



SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 10, 2016

The Honorable Patrick H. Lambert  
Principal Chief  
Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
88 Council House Loop-Qualla Boundary  
P.O. Box 455  
Cherokee, NC 28719

Dear Chief Lambert:

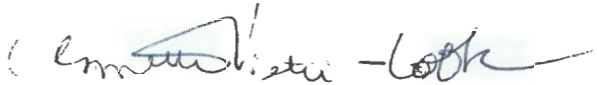
I am writing to notify you that the Commission is convening an evidentiary hearing on October 5, 2016, associated with the application for combined licenses to authorize construction and operation of two units (Units 1 and 2) at the William States Lee III Nuclear Station site in Cherokee County, South Carolina. Enclosed is a Notice of Hearing regarding the mandatory hearing that has been sent to the Office of the Federal Register for publication.

The Commission's procedures allow any interested State, local government body, or Federally-recognized Indian tribe to file with the Commission a statement of any issues or questions that the State, local government body, or Indian tribe wishes the Commission to consider as part of the mandatory hearing. Written statements from interested governmental or Tribal participants are due by August 25, 2016.

As provided in the enclosed Notice of Hearing, written statements and supporting documentation (if any) should be submitted to the Commission using the agency's E-filing system. If practicable, we request that written statements be filed by use of the Electronic Information Exchange (EIE). If your staff does not already have a digital certificate for EIE, they will need to visit the NRC website and use the following hyperlink <https://pki.nrc.gov/ecs/apps/eie/dcc-eie-adj.html>, titled "External Credential Service for the Electronic Submittals – Adjudicatory." If your staff requires assistance in navigating the agency's E-filing system, they should contact the NRC's Electronic Submittals Help Desk by email at [Meta\\_System\\_Help\\_Desk.Resource@nrc.gov](mailto:Meta_System_Help_Desk.Resource@nrc.gov) or by telephone toll free at (866) 672-7640 from 9:00 a.m. to 7:00 p.m. Eastern Time, Monday through Friday, with the exception of government holidays. Participants who are unable to use the EIE, or who will have difficulty complying with the EIE requirements in the time frame provided, may submit their statements by electronic mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In addition, the staff has recently provided the Commission a paper regarding this matter entitled "SECY-16-0094, Staff Statement in Support of the Uncontested Hearing for Issuance of Combined Licenses for the William States Lee III Nuclear Station Units 1 and 2 (Docket Nos. 52-018 and 52-019)," dated August 8, 2016. The paper may be found on the NRC public website at <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2016/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook". The signature is written in a cursive style with a long horizontal stroke at the end.

Annette L. Vietti-Cook, *Pres*  
Secretary of the Commission

Enclosure: *of Nations*  
Notice of Hearing *Federal Register* Notice

**Identical letter sent to:**

The Honorable Patrick H. Lambert  
Principal Chief  
Eastern Band of Cherokee Indians  
Tribal Historic Preservation Office  
88 Council House Loop-Qualla Boundary  
P.O. Box 455  
Cherokee, NC 28719

The Honorable Glenna J. Wallace  
Chief  
Eastern Shawnee Tribe of Oklahoma  
12755 South 705 Road  
Wyandotte, OK 74370

The Honorable William Harris,  
Chief  
Catawba Indian Nation  
996 Avenue of Nations  
Rock Hill, NC 29730

The Honorable James E. Billie  
Chairman  
Seminole Tribe of Florida  
6300 Stirling Road  
Hollywood, FL 33024

The Honorable James Floyd  
Chief  
The Muscogee (Creek) Nation  
P.O. Box 580  
Okmulgee, OK 74447

Ms. Corain Lowe-Zepeda  
Tribal Historic Preservation Officer  
The Muscogee (Creek) Nation  
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Dr. Wenonah G. Haire  
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Ms. Caitlin Totherow  
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Dr. Paul Backhouse  
Tribal Historic Preservation Officer  
Seminole Tribe of Florida  
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Mr. Tyler Howe  
Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
PO Box 455  
Cherokee, NC 28719

Ms. Robin Dushane  
Tribal Historic Preservation Officer  
Eastern Shawnee Tribe of Oklahoma  
12705 E. 705 Road  
Wyandotte, OK 74370



**NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 52-018 and 52-019; NRC-2008-0170]**

**Duke Energy Carolinas, LLC; William States Lee III Nuclear Station, Units 1 and 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Combined license application; hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding the application of Duke Energy Carolinas, LLC (DEC) for combined licenses (COLs) to construct and operate two units (Units 1 and 2) in Cherokee County, South Carolina. This mandatory hearing will concern safety and environmental matters relating to the requested COLs.

**DATES:** The hearing will be held on October 5, 2016, beginning at 9:00 a.m. Eastern Daylight Time. For the schedule for submitting pre-filed documents and deadlines affecting Interested Government Participants, see Section VI of the **SUPPLEMENTARY INFORMATION** section of this document.

**ADDRESSES:** Please refer to Docket ID 52-018 and 52-019 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available

information related to this document using any of the following methods:

- **NRC's Electronic Hearing Docket:** You may obtain publicly available documents related to this hearing online at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html>.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**  
You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Denise McGovern, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-0681; e-mail: [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Commission hereby gives notice that, pursuant to Section 189a of the Atomic Energy Act of 1954, as amended (the Act), it will convene an evidentiary session to receive testimony and exhibits in the uncontested portion of this proceeding regarding DEC's December 12, 2007, application for COLs under part 52 of title 10 of the *Code of Federal Regulations*



(10 CFR), to construct and operate two new units (Units 1 and 2) in Cherokee County, South Carolina (<http://www.nrc.gov/reactors/new-reactors/col/lee/documents.html#application>). This mandatory hearing will concern safety and environmental matters relating to the requested COLs, as more fully described below. Participants in the hearing are not to address any contested issues in their written filings or oral presentations.

## **II. Evidentiary Uncontested Hearing**

The Commission will conduct this hearing beginning at 9:00 a.m., Eastern Daylight Time on October 5, 2016, at the Commission's headquarters in Rockville, Maryland. The hearing on these issues will continue on subsequent days, if necessary.

## **III. Presiding Officer**

The Commission is the presiding officer for this proceeding.

## **IV. Matters to be Considered**

The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings found in 10 CFR 52.97 and 10 CFR 51.107. Those findings that must be made for each COL are as follows:

### **Issues Pursuant to the Atomic Energy Act of 1954, as Amended**

The Commission will determine whether 1) the applicable standards and requirements of the Act and the Commission's regulations have been met; 2) any required notifications to other agencies or bodies have been duly made; 3) there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of the Act, and the Commission's regulations; 4) the applicant is technically and financially qualified to engage in

the activities authorized; and 5) issuance of the license will not be inimical to the common defense and security or the health and safety of the public.

#### **Issues Pursuant to the National Environmental Policy Act (NEPA) of 1969, as Amended**

The Commission will 1) determine whether the requirements of Sections 102(2) (A), (C), and (E) of NEPA and the applicable regulations in 10 CFR part 51 have been met; 2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; 3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, whether the combined licenses should be issued, denied, or appropriately conditioned to protect environmental values; and 4) determine whether the NEPA review conducted by the NRC staff has been adequate.

#### **V. Schedule for Submittal of Pre-filed Documents**

No later than September 14, 2016, unless the Commission directs otherwise, the staff and the applicant each shall submit a list of its anticipated witnesses for the hearing.

No later than September 14, 2016, unless the Commission directs otherwise, the applicant shall submit its pre-filed written testimony. The staff previously submitted its testimony on August 8, 2016.

The Commission may issue written questions to the applicant or the staff before the hearing. If such questions are issued, an order containing such questions will be issued no later than September 1, 2016. Responses to such questions are due September 14, 2016, unless the Commission directs otherwise.

#### **VI. Interested Government Participants**



No later than August 25, 2016, any interested State, local government body, or Federally recognized Indian Tribe may file with the Commission a statement of any issues or questions to which the State, local government body, or Indian Tribe wishes the Commission to give particular attention as part of the uncontested hearing process. Such statement may be accompanied by any supporting documentation that the State, local government body, or Indian Tribe sees fit to provide. Any statements and supporting documentation (if any) received by the Commission using the agency's E-filing system<sup>1</sup> by the deadline indicated above will be made part of the record of the proceeding. The Commission will use such statements and documents as appropriate to inform its pre-hearing questions to the Staff and applicant, its inquiries at the oral hearing and its decision following the hearing. The Commission may also request, prior to September 21, 2016, that one or more particular States, local government bodies, or Indian Tribes send one representative each to the evidentiary hearing to answer Commission questions and/or make a statement for the purpose of assisting the Commission's exploration of one or more of the issues raised by the State, local government body, or Indian Tribe in the pre-hearing filings described above. The decision whether to request the presence of a representative of a State, local government body, or Indian Tribe at the evidentiary hearing to make a statement and/or answer Commission questions is solely at the Commission's discretion. The Commission's request will specify the issue or issues that the representative should be prepared to address.

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<sup>1</sup> The process for accessing and using the agency's E-filing system is described in the April 28, 2008, notice of hearing that was issued by the Commission for this proceeding. See Duke Energy; Notice of Hearing and Opportunity To Petition for Leave to Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for the William States Lee III Units 1 and 2, 73 FR 22978. Participants who are unable to use the electronic information exchange (EIE), or who will have difficulty complying with EIE requirements in the time frame provided for submission of written statements, may provide their statements by electronic mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).



States, local governments, or Indian Tribes should be aware that this evidentiary hearing is separate and distinct from the NRC's contested hearing process. Issues within the scope of contentions that have been admitted or contested issues pending before the Atomic Safety and Licensing Board or the Commission in a contested proceeding for a COL application are outside the scope of the uncontested proceeding for that COL application. In addition, although States, local governments, or Indian Tribes participating as described above may take any position they wish, or no position at all, with respect to issues regarding the COL application or the NRC staff's associated environmental review that do fall within the scope of the uncontested proceeding (i.e., issues that are not within the scope of admitted contentions or pending contested issues), they should be aware that many of the procedures and rights applicable to the NRC's contested hearing process due to the inherently adversarial nature of such proceedings are not available with respect to this uncontested hearing. Participation in the NRC's contested hearing process is governed by 10 CFR 2.309 (for persons or entities, including States, local governments, or Indian Tribes, seeking to file contentions of their own) and 10 CFR 2.315(c) (for interested States, local governments, and Indian Tribes seeking to participate with respect to contentions filed by others). Participation in this uncontested hearing does not affect the right of a State, local government, or Indian Tribe to participate in the separate contested hearing process.

Dated at Rockville, Maryland, this 10<sup>th</sup> day of August, 2016.

For the Nuclear Regulatory Commission.



Annette L. Vietti-Cook,  
Secretary of the Commission.