

LeeCOLAEISComments Resource

From: Dobrasko, Rebekah [Dobrasko@SCDAH.STATE.SC.US]
Sent: Friday, May 30, 2008 11:35 AM
To: Linda Tello
Cc: James Schaeffer; tjbowling@duke-energy.com; Idean@achp.gov; Philip Brandt; ellen.prendergast@pnl.gov; Sidebottom, Richard
Subject: Duke Energy's Lee Nuclear Plant, Cherokee County, SC

Ms. Tello,

This e-mail is just to follow up on a meeting held May 1, 2008 with Mr. Brandt of the NRC and Ms. Kennedy, the NRC's cultural resources consultant regarding the Lee Nuclear Station in Cherokee County, South Carolina. I had responded via e-mail to the NRC's scoping letter, which we received on April 11, regarding the combination of NEPA and the NHPA. The e-mail is below:

"Our office has received your letter of April 10, 2008 regarding the Nuclear Regulatory Commission's intent to combine the Section 106 of the National Historic Preservation Act review with the National Environmental Policy Act review. We have been in informal comments with Duke Energy and the NRC on this project for the past year, and we have reviewed and commented on several cultural resources surveys conducted to identify potential historic properties at the Lee Nuclear Plant site. Based on our conversations and the review of these documents, it is the opinion of our office that a programmatic agreement or some other type of formal agreement may be the best way to handle historic properties and cultural resources at the Lee Nuclear Plant site.

We understand that not all aspects of the construction and operation of the plant will be finalized at the time of the granting of the license. In our opinion, the agreement should include:

- The survey and historic property identification within additional Areas of Potential Effect (APE) as identified for discharge structures, transmission lines, roads, etc.
- Management of the property as well as future construction over the 40 year term of the license
- The handling of late discoveries and future consultation

We look forward to continuing to work with Duke Energy, the NRC, and all local interested parties on this project. For more information about potential consulting parties and the role of the SHPO, please visit our website at the address below."

There was some question about the SHPO's recommendation for a programmatic agreement to cover future work/potential effects at the site. Our recommendation is based on 36 CFR 800 "Protection of Historic Properties." Based on 36 CFR 800.14 (b)(1), the regulations specify that a programmatic agreement may be used when:

"Effects on historic properties cannot be fully determined prior to the approval of an undertaking" and when "nonfederal parties are delegated major decisionmaking responsibilities." Since the discharge structures, transmission lines, roads, etc. related to the construction of the Lee Nuclear Plant are not yet defined, and most likely will not be defined prior to the issuance of a COL, then it is the SHPO's opinion that any effects to historic properties cannot be determined prior to the undertaking. Also, Duke Energy will be responsible for the surveying and reporting aspects of this project, so in our opinion, a programmatic agreement between the NRC, the SHPO, Duke Energy, and any other interested parties, such as any Native American tribes, may be appropriate in this case.

If you have any additional questions, please let me know.

Thanks,

Rebekah Dobrasko
Review and Compliance Coordinator

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ATTENTION: The SHPO is reorienting the consultation process for our office under Section 106 of the National Historic Preservation Act and the SC Coastal Zone Management Act. For additional information on initiating project review and submitting required information, please visit our website at: <http://www.state.sc.us/scdah/hpSHPOreview.htm>.

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