Lee) in Cherokee County, South Carolina. As part of its review of the proposed action, the NRC staff prepared a final environmental impact statement (EIS) (NUREG-2111), which was published in December 2013. The final EIS is available through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Nos. ML13340A005, ML13340A006, and ML13340A007. The final EIS may also be accessed online at www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2111/. The U.S. Army Corps of Engineers (USACE), Charleston District, participated with the NRC as part of the review team for the purpose of completing the final EIS.

Duke plans to construct and operate two new nuclear units to provide additional baseload electric generating capacity. The Lee site is on the former Cherokee Nuclear Station site. If granted by the NRC, the COLs would authorize construction activities on the Lee site. As discussed in the final EIS, the USACE permit area includes the Lee site in addition to the Make-Up Pond C area, railroad-spur corridor, and associated offsite transmission-line corridors.

The NRC staff first initiated consultation with the U.S. Department of the Interior, Fish and Wildlife Service (FWS) as required by the Endangered Species Act of 1973 (ESA) and the Fish and Wildlife Coordination Act (FWCA) by letter dated April 9, 2008 (ADAMS Accession No. ML080840475). In a letter dated May 13, 2008, FWS provided a list of rare, threatened, or endangered species that are known to occur in Anderson, Cherokee, Oconee, Union, and York counties (ADAMS Accession No. ML081430228). In a separate letter dated May 21, 2008, FWS provided comments on the scope of the Lee environmental review (ADAMS Accession No. ML081540399). The NRC staff requested FWS participation in the supplemental scoping process for Make-Up Pond C on May 24, 2010 (ADAMS Accession No. ML093580019). To ensure compliance with Section 7 of the ESA and fulfill consultation requirements as required by the FWCA, the NRC staff requested any information and comments on the draft EIS under the provisions of the ESA or FWCA on December 12, 2011 (ADAMS Accession No. ML11332A001). FWS provided comments on the draft EIS on March 5, 2012 (ADAMS Accession No. ML12083A064).

The FWS provided comments to the USACE and South Carolina Department of Health and Environmental Control in a letter dated March 6, 2012 (ML13317B884), and concurred with the USACE's determination "that the proposed project is not likely to adversely affect any Federally endangered, threatened or proposed species nor result in any adverse modifications to designated or proposed critical habitat". In a letter dated June 13, 2012 (ML12221A475), FWS concurred with the NRC's determination "that the proposed project [including Makeup Pond C] may effect but is not likely to adversely affect any Federally endangered, threatened, or proposed species nor result in adverse modification to designated or proposed critical habitat".

On April 2, 2015, FWS published in the Federal Register (80 FR 17974) a final rule for listing the northern long-eared bat (*Myotis septentrionalis*) as threatened under the ESA. In a letter dated October 19, 2015, Duke submitted to the NRC docket the results of the Bat Acoustic Monitoring Report – Summer 2015 (ML15294A123), which documents the results of the bat survey conducted at the Lee Nuclear Station and Make-Up Pond C sites during June 2015. The survey was conducted by Energy Renewal Partners, LLC, on behalf of Duke, in accordance with the Bat Acoustic Survey Study Plan approved by FWS in a letter dated May 20, 2015 (ML15294A105). The survey results identified no acoustic bat calls to indicate the presence of the northern long-eared bat or other Federally or State-protected bat species at the Lee Nuclear Station or Make-Up Pond C sites.

FWS issued a concurrence letter to the USACE (ML15341A325) dated August 25, 2015, in which FWS concurred with the USACE's determination of may effect but is not likely to adversely affect any Federally endangered, threatened, or proposed species nor result in adverse modifications to designated or proposed critical habitat. As a supplement to the concurrence that FWS has previously provided on effects to other Federally listed species and pursuant to Section 7 of the ESA, the NRC staff requests that FWS provide a similar concurrence letter to NRC confirming that NRC-authorized activities of the proposed project may affect but are not likely to adversely affect the northern long-eared bat.

If you have any questions regarding this matter, please contact the NRC environmental project manager, Patricia Vokoun, at 301-415-3470, or via e-mail to Patricia.Vokoun@nrc.gov.

Sincerely,
/RA/

Jennifer Dixon-Herrity, Chief
Environmental Projects Branch
Division of New Reactor Licensing
Office of New Reactors

Docket Nos.: 52-018 and 52-019

cc: See next page

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ADAMS Accession No: ML15337A529

***via email**

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