



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



June 13, 2012

Chief, Rulemaking and Directives Branch
Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Sarah Lopas, Project Manager

Re: Comments on the Draft Environmental Impact Statement for Combined Licenses
For William States Lee III Nuclear Station Units 1 and 2, ER11/1166, Cherokee County,
South Carolina, FWS Log No. 2012-CPA-041

Dear Sir/Madam:

During a recent telephone conversation with Ms. Sarah Lopas, and other Nuclear Regulatory Commission (NRC) personnel, the U.S. Fish and Wildlife Service (Service) recognized that we failed to address a portion of your December 12, 2011, request. Your correspondence requested that the Service provide comments on the Draft Environmental Impact Statement (EIS) developed for the proposed nuclear station in Cherokee County, SC. In addition, NRC addressed impacts to species protected by the Endangered Species Act of 1973 (ESA). In response to your letter we provided substantial comments on the project but did not provide discourse on threatened and endangered species.

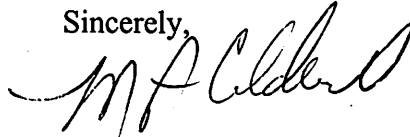
NRC determined that there were no federally listed species nor designated critical habitat at the William States Lee nuclear station construction site. Based upon this information and the Service's correspondence with Duke Energy regarding transmission and rail lines, NRC concluded the activities would have no effect upon species protected by the ESA. As such, section 7 consultation with the Service regarding the reactor site, transmission lines, and rail lines is not required. However, the NRC determined that creation of the proposed Make-Up Pond C is not likely to adversely affect federally listed species which triggers the need for a section 7 concurrence by the Service.


With this letter, the Service concurs with your determination that the proposed project is not likely to adversely affect federally endangered, threatened, or proposed species nor result in

adverse modification to designated or proposed critical habitat. Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts from this identified action may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

If you have any questions, or need further assistance, please contact Mr. Mark Caldwell at (843) 727-4707 ext. 215 and reference FWS Log No. 2012-CPA-0041.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Caldwell', written in a cursive style.

 Jay B. Herrington
Field Supervisor

JBH/MAC