APPENDIX A
AGENCY CONSULTATION LETTERS AND RESPONSES

NuStart Energy sm

June 30, 2006

Alabama Historical Commission
Ms. Elizabeth Brown, Interim Executive Director
468 South Perry Street
Montgomery, AL 36130

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Brown:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources.

The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

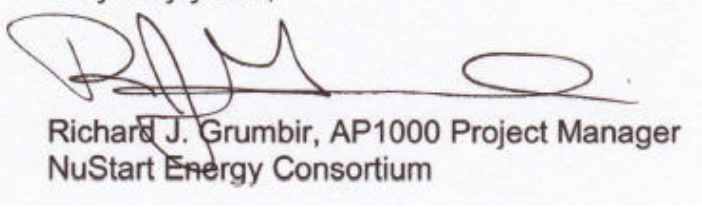
Previous archival record search, field verification, and prior discussions with the Alabama Historical Commission deduced that the only historical site of potential significance was the original town site of Bellefonte. All structures associated with the original Bellefonte town site, including the 1845 Tavern and Inn, have been removed since 1974 when it was initially determined that the town site was eligible for placement on the National Register of Historic Places. The former town site is on the north side of and adjacent to Jackson County Highway 33, between U.S. 72 and the project Bellefonte project site. The town site is not on TVA property, and the buildings were removed by the owners.

Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. We look forward to hearing from you at your earliest convenience.

Very truly yours,

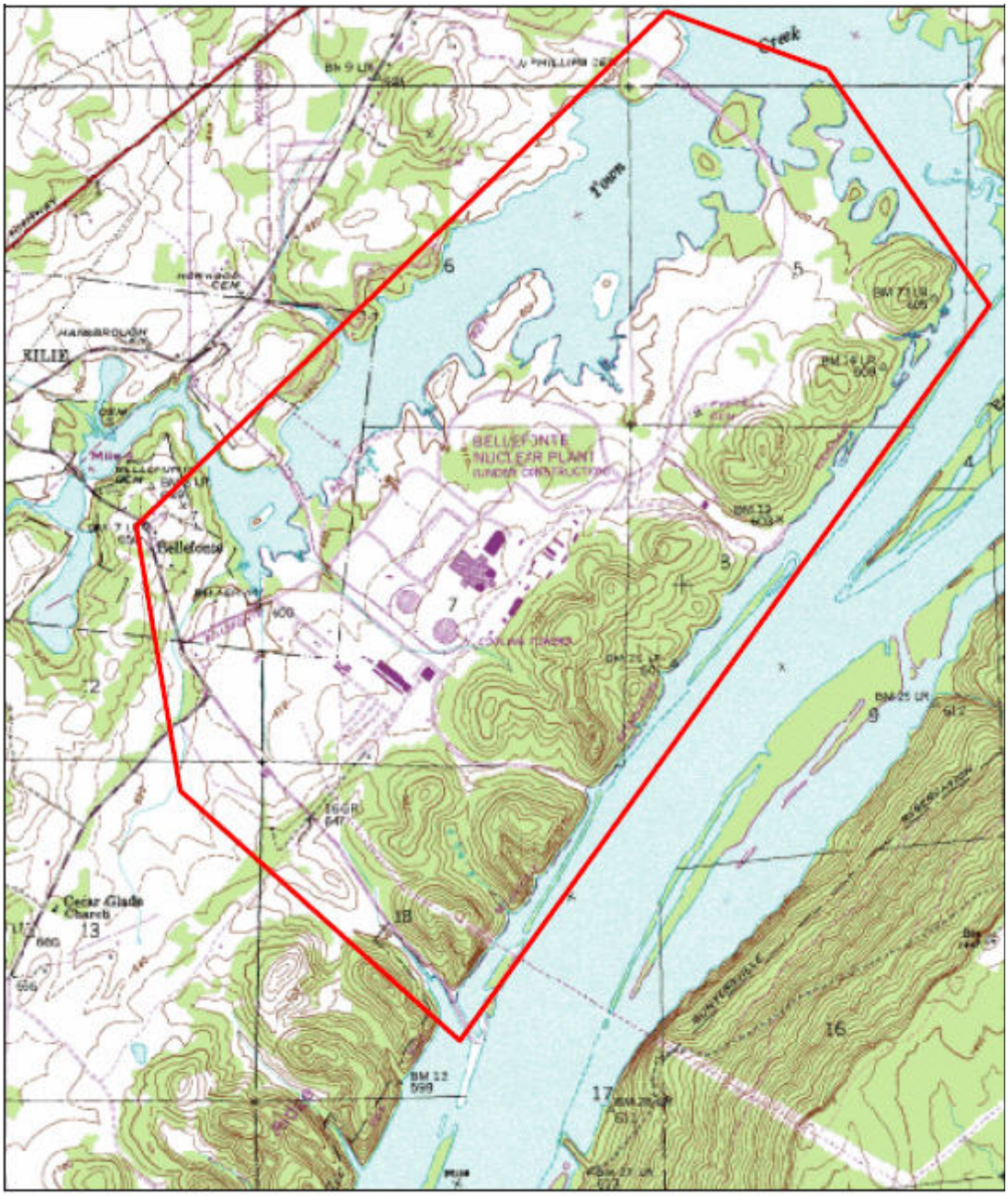


Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

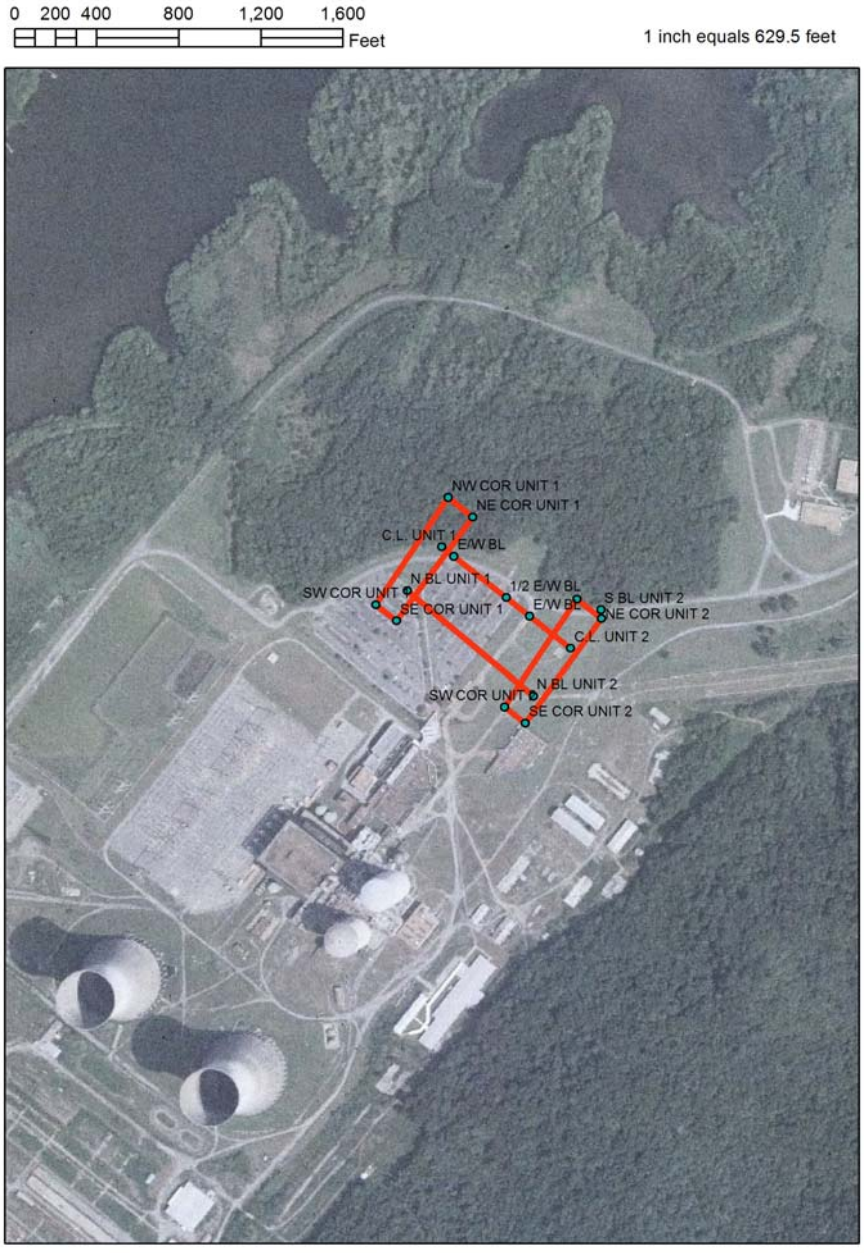
cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area; proposed new reactors outlined in red.



ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 17, 2006

Alabama Department of Conservation and Natural Resources
ATTN: Steve Smith
64 North Union Street, Suite 567
P.O. Box 301456
Montgomery, AL 36130-1456

Subject: TVA/NuStart Bellefonte Project
Request for Information on Threatened, Endangered, and Candidate Species and Habitats

Dear Mr. Smith:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local wildlife and habitat resources and work together to preserve any of these aspects.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte

site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on endangered, threatened and candidate species, and their associated habitats.

Prior research on this area indicates that there are nine different terrestrial plant and animal species that potentially occur within Jackson County, including the following:

COMMON NAME	SCIENTIFIC NAME	CONSERVATION STATUS
Mammals		
Gray myotis	*Myotis grisescens*	Endangered
Indiana myotis	*Myotis sodalis*	Endangered
Birds		
Bald eagle	*Haliaeetus leucocephalus*	Threatened
Insects		
Hine's emerald dragonfly	*Somatochlora hineana*	Endangered
Plants		
green pitcher plant	*Sarracenia oreophila*	Endangered
Morefield's leather-flower	*Clematis morefieldii*	Endangered
American hart's-tongue	*Phyllitis scolopendrium americana*	Threatened
Price's potato-bean	*Apios priceana*	Threatened
white fringeless orchid	*Platanthera integrilabia*	Candidate

No federally listed threatened or endangered plant species were known to occur on or within close proximity to the BNPP.

While *Myotis sp.* is not known to inhabit the site, they do roost in caves within 15 km of the site, and are likely to forage along the forested shorelines of Guntersville Reservoir. The bald eagle has been observed perching and foraging along the forested shorelines and in associated riparian habitats. The Hine's emerald dragonfly is considered extirpated in Alabama; only one specimen was historically collected within Jackson County in 1978.

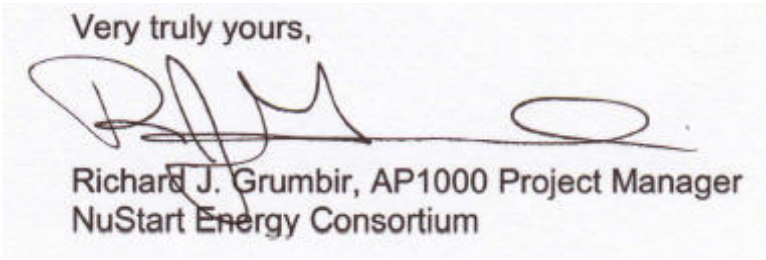
Please let us know if we should consider any other nearby wildlife, aquatic, or vegetative resources under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,



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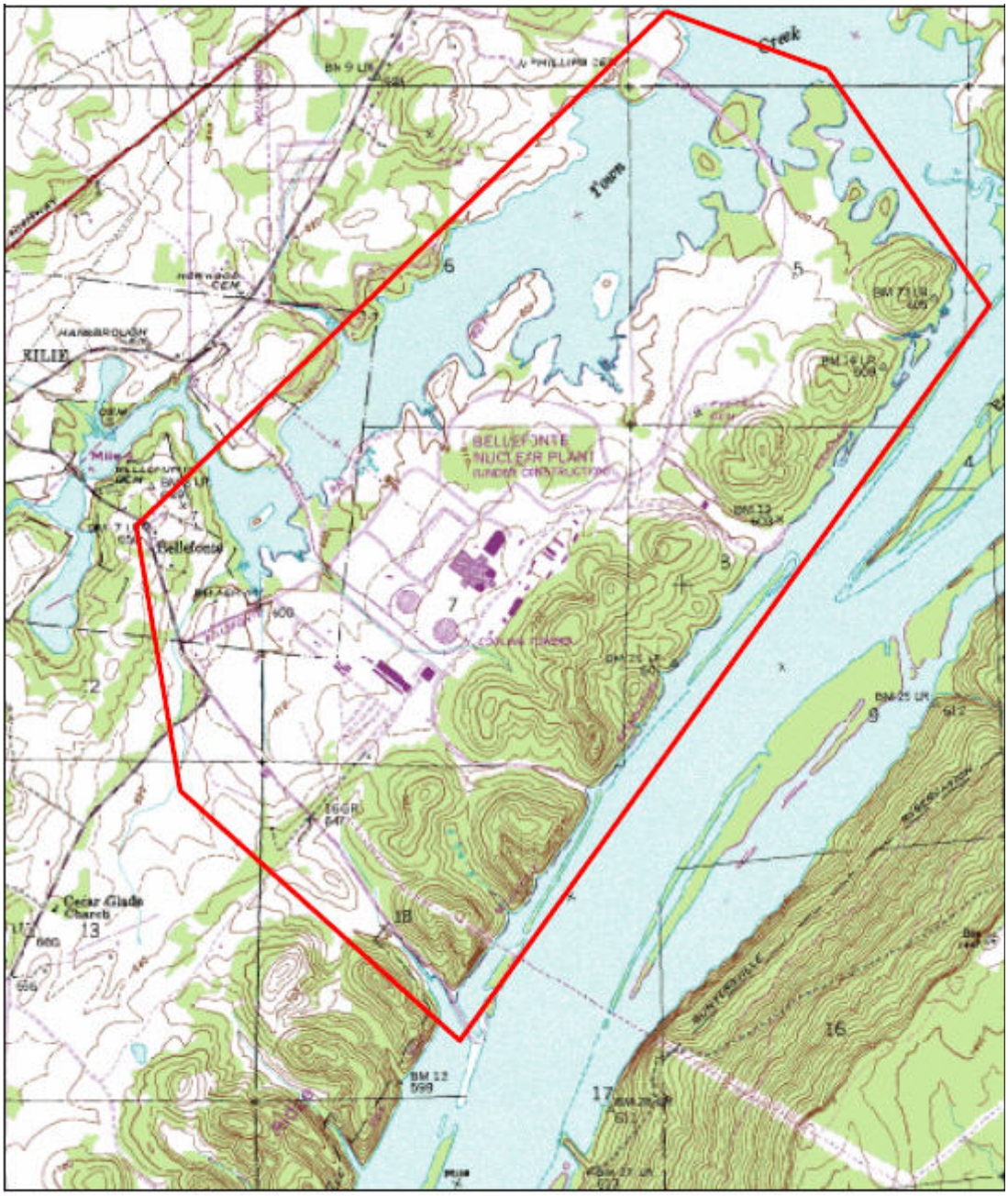

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 17, 2006

Alabama Department of Environmental Management
ATTN: Dan Cooper
1400 Coliseum Boulevard
P.O. Box 301463
Montgomery, AL 36130-1463

Subject: TVA/NuStart Bellefonte Project
Request for Information on Environmental Permits

Dear Mr. Cooper:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local environment and work together to preserve any critical aspects, and to accurately assess all permitting requirements.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are

forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits.

Our initial evaluation of the site and associated conditions indicates that the following permits are currently in place:

- Air - Minor Source Status granted June 24, 1996, by the Alabama Department of Environmental Management (ADEM).

- Toxics - There are no polychlorinated biphenyl (PCB) transformers on site; however, there are other PCB-containing items/equipment/articles on site but not in service. All PCB information is reported annually in the *PCB Annual Document Log.*

- Wastes - (Environmental Protection Agency Identification Number AL5640090002):
  - Hazardous - Small Quantity Generator.
  - Solid - Presently disposed of off site by contract at an ADEM-permitted facility.

- Wastewater (National Pollutant Discharge Elimination System [NPDES] Permit Number AL0024635) - Construction and permanent sewage currently routed to Hollywood Sewer System. Current NPDES permit expires on November 30, 2009.

- Water - Drinking water is purchased from the city of Hollywood, a community public water system regulated by the state.

All solid wastes are disposed offsite at permitted landfills, and sanitary wastewater is sent to a treatment plant operated by the City of Hollywood, Alabama.

Please let us know what, if any, modifications may be required to existing permits, and any new permits we should anticipated in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will follow up regarding this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

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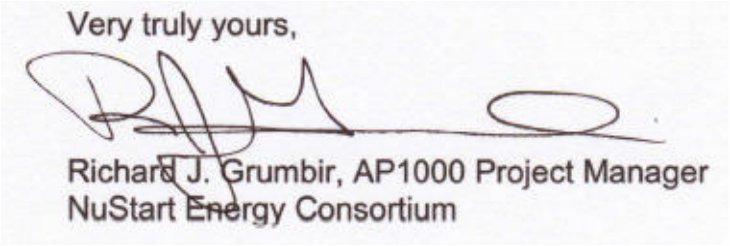

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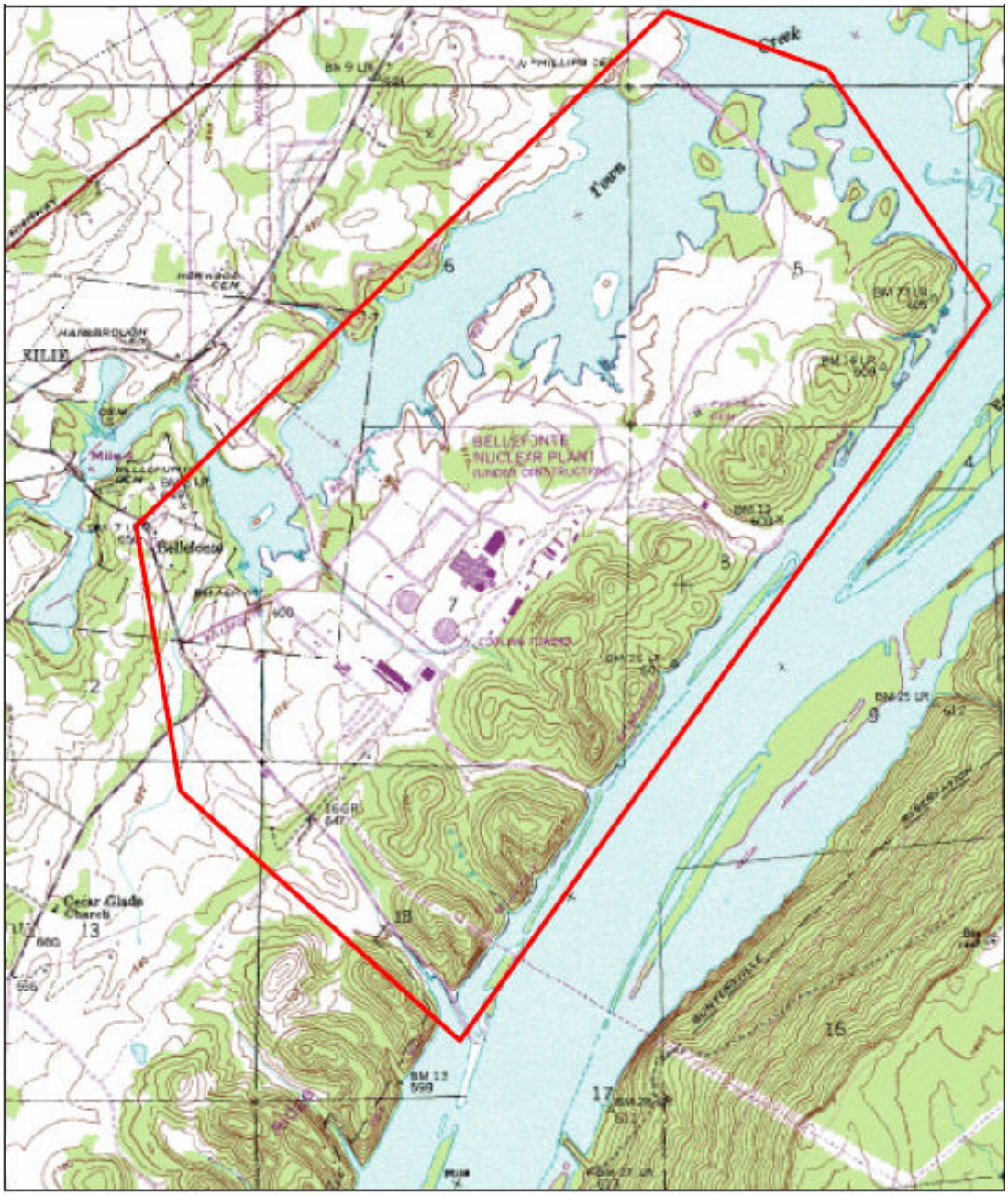

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 24, 2006

Ms. Cindy Samples, Chief
Cherokee Tribe of Northeast Alabama
P.O. Box 252
Douglas, Alabama 35964-0252

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Samples:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on

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The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

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Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

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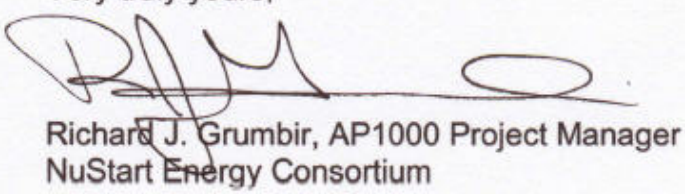

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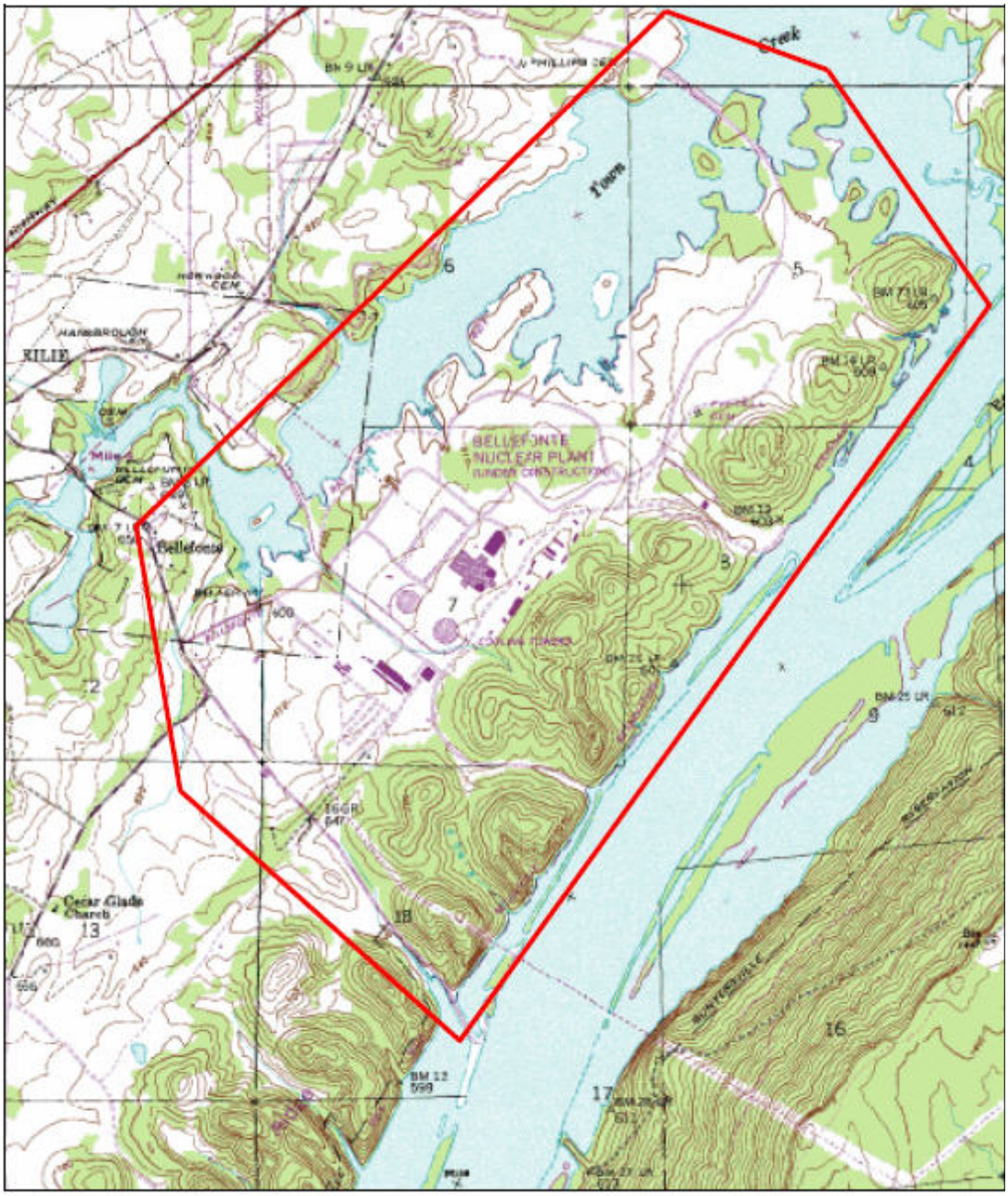

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NuStart Energy sm

July 24, 2006

Ms. Charlotte S. Hallmark, Chief
Echota Cherokee Tribe of Alabama
630 County Road 1281
Falkville, Alabama 35622-3346

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Hallmark:

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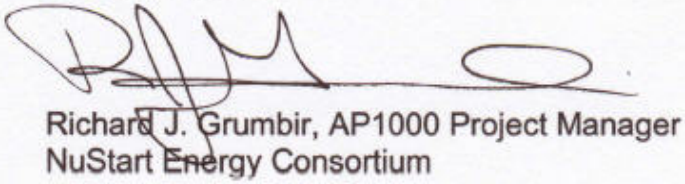
Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,



Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
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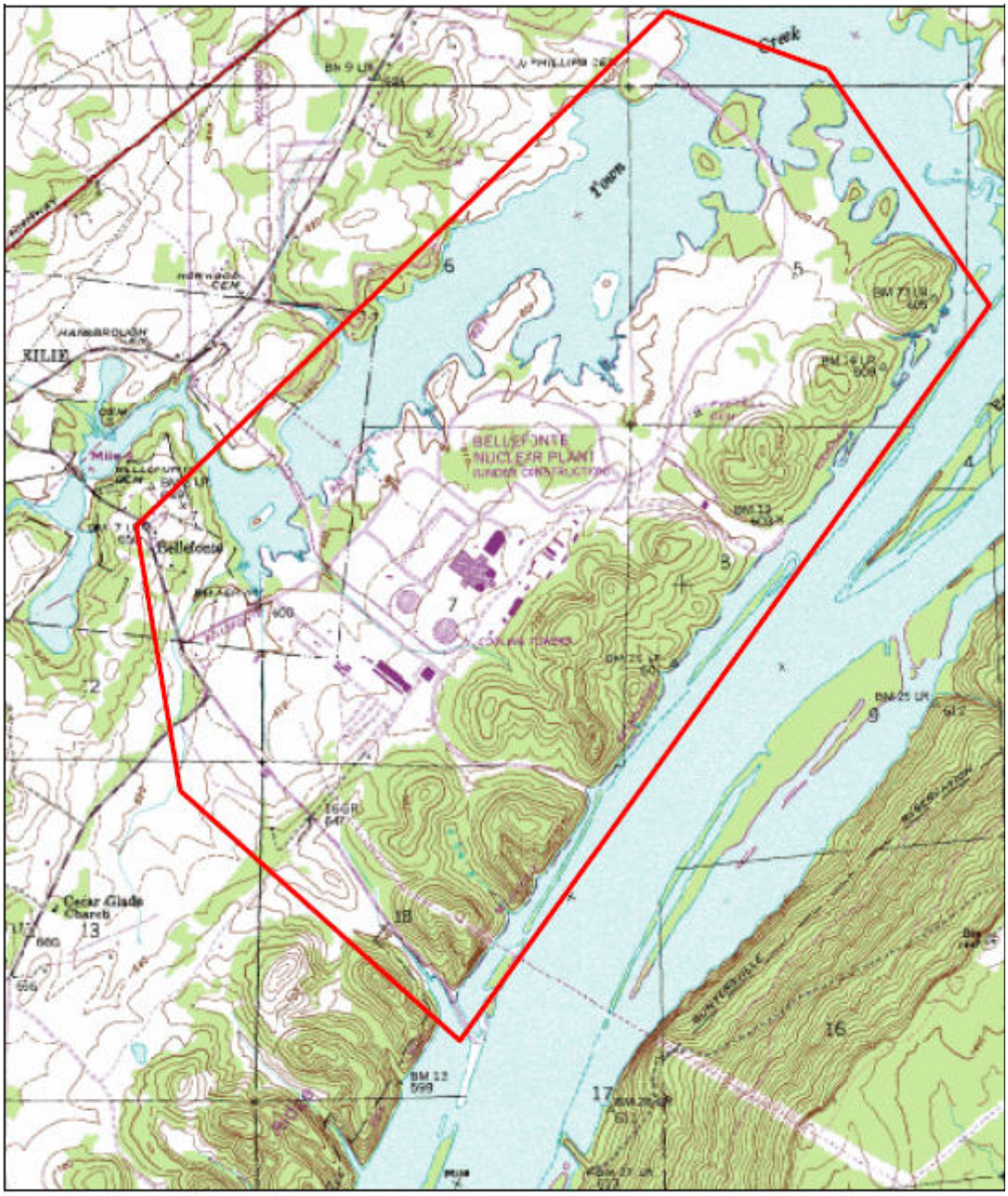

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 17, 2006

Environmental Protection Agency
Office of Environmental Accountability
ATTN: Mark Robertson, Federal Facilities Coordinator
Sam Nunn Atlanta Federal Center
61 Forsyth Street, South West
Atlanta, Georgia 30303-8960

Subject: TVA/NuStart Bellefonte Project
Request for Information on New Power Plant Impacts

Dear Mr. Robertson:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local environment and work together to preserve any critical aspects, and to accurately assess all permitting requirements.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits and mitigation measures that may be required.

Please let us know what potential resource impacts under your legal jurisdiction should be considered in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

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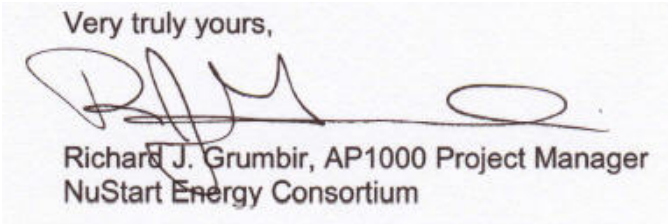

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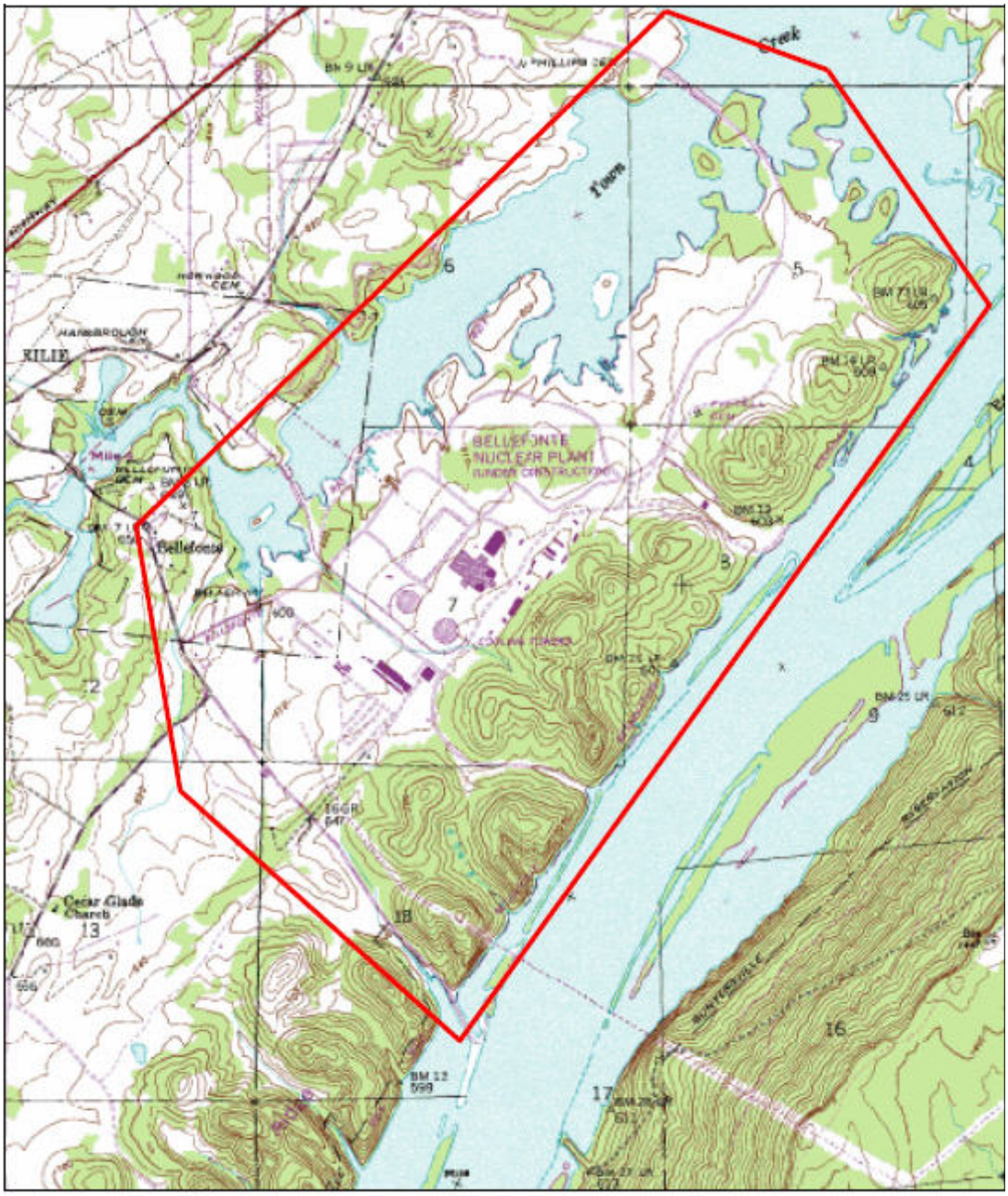

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NuStart Energy sm

July 24, 2006

Mr. Gary Hunt, Chief
Piqua Shawnee Tribe
3412 Wellford Circle
Birmingham, Alabama 35226

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Hunt:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects, including traditional cultural properties (TCP).

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties.

The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

Previous archival record search, field verification, and prior discussions with the Alabama Historical Commission deduced that the only historical site of potential significance was the original town site of Bellefonte. All structures associated with the original Bellefonte town site, including the 1845 Tavern and Inn, have been removed since 1974 when it was initially determined that the town site was eligible for placement on the National Register of Historic Places. The former town site is on the north side of and adjacent to Jackson County Highway 33, between U.S. 72 and the project Bellefonte project site. The town site is not on TVA property, and the buildings were removed by the owners.

Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to

ensure any potential questions or requests for additional information are adequately addressed.

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Richard J. Grumbir, AP1000 Project Manager
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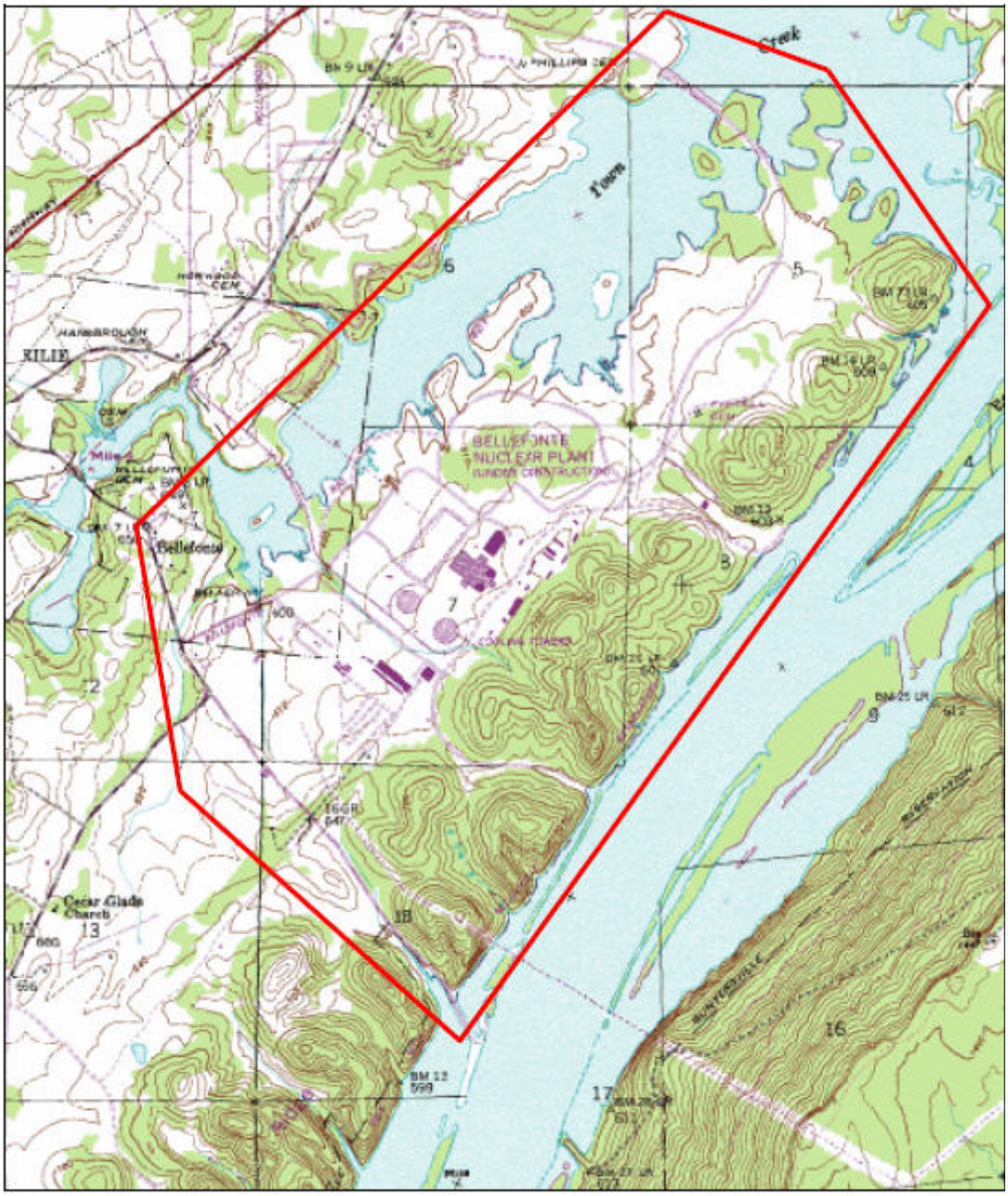

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NuStart Energy sm

July 24, 2006

Mr. Buford Rolin, Chairman
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, Alabama 36502

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Rolin:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on

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Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new

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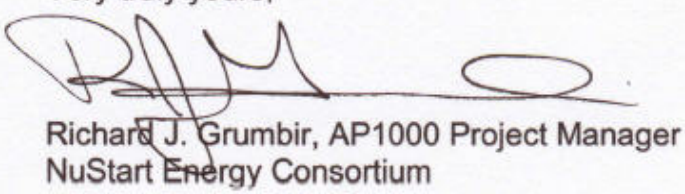

Richard J. Grumbir, AP1000 Project Manager
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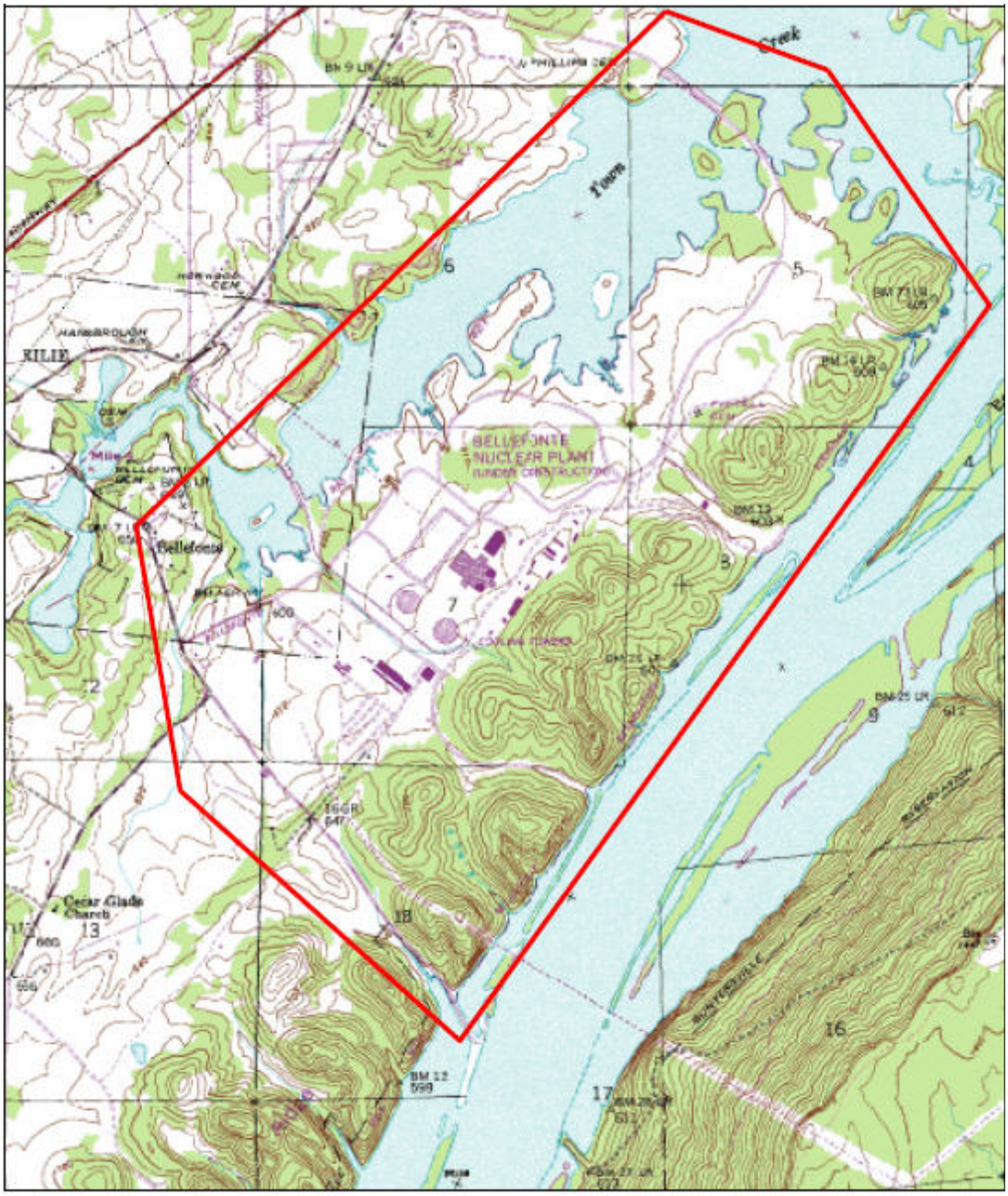

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ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 24, 2006

Ms. Gina Williams, Chief
United Cherokee Ani-Yun-Wiya Nation
6407 Jarmon Road
Guntersville, Alabama 35976

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Williams:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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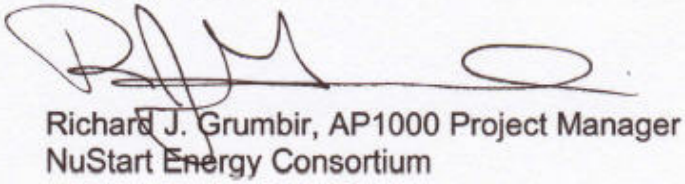

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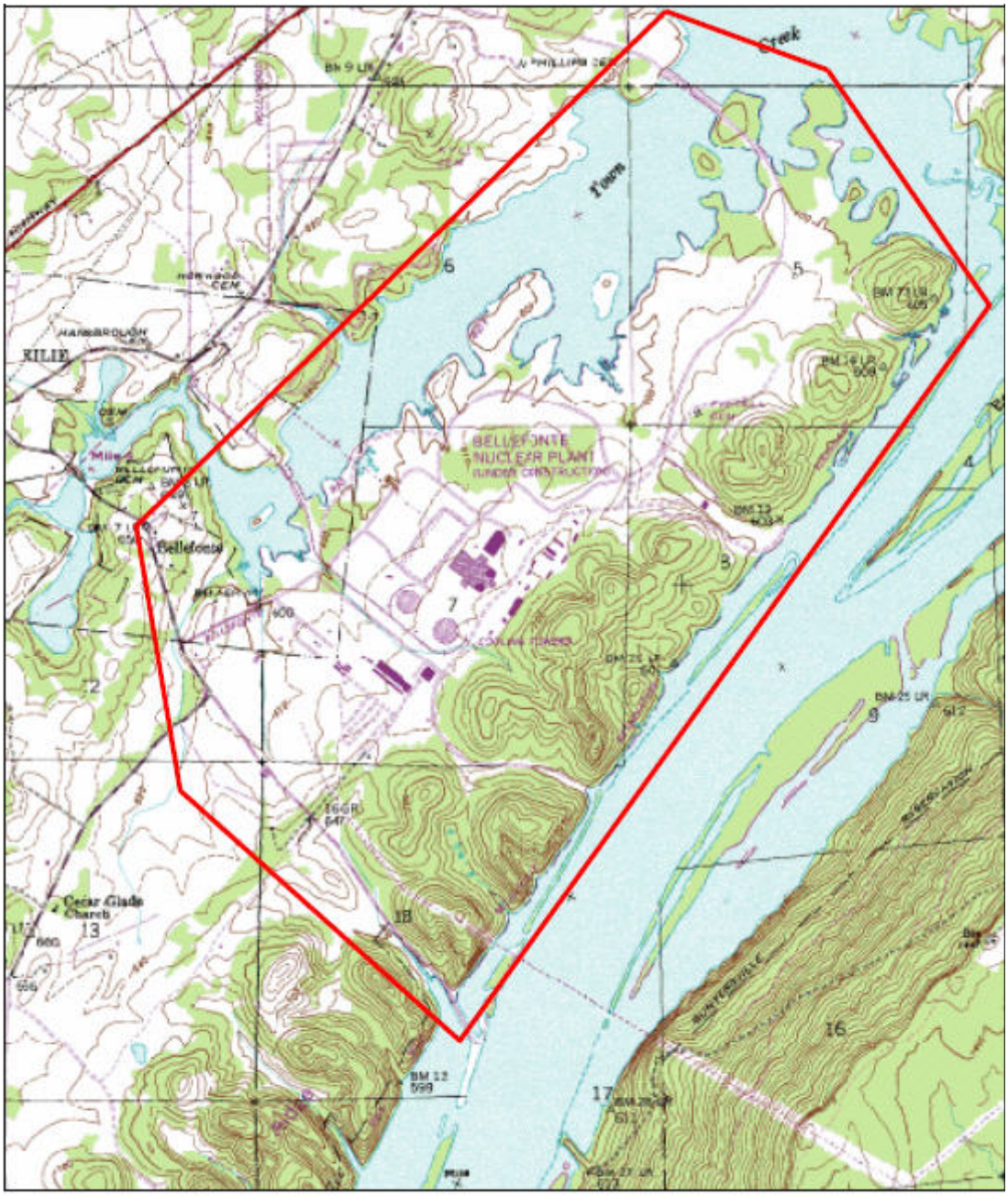

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ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 24, 2006

U.S Army Corp of Engineers
ATTN: Forrest McDaniel
Western Regulatory Field Office, Nashville District
2042 Beltline Road SW
Building C, Suite 415
Decatur, AL 35601

Subject: TVA/NuStart Bellefonte Project
Request for Information on New Power Plant Requirements

Dear Mr. McDaniel:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits and mitigation measures that may be required.

Our initial evaluation of the site indicates that there are numerous wetland areas in and around the Bellefonte Nuclear Plant site, most of them located along the 12.5 mile shoreline that borders much of the site. Included are 52 acres of islands along the old river channel; the wetlands on these islands are classified as palustrine, bottomland hardwood, deciduous, and temporarily flooded.

Wetlands have also developed in three ponds that were constructed in the 1970s during the initial phase of development of the Bellefonte site. The dikes of two ponds were breached in 1989, and 6 acres of palustrine, emergent, persistent, intermittently flooded wetlands have developed. The third 12-acre pond is used to filter stormwater runoff and is classified as palustrine, scrub-shrub, permanently flooded wetlands. Other wetlands have developed in areas where ponds were constructed for previous construction activities.

As a federal agency, TVA fulfills its mandate to protect wetlands as directed by Executive Order 11990.

Field surveys were conducted in April 2006 to determine the presence of wetlands in the vicinity of the proposed AP1000 rector facility at Bellefonte. The survey covered the area between the Bellefonte Nuclear Plant parking lot and the perimeter road to the north of the site. Six forested wetlands covering a total of 11.15 acres were identified within the survey area. Individual wetlands ranged in size from 0.24 acre to 4.05 acres. Preliminary construction plans indicate that the proposed construction of the new reactor units could directly impact at least two of the wetlands (Wetland 2 and Wetland 3, as shown in Enclosure 4 of this letter). Wetland 2 would be impacted by the proposed haul road to the construction site and at least two construction pads for containment vessel assembly. Wetland 3 would only be affected by the proposed haul road. Wetland 1 would receive stormwater runoff from the proposed construction site.

Please let us know what potential resource impacts under your legal jurisdiction should be considered in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

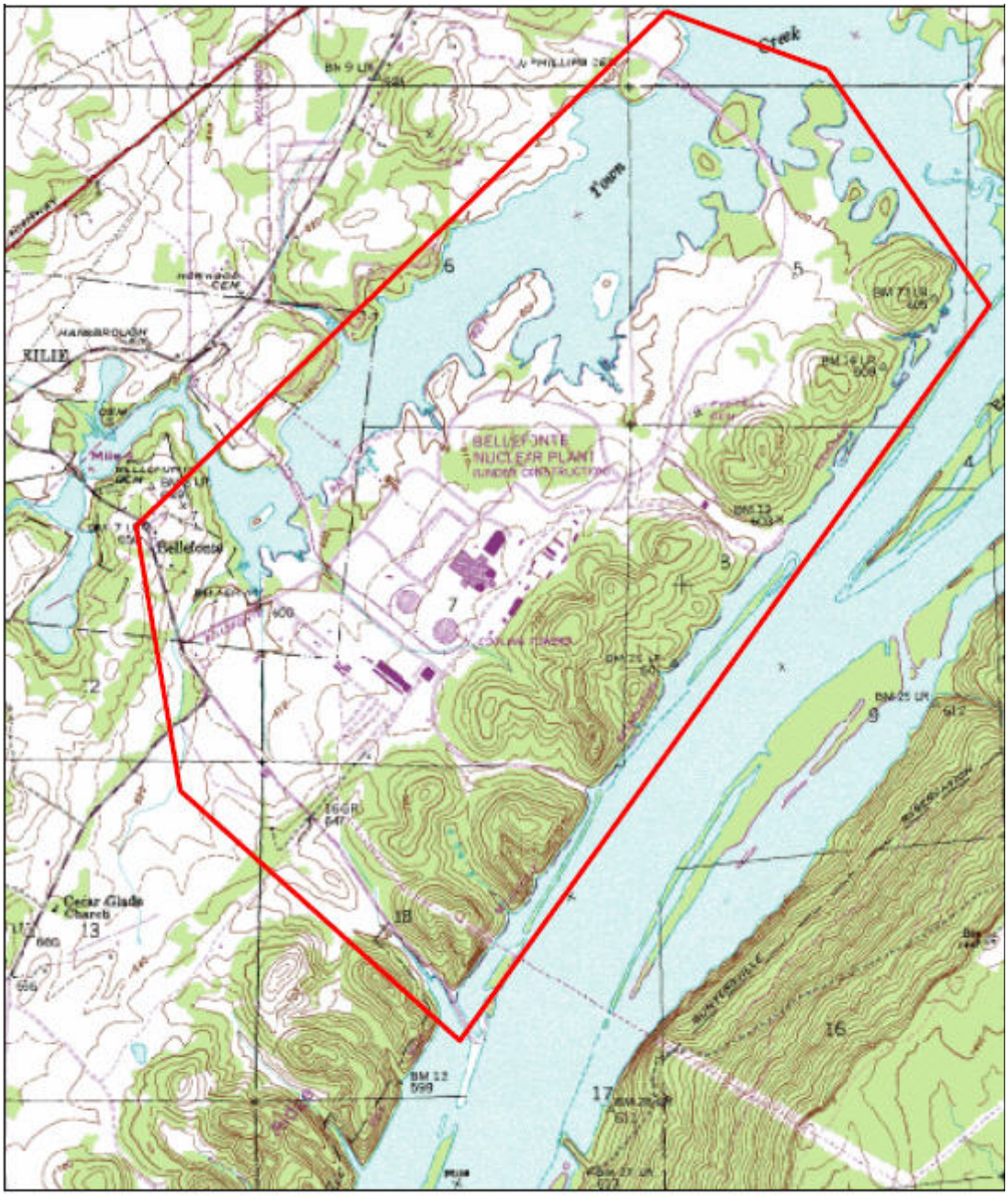
Very truly yours,

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph
4) Wetlands Map

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.

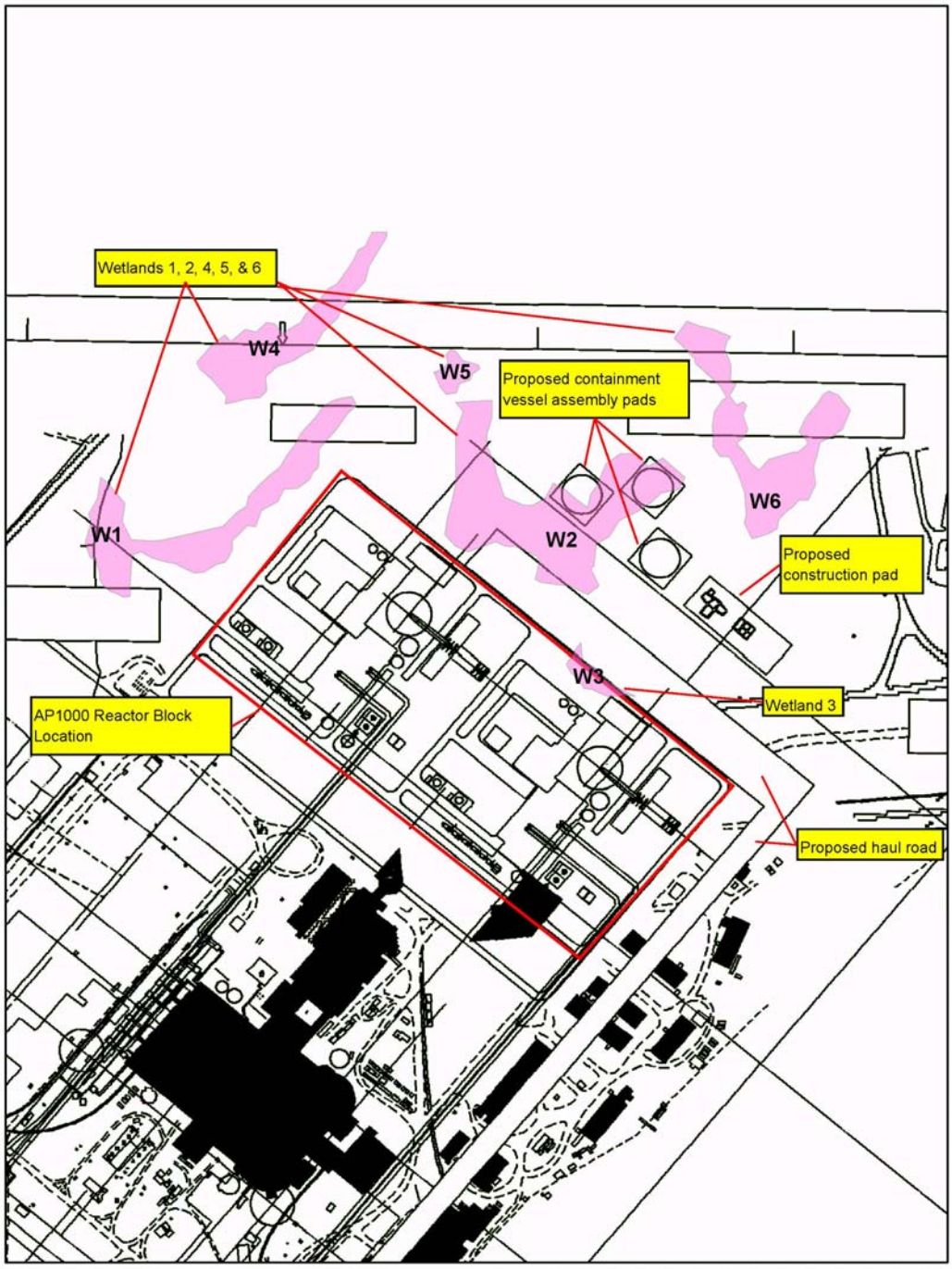


Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area.

ENCLOSURE 3: Photograph showing current conditions at the site.

ENCLOSURE 4: Map of potentially-impacted wetlands current at the site.



NuStart Energy sm

July 17, 2006

U.S. Department of the Interior
ATTN: Bruce Porter
Ecological Services
1208-B Main Street
P.O. Drawer 1190
Daphne, AL 36526

Subject: TVA/NuStart Bellefonte Project
Request for Information on Threatened, Endangered, and Candidate Species and Habitats

Dear Mr. Porter:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local wildlife and habitat resources and work together to preserve any of these aspects.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on endangered, threatened and candidate species, and their associated habitats.

Prior research on this area indicates that there are nine different terrestrial plant and animal species that potentially occur within Jackson County, including the following:

COMMON NAME	SCIENTIFIC NAME	CONSERVATION STATUS
Mammals		
Gray myotis	*Myotis grisescens*	Endangered
Indiana myotis	*Myotis sodalis*	Endangered
Birds		
Bald eagle	*Haliaeetus leucocephalus*	Threatened
Insects		
Hine's emerald dragonfly	*Somatochlora hineana*	Endangered
Plants		
green pitcher plant	*Sarracenia oreophila*	Endangered
Morefield's leather-flower	*Clematis morefieldii*	Endangered
American hart's-tongue	*Phyllitis scolopendrium americana*	Threatened
Price's potato-bean	*Apios priceana*	Threatened
white fringeless orchid	*Platanthera integrilabia*	Candidate

No federally listed threatened or endangered plant species were known to occur on or within close proximity to the BNPP.

While *Myotis sp.* is not known to inhabit the site, they do roost in caves within 15 km of the site, and are likely to forage along the forested shorelines of Guntersville Reservoir. The bald eagle has been observed perching and foraging along the forested shorelines and in associated riparian habitats. The Hine's emerald dragonfly is considered extirpated in Alabama; only one specimen was historically collected within Jackson County in 1978.

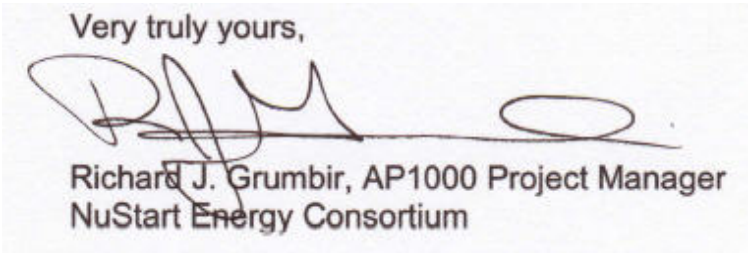
Please let us know if we should consider any other nearby wildlife, aquatic, or vegetative resources under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,



Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

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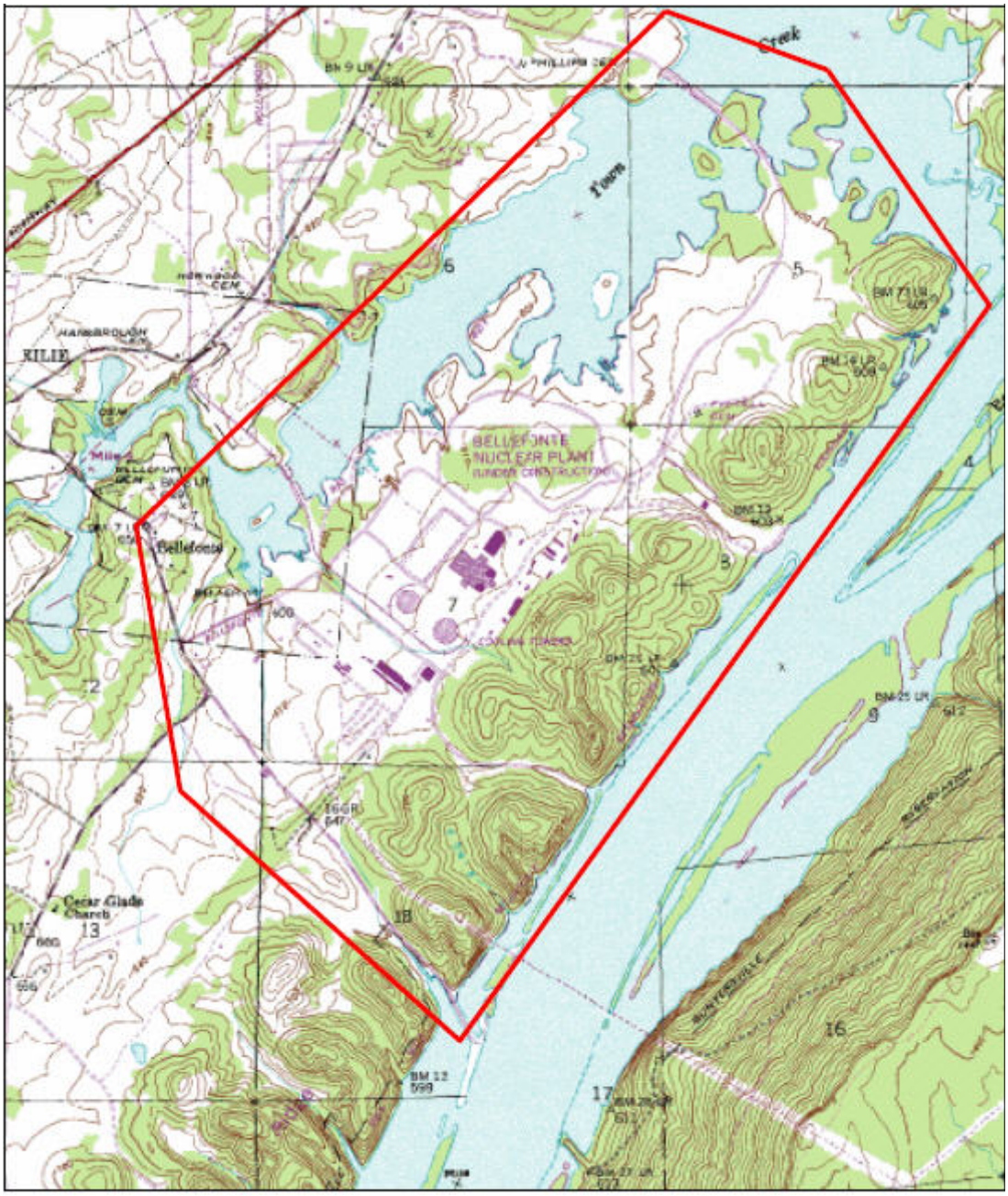

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 17, 2006

U.S. Fish and Wildlife Service
ATTN: Rob Hurt
Wheeler National Wildlife Refuge
2700 Refuge Headquarters Road
Decatur, AL 35603

Subject: TVA/NuStart Bellefonte Project
Request for Information on Threatened, Endangered, and Candidate Species and Habitats

Dear Mr. Hurt:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local wildlife and habitat resources and work together to preserve any of these aspects.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte

site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on endangered, threatened and candidate species, and their associated habitats.

Prior research on this area indicates that there are nine different terrestrial plant and animal species that potentially occur within Jackson County, including the following:

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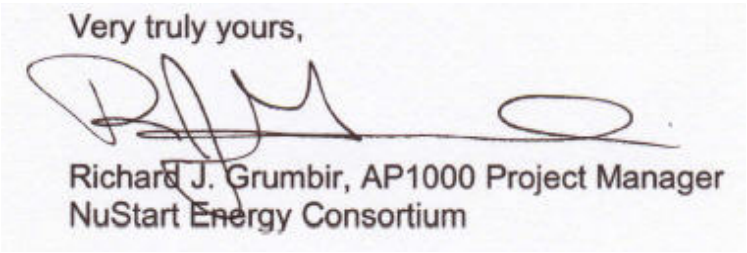
Please let us know if we should consider any other nearby wildlife, aquatic, or vegetative resources under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.



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James S. Chardos
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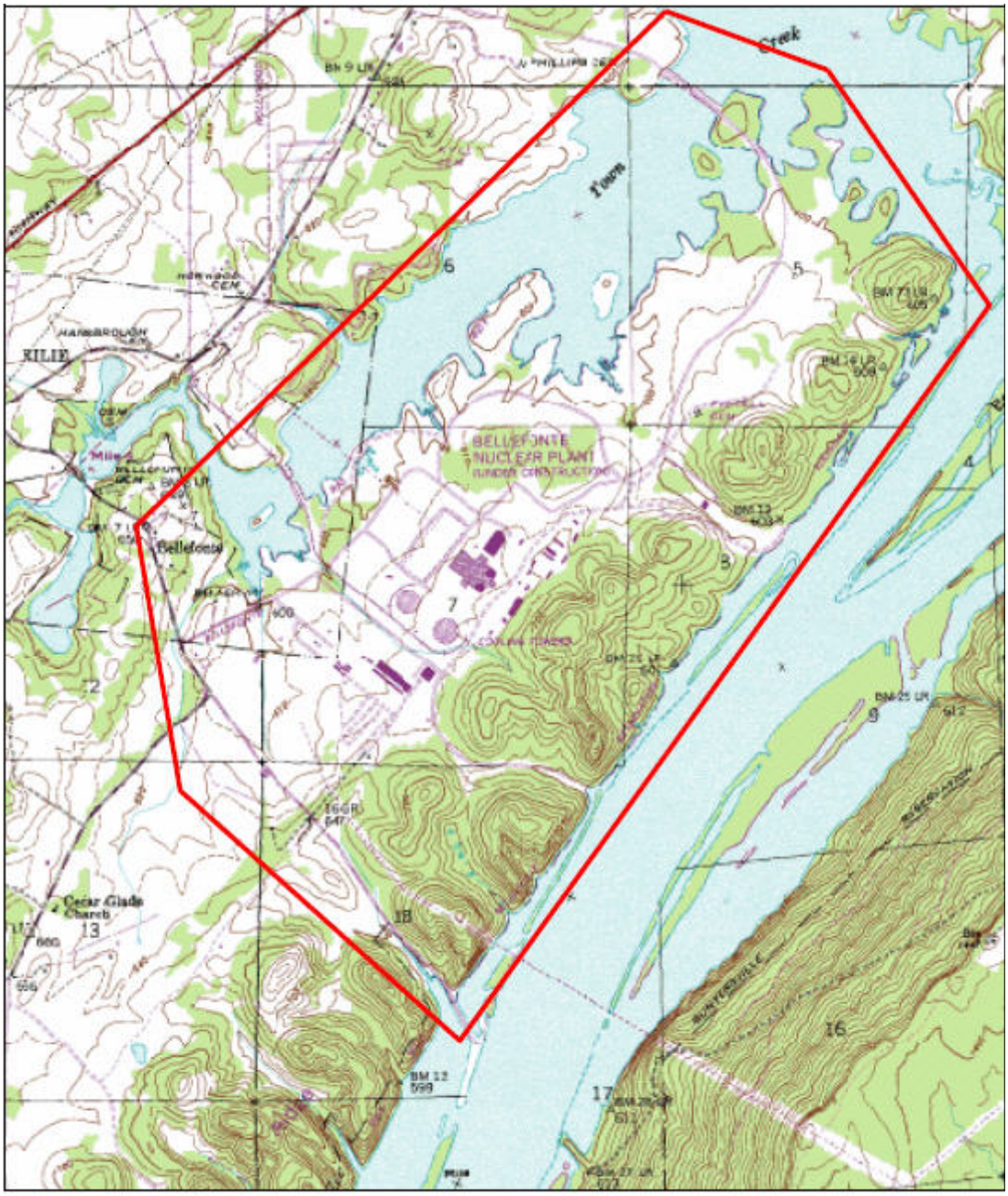

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte area.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

July 17, 2006

Natural Resources Conservation Service
Jackson County
ATTN: Jim Frost, District Conservationist
Scottsboro Field Office
2345 South Broad Street
Scottsboro, AL 35769

Subject: TVA/NuStart Bellefonte Project
Request for Information on Soils and Prime Farmland

Dear Mr. Frost:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local environment and work together to preserve any critical aspects, and to accurately assess all permitting requirements.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past

several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits and mitigation measures that may be required.

No impacts on geologic stability are expected to occur. All structures would be designed and constructed according to sound engineering practices; no materials would be injected underground; and groundwater would not be required for power production. The normal operation of Bellefonte 3 and 4 would have no effect on soils and prime farmland at the site.

Please let us know what potential resource impacts under your legal jurisdiction should be considered in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

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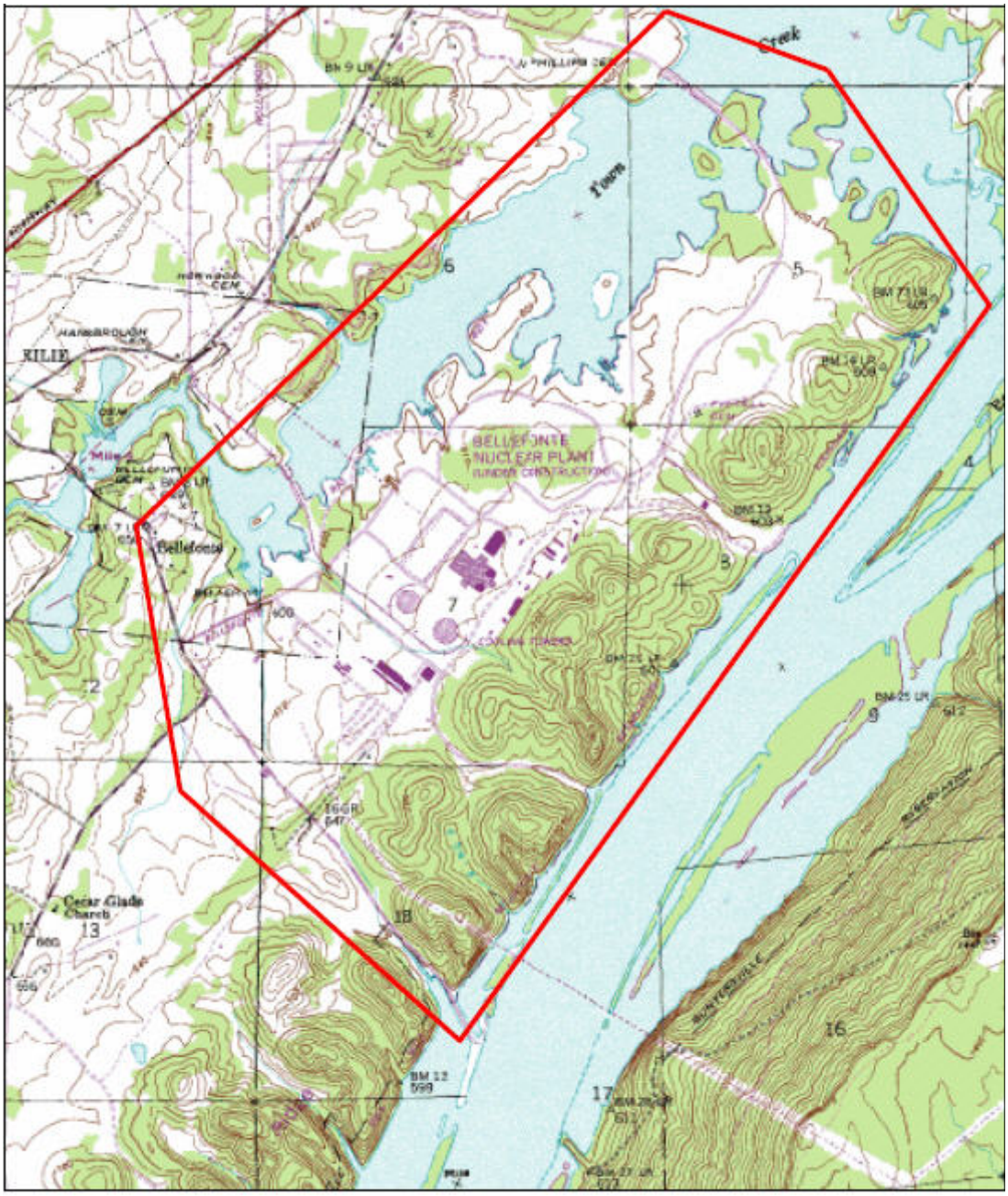

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

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ENCLOSURE 3: Photograph showing current conditions at the site.

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
WILDLIFE AND FRESHWATER FISHERIES DIVISION
64 NORTH UNION STREET, SUITE 567
POST OFFICE BOX 301456
MONTGOMERY, ALABAMA 36130-1456
(334) 242-3465
FAX (334) 242-3032
www.outdooralabama.gov

BOB RILEY
GOVERNOR

M. BARNETT LAWLEY
COMMISSIONER

M. N. 'CORKY' PUGH
DIRECTOR

FRED R. HARDERS
ASST. DIRECTOR

The mission of the Wildlife and Freshwater Fisheries Division is to manage, protect, conserve, and enhance the wildlife and aquatic resources of Alabama for the sustainable benefit of the people of Alabama.

August 18, 2006

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, CO 80465

Re: TVA/NuStart Bellefonte Project

Dear Dr. Luchsinger:

The Division of Wildlife and Freshwater Fisheries has reviewed your proposal of July 17, 2006 and provides the following comments:

1. Enclosure 4 of the NuSTart proposal indicates there may potential impacts to six wetland areas in the vicinity of the proposed construction. No net loss of stream or wetland functions should occur as a result of the project. Adverse functional impacts may result from physical impacts to a stream or wetland, or from the alteration of a stream's natural flow regime or the impairment of wetland hydrology. Adverse stream impacts requiring mitigation may include accelerated siltation resulting from improper construction or erosion control practices, stream realignment, flow diversion or interruption, the placement of riprap or other fill in the streambed in such a way that habitat functions are impaired or fish movement is impeded under low flow conditions, and other modifications of habitat or hydrology which reduce the density or diversity of aquatic species. If streams, ditches, or wetlands will be impacted by the proposed activity, the Nashville District, Army Corps of Engineers should be contacted at (615) 369-7500 to determine if the activity falls under a Corps regulation requiring mitigation for adverse ecological, morphological, or hydrological impacts. If compensatory mitigation is required, then we request the opportunity to review and comment on the proposed mitigation plan.
2. Cooling water discharge should be within allowable limits in order to minimize impacts on aquatic resources adjacent to and downstream from the site.
3. We encourage the utilization of BMPs in order to minimize erosion along river banks and stream banks. Appropriate siltation barriers such as: green zones, sod strips, silt fences, or a superior means of erosion control should be used to minimize siltation downstream of the project site.
4. The State Lands Division (334-242-3484) should be consulted regarding potential impacts to state-owned water bottoms.
5. State water quality standards (particularly those related to erosion control, water turbidity, and dissolved oxygen) should be strictly adhered to.

Consultation with the Natural Heritage of the State Lands Division resulted in the following comments concerning threatened and endangered species in the vicinity of the project site:

> *"The Natural Heritage Section office has developed the following information pertaining to state protected, and federally listed candidate, threatened, and endangered species.*

The closest sensitive species is recorded in our database as occurring approximately 4.0 miles from the subject site. This endangered cave roosting bat will forage over land and water and occurs throughout the Tennessee River system habitat. This information does not suggest that protected species are not at this location. A survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities. *Paraphrased Information from NatureServe. 2005. NatureServe Explorer: An online encyclopedia of life [web application]. Version 4.5. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: July 8, 2005)."*

In conclusion, it is also necessary to coordinate with the U. S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally-protected species, but please note that USFWS does not provide information on state-protected species. If protected species are adversely impacted by the project, additional coordination with the DCNR and/or with USFWS (251-441-5181) will be required.

Sincerely yours,

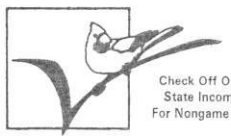
Division of Wildlife and Freshwater Fisheries

James S. Cherry II
Environmental Coordinator

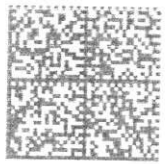
cc: Mr. Dan Catchings, ADCNR, Eastaboga, AL

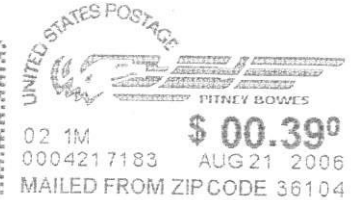
STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES
WILDLIFE AND FRESHWATER FISHERIES DIVISION
ADMINISTRATIVE SECTION
POST OFFICE BOX 301456
MONTGOMERY, ALABAMA 36130-1456
www.conservation.alabama.gov

DO SOMETHING WILD!



Check Off On Your
State Income Tax
For Nongame Wildlife





DR DEBORAH LUCHSINGER
ENERCON SERVICES INC
6500 CRESTBROOK DRIVE
MORRISON CO 80465

B0463+2234-00 R001

CHOCTAW NATION OF OKLAHOMA
Cultural Resources
P.O. Drawer 1210 • Durant, OK 74702-1210
1-580-924-8280 • 1-800-522-6170 • Fax: 580-920-3102

September 15, 2006

Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
Kennett Square, PA 19348

Dear Richard J. Grumbir:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Entity Requesting Service: TVA/NuStart Bellefonte Project

Site Location: Situated on the peninsula of the Tennessee River, on the shore of Guntersville Reservoir, northeast of Scottsboro, Alabama

County: Jackson County, Alabama

Comments: After further review of the above mentioned project (s), to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: Caren A. Johnson
Caren A. Johnson
Administrative Assistant

CAJ: cp

Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74702-1210

TULSA OK 741
22 SEP 2006

United Way

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0004215237 SEP 22 2006
MAILED FROM ZIP CODE 74701

Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
Kennett Square, PA 19348

Cultural Resources

1324242442

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:

2006-TA-1022

August 17, 2006

Mr. Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium
NuStart Energy Development, LLC
200 Exelon Way, M/S KSA 3-N
Kennett Square, Pennsylvania 19348

Dear Mr. Grumbir:

This responds to your letter dated July 17, 2006, requesting information pertaining to impacts on fish and wildlife resources associated with the proposed use of the Tennessee Valley Authority's (TVA) Bellefonte site -- one of two sites with future applications for an advanced technology nuclear power plant. The Bellefonte site is located approximately 7 miles northeast of the City of Scottsboro, Jackson County, Alabama. Your employer, NuStart Energy Development (NuStart), is conducting preliminary investigative work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte. We understand that NuStart has contracted with Enercon Service, Inc. to complete much of the environmental and emergency planning work needed in the license application process. As described, the environmental report generated from Enercon Service, Inc. will assess impacts of the construction and operation of the nuclear power generation facility on endangered, threatened, and candidate species (T&E species), and their associated habitats. Your letter included a list of T&E species known to occur in the vicinity of the proposed project. The U.S. Fish and Wildlife Service (Service) reviewed your list and referenced our records and database for the list of federally protected species located at, or in the vicinity, of the project site. Our report is submitted under the provisions of the Endangered Species Act (ESA)(87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Fish & Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661- 66c et seq.), and the Clean Water Act (PL 92-500, as amended; 33 U.S.C. 1251 et seq.).

Threatened & Endangered Species

We have determined that the following federally listed species may occur in the proposed project area:

Gray bat (*Myotis grisescens*) - endangered
Indiana bat (*Myotis sodalis*) – endangered
Bald eagle (*Haliaeetus leucocephalus*) - threatened
Pink mucket pearly mussel (*Lampsilis abrupta*) – endangered
Anthony's riversnail (*Athearnia anthonyi*) - endangered

Price's potato-bean (*Apios priceana*) – threatened
Green pitcher plant (*Sarracenia oreophila*) – endangered
Morefield's leather flower (*Clematis morefieldii*) - endangered
White fringeless orchid (*Platanthera integrilabia*) – candidate

Please see the enclosed species information for brief descriptions of these species and their habitats.

Survey requirements

Because our distributional information on many rare species is incomplete, it is not currently possible to provide definitive distributions for the Price's potato-bean, green pitcher plant, Morefield's leather flower, and/or white fringeless orchid in the proposed project area. In situations such as this, where an endangered, threatened, or candidate species is known to occur in similar habitats nearby, **we recommend that a qualified botanist survey the proposed construction site and any potential future transmission line right-of-way alignments prior to any construction activities**. Prior experience with these particular species is strongly recommended, as is a visit to a known population of these species immediately prior to each survey to familiarize the surveyor with the species, habitat, and condition of plants at that time of year is also strongly recommended. This survey should be conducted during the flowering or fruiting period of these species (further species information provided below). Driving surveys are unacceptable, as are surveys when plants are dormant or not identifiable. Detailed information about the habitat found, survey methodology, qualifications of the biologists conducting surveys and the results of the survey (forbs and shrubs observed) should be provided to this office and our written approval given prior to any clearing or construction activities. The survey reports are a prerequisite to determine potential effects to these species according to Section 7 of the Endangered Species Act.

As indicated in your letter, the Bellefonte site is approximately 1,600 acres in size, with approximately 900 acres having already been developed with buildings and facilities, roads, parking lots or other uses. Approximately 20 acres are currently being used by a local farmer for hay production and about 600 remaining acres are in various stages of grassland or forest succession, or some combination of both. Therefore, we recommend a thorough site investigation for the species listed above and for any unique physical habitat conditions or topographic features on the site (e.g., karst features such as sinkholes, sinking streams, wetlands, caves). We also recommend that surveys be conducted on all perennial streams that flow through the Bellefonte site as well as those that may be crossed by proposed future transmission line rights-of-way. Presence/absence surveys should be conducted for the aquatic species listed as T&E species. The surveys report should account for and include species encountered during the surveys, survey methods, a map of all surveyed areas, and descriptions of the streams, including substrates, turbidity, flow, width/depth dimensions, and water quality. The aquatic surveys should be conducted by a mollusk specialist with State and U.S. Fish and Wildlife Service collecting permits for the Mussel and Snail listed.

Since the proposed nuclear power plant would be located on lands adjacent to the Tennessee River proper/Guntersville Reservoir, and because nuclear power plants utilize large quantities of water in the process of producing nuclear energy, we recommend an intensive aquatic survey effort within the Tennessee River proper, especially in the areas under consideration for the placement and construction of the water intake and outfall/diffuser structures. The aquatic surveys should be conducted within the proposed thermal mixing zone under 7Q1 conditions and downstream from the proposed mixing zone.

General Comments and Recommendations

It is essential that appropriately sized, proper-capacity cooling towers be designed, constructed, and utilized at the Bellefonte site to minimize any adverse effects of elevated water temperatures on the aquatic resources located in the Tennessee River. Additionally, the raw water intake structure should be located a considerable distance upstream from the effluent/outfall structure to minimize intensity of thermal maxim in the mixing and avoid the recirculation of heated water into the intake. Heated water recirculation conditions occur at TVA's Browns Ferry Nuclear Plant located near Athens, Limestone County, Alabama and have created difficulties for TVA to continue power generation at full capacity, especially during the extremely hot, summer months of the year. We request that this condition be fully analyzed to reduce the potential for future water temperature excursions or sustained high-temperature conditions at this proposed nuclear facility. We also strongly encourage the applicant to strive to meet the State's current thermal standards rather than to seek a variance that could affect aquatic species diversity and abundance patterns.

We recommend you contact and discuss the proposed project with Peggy Shute of TVA's Heritage staff, a group of TVA biologists who survey for and track Federal and State sensitive and/or listed species located both on and off of TVA properties (Peggy's work number is 865/632-2418).

As with any ground or waterway disturbing activity, strict adherence to best management practices (BMPs) that minimize sedimentation and erosion are of utmost importance to protect the federally listed aquatic species known to occur in the vicinity of the proposed project. The project should be designed and implemented to reduce impacts to fish and wildlife in general, as well, including migratory bird species located near, or in, the project area.

Fish and Wildlife Coordination Act

Since the proposed project has the potential to directly impact the Tennessee River proper/ Guntersville Reservoir and tributary streams and other water bodies thereof, we recommend the project area be evaluated by the U.S. Army Corps of Engineers (COE) to determine extent of impact of the project on these water bodies and to verify presence/absence of wetlands requiring a Section 404 permit. We also recommend strict adherence and implementation of BMPs during and following project construction.

For specific design information on reducing soil loss/erosion, the "Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas" (2003) is available from the Alabama Soil and Water Conservation Committee and on-line at:
http://www.swcc.state.al.us/pdf/ASWCC_June_2003_Alabama_Handbook_Construction_E&S_Control.pdf

Specific Concerns

We were not provided a description of the proposed full build-out plans and development activities being considered for the identified project site. Therefore, we are currently unable to determine fully the extent of potential impacts on fish and wildlife resources from the proposed action or the environmental impacts that may occur beyond the indicated project site boundaries from the proposed action. To provide adequate review of the project, we request the following information:

- Detailed project description and maps, including new transmission line right-of-ways (ROWs) and any planned ground disturbance.
- Any potential changes to surface and/or groundwater discharges and any anticipated changes in flow or water quality.
- Data on water quality parameters such as chlorine, ammonia, nutrient loading, other typical water quality measures (pH, temperature, conductivity, dissolved oxygen) on any discharges.
- Analysis of the size of the mixing zone (width, length) of discharges and any changes to the parameters listed above.
- Level of water use and treatment planned.
- Stormwater management.
- Any settling/detention basins that may be created in/adjacent to intermittent or perennial surface waters or wetlands.
- Chemical treatments that may occur to maintain ROWs or power plant components including intake and outfall structures.

Discharges and effluents resulting from the proposed action could affect fish species serving as hosts in the mussel life cycle. Freshwater mussels are benthic animals that usually remain buried in the substrate with only the most posterior margin of the shell and siphons exposed to the water column. They are filter feeders and their tissues can accumulate toxins at rates higher than most other aquatic taxa. Reproduction in these species requires a specific fish host for their parasitic larval stage. Rarer mussel species can probably only utilize a single species as a fish host. Therefore, to protect these mussels, their host fish must also be considered and protected.

Chlorine disinfection can have detrimental effects on fish. Freshwater chronic tests have been conducted with two invertebrate and one fish species and the chronic values of chlorine for these three species ranged from less than 0.0034 mg/l to 0.026 mg/L (USEPA 1986). We recommend use of a site-specific chronic chlorine limitation of 0.011 mg/l and a disinfection method other than chlorination or that a dechlorination system be added to the project to protect aquatic life.

Without protective criteria for mollusks, we believe there may be adverse effects or take of listed species from this and other sources.

Ammonia is acutely toxic to most aquatic life. Recent studies of southeastern mollusks indicate a potentially greater sensitivity of mollusks to ammonia than most aquatic species used by EPA to develop their current ammonia criteria (Augspurger et al. 2003; USGS 2005). We recommend ammonia limitations be based on mollusk sensitivity, with an acute and chronic aquatic life water quality limitation of 1.75 mg/L CMC and 0.30 mg/L CCC total ammonia as N, normalized to pH 8 and 25° C, respectively, in accordance with Alabama Department of Environmental Management's (ADEM) authority to set site-specific limits. We recommend achieving these limitations as end-of-mixing-zone limitations, assuming no listed species are found in the modeled mixing zone. The assigned mixing zone should also be as small as possible using water-quality based calculations.

Urban runoff, including leaking sewage lines and sedimentation, should be completely diverted away from karst ecosystems (especially in critical recharge areas) to avoid contamination of groundwater. Placement of sewer pipelines around karst drainage basins, rather than through them, will help protect the karst ecosystem from alteration of hydrology and contaminants (USFWS 2001).

We request that we be kept informed of the proposed development and be allowed to review the development plans once they become available. Upon receipt and review of project details, the Service will provide you with a final review regarding the project, including possible recommendations for protection of any listed species present. If you have any questions or need additional information, please contact Mr. Rob Hurt at (256) 353-7243, ext. 29. Please refer to the reference number located at the top of this letter.

Sincerely,

Elaine Snyder-Conn

Elaine Snyder-Conn
Acting Field Supervisor

cc: Mr. James Cherry, ADCNR, Montgomery, AL
Ms. Andrea Wade, EPA, Atlanta, GA
Ms. Kyla Gatlin, ADEM, Montgomery, AL
Ms. Peggy Shute, TVA, Knoxville, TN
Ms. Harriet Nash, NRC, Washington D.C.
Mr. Rob Hurt, USFWS, Decatur, AL

References

Augspurger T, A.E. Keller, M.C. Black, W.G. Cope and F.J. Dwyer. 2003. Water quality guidance for protection of freshwater mussels (Unionidae) from ammonia exposure. *Environmental Toxicology and Chemistry* 22: 2569-2575.

USEPA. 1986. Quality criteria for water 1986. (Gold Book). EPA 440/5-86-001. 477 pp.

U.S. Fish and Wildlife Service. 2001. Draft U.S. Fish & Wildlife Service recommendations for karst preserve design. March 6, 2001 version. Austin, Texas. 48 pp.

U.S. Fish and Wildlife Service. 1982. Gray bat recovery plan. 121 pp.

U.S. Fish and Wildlife Service. 1987. Habitat management guidelines for the bald eagle in the southeast region. Third revision. 9 pp.

U.S. Fish and Wildlife Service. 1999. Endangered and threatened wildlife and plants; proposed rule to remove the bald eagle in the lower 48 states from the list of endangered and threatened wildlife. 64 FR 36454-36464.

U.S. Fish and Wildlife Service. 1993. Recovery Plan for *Apios priceana*. Jackson, Mississippi. 43pp.

U.S. Fish and Wildlife Service. 1983. Recovery plan for *Sarracenia oregophila*. Jackson, MS. Revised in 1985 and in 1994. 24 pp.

USGS. 2005. Columbia Environmental Research Center (CERC) Quarterly Project Reports #12 and #13 for the project entitled: "Developing Water Quality Standards for Recovery of Imperiled Freshwater Mussels (Family Unionidae)". 19 pp.

Species Information

Gray Bat and Indiana Bat

Listed in 1967 and 1976, respectively, these species are strongly loyal to their summer and winter caves. Gray bats use warm caves in the summer and relocate and hibernate in smaller cold caves in the winter. Indiana bats hibernate in caves during the winter. In the spring, they leave from their hibernation caves and form separate male, female, and juvenile colonies. Females will form maternal colonies which roost under the loose bark of trees. Little is know about the range of males during the summer. As a consequence of their combined thermoregulatory and other habitat requirements, bats congregate in large numbers in only a few caves, making them highly susceptible to disturbances and declines in population. Gray bat studies have shown that adult bats forage over aquatic and woodland riparian habitats for large distances; juveniles forage more often in woodland riparian habitats. Declines in population have been attributed to pesticide use; siltation on aquatic environments resulting in the loss of prey; deforestation; caves

being flooded from water impoundment; cave entrance closure; and human disturbances. Pictures of the gray bat and Indiana bat can be seen at:

http://media.duc.auburn.edu/media/908934762281.jpg
http://www.auburn.edu/~moosmpr/sodalis.jpg

Bald eagle

The bald eagle is a very large, broad-winged, broad-tailed hawk with rounded wings and a thick, hooked bill. It attains a total length of 32 inches and a wingspan of 80 inches. Adults have a white head and upper neck, white tail, dark brown body plumage, and a yellow bill. Immature bald eagles have a dark bill and dark brown body plumage, including head and tail. Variable amounts of white are present on underwing coverts, belly, and back. Most breeding eagles construct nests within several hundred meters of open water, though these distances may increase in areas occupied by humans. Eagles generally select nest trees that are larger and taller than surrounding trees.

In the Southeast, the bald eagle nesting period is usually from October 1 to May 15. Individual pairs return to their same territories year after year, and often territories are inherited by subsequent generations. Eagles are most vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding (roughly the first 12 weeks of the nesting cycle). Disturbance during this critical period may lead to nest abandonment and/or chilled or overheated eggs or young. Human activity near a nest later in the nesting cycle may cause premature fledging, thereby lessening the chance of survival.

Use of primary and secondary bald eagle management zones effectively avoids disturbance to bald eagle pairs and nests. The primary zone is the most critical area and must be maintained to promote acceptable conditions for eagles. It should encompass an area extending from 750 to 1,500 feet outward from the nest tree.

If the proposed development requires the use of explosives we recommend the following. **The use of explosives should not occur within the primary zone at any time**. Restrictions in the secondary zone are necessary to minimize disturbance that might compromise the integrity of the primary zone and to protect important areas outside the primary zone. The secondary zone should encompass an area extending outward from the boundary of the primary zone, a distance of 750 feet to 1 mile. **The use of explosives may take place in the secondary zone, but only during the non-nesting period.**

A detailed description of bald eagle habitat can be found in the Habitat Management Guidelines for the Bald Eagle (Guidelines) in the Southeast Region located at:

http://verobeach.fws.gov/species/birds/baea/eagle-habitat.pdf

Pink mucket

The pink mucket is a mussel with a round to elliptical, solid, inflated shell. The anterior end is rounded and the posterior end is bluntly pointed in males, but truncated in females. The dorsal margin is straight and the ventral margin is straight to slightly curved. The umbos are turned forward and elevated above the hinge line. The shell is smooth, yellow or yellowish green and

rayless or with faint green rays. The pink mucket was once considered extremely widespread, occurring in 25 river systems. Yet it has also been considered rare, as it has never been collected in large numbers. It is a large river species with habitats ranging from silt to boulders, in moderate to fast-moving water. Reasons for decline are not totally understood. Its sedimentary nature makes this species highly vulnerable to stream alterations such as impoundments, siltation, and pollution. A picture of the pink mucket can be seen at:

http://arkansas-es.fws.gov/images/ES/Mussels/Pink%20Mucket.thumb.jpg

Anthony's Riversnail

Anthony's riversnail is relatively large freshwater snail, which grows to about 2.5 cm in length. It is ovate and olive green to yellowish brown. Anthony's riversnail is primarily a big-river species historically associated with shoal areas in the main stem of the Tennessee River and the lower reaches of some of its tributaries. Many populations were lost when much of the Tennessee River and the lower reaches of its tributaries were impounded. The general water quality deterioration that has resulted from siltation and other pollutants contributed by coal mining, poor land use practices, and waste discharges was likely responsible for the species' further decline. These factors continue to impact Anthony's riversnail.

Price's potato-bean

Price's potato-bean is a climbing herbaceous perennial vine in the pea family that grows from a stout, thick, roundish tuber often 18 centimeters (cm) in diameter. It is threatened due to the small number of known populations, low reproductive potential, and habitat destruction (e.g. logging). The stem is round in cross section, somewhat twisted and slightly ridged. It is finely hairy early in its growth, but later becomes smooth and glabrous. Leaves of the main stem are 20 to 30 cm long, alternate, and pinnately compound with 5 - 9 leaflets. Racemes are 5 - 15 cm long, dense with flowers (50-70) and are usually in clusters of two and three in the axils of the leaves. The greenish-white or brownish pink flowers are 1 cm long and tinged with magenta at the apex. Pods are 12-15 cm long, 1 cm wide, and tapering at both ends. There are usually 4-10 seeds per pod.

Apios americana and *A. priceana* are most clearly distinguished by their tuber morphology. *A. americana* grows from a string of small tubers, while *A. priceana* grows from one large spheroidal tuber, 18 cm in diameter. *A. priceana* also has a larger flower with a distinctive thick appendage at the apex of its standard, a longer pod, larger leaves, and more leaflets than *A. americana.*

Several above-ground characteristics can differentiate these species when they are not in flower. Leaves of *A. priceana* have 3-5 prominent, secondary veins whereas *A. americana* leaves have 5-7, rarely 9. The veins of *A. priceana* are more raised above the lower leaflet surface than the veins of *A. americana*. *A. priceana* has 4 secondary veins (excepting the marginal vein) and *A. americana* has 5 secondary veins (excepting the marginal vein). In *A. priceana*, the secondary vein closest to the base of a leaflet (excepting the marginal vein) is curved, meets the main vein 1 mm or more from the base of the leaflet, and forms a 60° angle with the main vein. *A. americana* often has a reddish color at the point on the rachis (axis of compound leaf) where the leaflets emerge, and the hairs on the pulvinus (swelling at the base of the leaf stalk) are also a

reddish-orange color. In contrast, the rachis of *A. priceana* is not reported to have any reddish color, and the hairs on the pulvinus are buff.

It is **very likely** that undiscovered populations of A. priceana exist in open woods, forest edges, road edges (in low areas near a creek) and streambanks within its known range. The species does not flower every year and is difficult to identify without flowers; therefore, populations have probably been overlooked in their vegetative state. In years when Price's potato bean flowers, it does so from late mid-July through mid-August and produces fruit in August and September.

Price's potato-bean thrives in open, wooded areas, often in forest gaps or along forest edges. The species seems to prefer mesic areas and is **often found in open, low areas near a stream or along the banks or streams and rivers**. The species is sometimes found near the base of small limestone bluffs. **Most populations are located in cleared areas associated with powerline or roadside rights-of-way.** Price's potato bean often grows in well drained loams or old alluvium over limestone on rocky, sloping terrains. The species can survive a broad range of pH concentrations, from less than five to greater than eight.

Common associates, present at least half of the sites where information is available, include: *Acer saccharum* (sugar maple), *Amphicarpa bracteata* (hog peanut), *Campanula americana* (bluebell), *Cercis canadensis* (redbud), *Lindera benzoin* (spicebush), *Quercus muhlenbergii* (chestnut oak), *Tilia americana* (basswood), *Toxicodendron radicans* (poison ivy) and *Ulmus rubra* (slippery elm). Pictures of Price's potato-bean can be found at:

http://midwest.fws.gov/endangered/plants/pricesp.html and
http://www.biology.eku.edu/T&ESpecies/Pricespotatobean.html

Green pitcher plant

The green pitcher plant is a perennial herb which predominantly lives on decaying insects that have fallen into the pitcher-like leaves. Its rhizomes are 1 to 1.5 cm thick. The leaves are 20 to 75 cm long, and 6 to 10 cm in circumference at the orifice. These leaves, which are rarely conspicuously winged, usually appear with green to yellow flowers. The leaves gradually narrow from the orifice to the base, and are externally smooth. Flowering reaches its peak from Mid-April to early June. The habitat of the green pitcher plant varies from moist upland areas to boggy, sandy stream edges. Soils are generally acidic, highly saturated and derived from sandstone or shale. Populations have been lost and others have suffered declines in association with agricultural conversion, increases in rural residential development, woody plant encroachment due to fire suppression, changes in drainage patterns and commercial and amateur collecting. A picture of the green pitcher plant can be seen at:

www.pfmt.org/wildlife/endangered/ images/green_pitcher.jpg

Morefield's leather flower

Morefield's leather flower is a hairy, perennial vine which grows up to 16 ft in height. It occurs in patches near seeps and springs in rocky limestone woods on south and southwest facing slopes of mountains. This species is extremely vulnerable because of its limited range, few sites and low numbers of plants at several sites. It is only known from five sites in Madison County,

Alabama. Populations are threatened by residential development, road building, clearing and herbicide use. A picture of Morefield's leather flower can be seen at:

http://www.pfmt.org/wildlife/endangered/images/morefields.jpg

Additional species information can be found on our website http://daphne.fws.gov/ under "Alabama's Threatened and Endangered Species" on the Endangered Species page.

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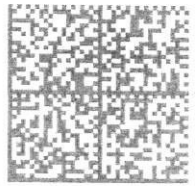

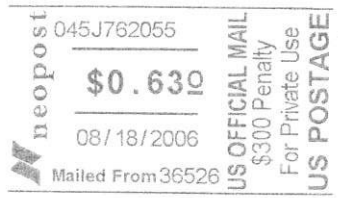

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 31, 2006

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, CO 80465

SUBJ.: Early Coordination
TVA/NuStart Bellefonte Nuclear Power Plant

Dear Dr. Luchsinger:

We received your letter dated July 17, 2006, concerning the proposed new nuclear plant location at the existing Bellefonte site, and we appreciate your early coordination with us. EPA reviewed this project in accordance with Section 309 of the Clean Air Act. The document does not include details of the project; however, based on our experience with similar projects and our telephone conversation with you, we offer the following preliminary comments. These comments pertain to issues to be discussed in National Environmental Policy Act (NEPA) documents. Adverse impacts should be avoided or minimized, while unavoidable impacts should be fully mitigated.

The current Bellefonte site includes existing reactors, cooling towers, and infrastructure. Some of the existing infrastructure could be refurbished and/or retrofitted for use with the new plant. Placement of the new plant location on the existing site will help minimize impacts to the environment. Your map shows that the new plant location would replace an existing paved area and an adjacent undeveloped wooded area.

Project Need -The need for the project should be clearly stated, as well as potential benefits and adverse effects of the proposed project. Project impacts and impact mitigation are evaluated in the context of project need.

Alternatives - The analysis of alternatives is the *core* of the National Environmental Policy Act (NEPA) process. The forthcoming Environmental Impact Statement (EIS) should include a minimum of two feasible action alternatives to be fully considered, as well as the No-Action Alternative.

A rationale for rejecting certain alternatives from further consideration should be provided. These rationales should include environmental reasons, along with other considerations. The selected alternative should avoid/minimize adverse impacts, so that the need for mitigation of impacts will be lessened or eliminated. A critical factor of the alternatives analysis is the avoidance/minimization of adverse impacts.

Radiation – The EIS should discuss monitoring of radiation, prevention of releases, and emergency planning procedures in case of an unintended release. Risks to employees and area residents should be addressed.

Wetlands – You indicated that isolated wetlands would be potentially impacted by the Bellefonte project, and that consultations will take place with the US Army Corps of Engineers (USACE) and the Alabama Department of Environmental Management (ADEM) regarding mitigation for these impacts. You should also coordinate with EPA Region 4 regarding the 404 Permitting process and wetlands mitigation.

The EIS should discuss the location, amount, type, and quality of wetland acreage in the study area, and how wetlands were delineated (i.e., COE, contractor, lead agency, etc.). A draft mitigation plan to compensate for predicted wetland losses should be developed during the NEPA process. Feasible alternatives that avoid wetland impacts should be consistent with the 404(b)(1) guidelines of the Clean Water Act.

Water Quality - The current Bellefonte site has an existing infrastructure, which includes intake and discharge structures. The proposed source of water for the proposed plant is an existing impoundment. Streamflow impacts are not anticipated. Nearby dams are operated by the TVA. You mentioned that the proposed Bellefonte site will be covered by a National Pollutant Discharge Elimination System (NPDES) Permit. Discharges which will be addressed under this permit should be discussed in the DEIS, and coordination should take place with the Alabama Department of Environmental Management (ADEM).

Best Management Practices (BMPs) should be used to reduce erosion during construction. Typical BMPs include the use of staked hay bales, silt fences, mulching and reseeding, and appropriate buffer zones along water bodies. The document should include an erosion control plan or reference the State erosion control regulations and a commitment to compliance. Compliance should include both BMP application and maintenance.

Noise -The document should indicate what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., FHWA, HUD) or city ordinances are also appropriate. EPA has a *target* noise level (not a guideline or standard) of 55 dBA DNL for outdoor areas where people spend a varying amount of time (such as residences). All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises.Forms of noise mitigation include, but are not limited to, vegetative screens, vegetated earthen berms, and noise barriers.

Environmental Justice (EJ) -Consistent with Executive Order 12898 (2/11/94), potential EJ impacts should be considered in the NEPA document. An EJ survey is to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no

segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project.

The demographics of the affected area should be defined using U.S. Census data (Census blocks) and compared to other nearby Census block, county, and state percentages for minorities and/or low-income populations. If percentages of these populations are elevated within the project area, alternatives should be considered, or coordination with affected populations should be conducted, to determine the affected population's concerns and comments on the project. This coordination should include a clear discussion of the project, project updates or expansions, inclusion of the affected population (or their community leader, pastor, or equivalent) on the NEPA document mailing list, any economic benefits (job opportunities, etc.) of the project to the affected population, and the opportunity for informal and/or formal comments (e.g., EIS scoping meeting and EIS public hearing, or other public meetings). Regardless of the makeup of the affected population, impacts of the project should be controlled so that significant effects on human health are avoided and/or minimized.

Air Quality -All emissions resulting from the project must be in compliance with all applicable air quality regulations, particularly relative to the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (e.g., ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, lead and particulates). All construction equipment should be tuned to manufacturer's specifications to reduce air emissions. We recommend water for fugitive dust control during construction, instead of oils and other chemicals.

Cultural Resources -A cultural resource survey should be coordinated with the State Historic Preservation Officer (SHPO). Besides the consideration of listed historical sites, the NEPA document should discuss procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until SHPO approval of continued construction.

Biodiversity -Biodiversity is defined as the variety of plants and animals (biota) of a site or region, and is typically measured by the number of different species and number of individuals per species. In general, the more diverse an area is (number of habitat types and animal inhabitants) and the better represented these components are (population counts), the more rigorous (resistant, undisturbed, natural, "healthy") the area is considered.

The NEPA document should discuss biodiversity aspects of the proposal as appropriate. For example, will the project increase, restore, or decrease biodiversity of the area or region? Coordination with the U.S. Fish and Wildlife Service (FWS), and your state's fish and game department is recommended regarding the design of any project mitigation areas to enhance or restore biodiversity.

Endangered Species - The FWS is the responsible agency for endangered species compliance, so EPA defers to FWS regarding assessments of Federally-protected endangered species. However, the NEPA document should discuss survey results and adjust the proposed alignment as appropriate. Early coordination with the FWS is recommended.

Cumulative Impacts -The NEPA document should estimate cumulative impacts of resources of concern associated with the proposed project. Cumulative impacts include the additive effects of a given parameter for all contributing projects in the study area and watershed. The document should define what cumulative impacts would result from implementation of the proposed project. Existing or future projects (Federal and non-Federal projects) with attendant pollutants should also be considered.

We appreciate the opportunity to provide these preliminary comments. We look forward to review of the EIS that you will develop for the proposed project. If you have any questions, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,

Heinz Mueller, Chief
NEPA Program Office

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NRCS Natural Resources Conservation Service
4511 US Highway 31S
Decatur, AL 35603

August 3, 2006

Mr. Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Dear Mr. Grumbir:

I have enclosed the soil survey maps for the locations that you requested in Jackson County. Also, I have enclosed the Jackson County Soil Survey legend and the list of soil map units considered to be Prime Farmland.

I have marked off the area of interest and divided them into 3 sections:

- Prime farmland
- Non-prime farmland/not hydric
- Wetland/Hydric soils

The areas marked in green are considered "Prime Farmland" as defined in Appendix A of Department Regulation No. DR 9500-3 dated March 22, 1983; and also, meets the criteria set forth by the Farmland Protection Policy Act (FPPA) and Land Evaluation Site Assessment (LESA) of June 22, 1982. In addition, forested areas are considered to be prime farmland, if the criteria for prime farmland are met.

However, considering, as stated in your letter, that part of area of interest has been zoned for industrial use, then this area **is not** subject to Farmland Protection Policy Act (FPPA) requirements. This area is to be considered as "urban and built up areas."

Urban and built-up areas. A *Land cover/use* category consisting of residential, industrial, commercial, and institutional land; construction sites; public administrative sites; railroad yards; cemeteries; airports; golf courses; sanitary landfills; sewage treatment plants; water control structures and spillways; other land used for such purposes; small parks (less than 10 acres) within urban and built-up areas; and highways, railroads, and other transportation facilities if they are surrounded by urban areas. Also included are tracts of less than 10 acres that do not meet the above definition but are completely surrounded by Urban and built-up land. Two size categories are recognized in the NRI: areas of 0.25 acre to 10 acres, and areas of at least 10 acres.

Any areas not within the category of "Urban and built up area," may be subject to FPPA requirements.

In addition, area of consideration **does** contain hydric soils (blue) that meet the definition for wetland criteria, as required by 180-V-NFSAM Third Edition, Amend 2, November 1996 part 513.11.a. The map units that are considered hydric soils in the area of interest are:

Du – Dunning silty clay
Gl – Guthrie silt loam
Os – Ooltewah silt loam
Rl – Robertsville silt loam

NRCS primary concerns with this project are possible loss of prime farmland and the possible conversion of wetlands during construction. Erosion and sediment control measures should be implemented and maintained during the construction phase to protect land, water, and related resources. Plans for construction should include sediment basins or traps and other erosion control practices, including coverage of bare soil as soon as possible by temporary and permanent vegetation and structures.

If you need further assistance, please contact your local NRCS office, or feel free to call myself, Christopher Ford, Resource Soil Scientist, at (256) 353-6146 ext. 107.

Sincerely,

Christopher Ford

Christopher Ford
Resource Soil Scientist

Prime and Other Important Farmlands

Jackson County, Alabama

Map symbol	Map unit name	Farmland classification
Ade	Allen fine sandy loam, eroded, undulating phase	All areas are prime farmland
Adu	Allen fine sandy loam, undulating phase	All areas are prime farmland
Af	Abernathy fine sandy loam	All areas are prime farmland
Asu	Abernathy silt loam, undulating phase	All areas are prime farmland
Asv	Abernathy silt loam, level phase	All areas are prime farmland
BC	Barbourville-Cotaco fine sandy loams	All areas are prime farmland
Cce	Clarksville cherty silt loam, eroded, undulating phase	All areas are prime farmland
Ccu	Clarksville cherty silt loam, undulating phase	All areas are prime farmland
Co	Crossville loam, undulating phase	All areas are prime farmland
Cpu	Capshaw silt loam, undulating phase	All areas are prime farmland
Cpv	Capshaw silt loam, level phase	All areas are prime farmland
Csu	Cumberland silt loam, undulating phase	All areas are prime farmland
Cuu	Cumberland loam, undulating phase	All areas are prime farmland
Dne	Dewey cherty silt loam, eroded, undulating phase	All areas are prime farmland
Dsu	Dewey silt loam, undulating phase	All areas are prime farmland
Dwe	Dewey silty clay loam, eroded, undulating phase	All areas are prime farmland
Ede	Enders silt loam, eroded, undulating phase	All areas are prime farmland
Edu	Enders silt loam, undulating phase	All areas are prime farmland
Eg	Egam silt loam	All areas are prime farmland
El	Egam silty clay loam	All areas are prime farmland
Esu	Etowah silt loam, undulating phase	All areas are prime farmland
Esv	Etowah silt loam, level phase	All areas are prime farmland
Ewu	Etowah loam, undulating phase	All areas are prime farmland
Ewv	Etowah loam, level phase	All areas are prime farmland
Fce	Fullerton cherty silt loam, eroded, undulating phase	All areas are prime farmland
Fcu	Fullerton cherty silt loam, undulating phase	All areas are prime farmland
Fse	Fullerton silt loam, eroded, undulating phase	All areas are prime farmland
Fsu	Fullerton silt loam, undulating phase	All areas are prime farmland
Gce	Greendale cherty silt loam, eroded, undulating phase	All areas are prime farmland
Gcu	Greendale cherty silt loam, undulating phase	All areas are prime farmland
Gcv	Greendale cherty silt loam, level phase	All areas are prime farmland
Hcu	Hollywood silty clay, undulating phase	All areas are prime farmland
Hcv	Hollywood silty clay, level phase	All areas are prime farmland
Hfe	Hartsells fine sandy loam, eroded, undulating phase	All areas are prime farmland
Hfm	Hartsells fine sandy loam, undulating, shallow phase	All areas are prime farmland
Hft	Hartsells fine sandy loam, eroded, undulating shallow phase	All areas are prime farmland
Hfu	Hartsells fine sandy loam, undulating phase	All areas are prime farmland
Hl	Huntington silt loam	All areas are prime farmland
Hne	Hanceville fine sandy loam, eroded, undulating phase	All areas are prime farmland
Hnu	Hanceville fine sandy loam, undulating phase	All areas are prime farmland
Huu	Holston loam, undulating phase	All areas are prime farmland
Huv	Holston loam, level phase	All areas are prime farmland
Hye	Hermitage silty clay loam, eroded, undulating phase	All areas are prime farmland
Jfe	Jefferson fine sandy loam, eroded, undulating phase	All areas are prime farmland
Jfu	Jefferson fine sandy loam, undulating phase	All areas are prime farmland
Ld	Lindside silty clay loam	All areas are prime farmland
Le	Lindside silty clay	All areas are prime farmland
Ll	Lindside silt loam	All areas are prime farmland
Mnu	Monongahela loam, undulating phase	All areas are prime farmland
Mnv	Monongahela loam, level phase	All areas are prime farmland

Prime and Other Important Farmlands

Jackson County, Alabama

Map symbol	Map unit name	Farmland classification
Pf	Pope fine sandy loam	All areas are prime farmland
Sfu	Sequatchie fine sandy loam, undulating phase	All areas are prime farmland
Sfv	Sequatchie fine sandy loam, level phase	All areas are prime farmland
Tbu	Talbott silt loam, undulating phase	All areas are prime farmland
Tce	Talbott silty clay loam, eroded, undulating phase	All areas are prime farmland
Ts	Taft silt loam	All areas are prime farmland
Tv	Tyler very fine sandy loam	All areas are prime farmland
Wne	Waynesboro fine sandy loam, eroded, undulating phase	All areas are prime farmland
Wnu	Waynesboro fine sandy loam, undulating phase	All areas are prime farmland
Wsu	Wolftever silt loam, undulating phase	All areas are prime farmland
Wsv	Wolftever silt loam, level phase	All areas are prime farmland
PA	Philo-Atkins silt loams	Prime farmland if drained

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Ade	Allen fine sandy loam, eroded, undulating phase
Adh	Allen fine sandy loam, eroded, hilly phase
Adn	Allen fine sandy loam, eroded, rolling phase
Ado	Allen fine sandy loam, rolling phase
Adu	Allen fine sandy loam, undulating phase
Af	Abernathy fine sandy loam
Ahf	Armuchee silty clay loam, eroded, steep phase
Ald	Allen loam, severely eroded, rolling phase
Alr	Allen loam, severely eroded, hilly phase
Asu	Abernathy silt loam, undulating phase
Asv	Abernathy silt loam, level phase
ATh	Armuchee-Tellico silty clay loams, eroded, hilly phases
ATr	Armuchee-Tellico silty clay loams, severely eroded, hilly phases
BC	Barbourville-Cotaco fine sandy loams
Bf	Bruno fine sandy loam
Bu	Bruno loamy fine sand
Cbd	Colbert silty clay, severely eroded ,rolling phase
Cbe	Colbert silty clay, eroded, undulating phase
Cbn	Colbert silty clay, eroded, rolling phase
Cbp	Colbert silty clay, severely eroded, undulating phase
Cce	Clarksville cherty silt loam, eroded, undulating phase
Cch	Clarksville cherty silt loam, eroded, hilly phase
Ccl	Clarksville cherty silt loam, hilly phase
Ccn	Clarksville cherty silt loam, eroded, rolling phase
Cco	Clarksville cherty silt loam, rolling phase
Ccu	Clarksville cherty silt loam, undulating phase
Cmd	Cumberland silty clay loam, severely eroded, rolling phase
Cme	Cumberland silty clay loam, eroded, undulating phase
Cmh	Cumberland silty clay loam, eroded, hilly phase
Cmn	Cumberland silty clay loam, eroded, rolling phase
Cmr	Cumberland silty clay loam, severely eroded, hilly phase
Co	Crossville loam, undulating phase
Cpu	Capshaw silt loam, undulating phase
Cpv	Capshaw silt loam, level phase
Cso	Cumberland silt loam, rolling phase
Csu	Cumberland silt loam, undulating phase
CTd	Colbert-Talbott stony silty clay loams, severely eroded, rolling phases
Cto	Colbert silty clay loam, rolling phase
Ctu	Colbert silty clay loam, undulating phase
Cuu	Cumberland loam, undulating phase
Dne	Dewey cherty silt loam, eroded, undulating phase
Dnn	Dewey cherty silt loam, eroded, rolling phase
Drd	Dewey cherty silty clay loam, severely eroded, rolling phase
Dsl	Dewey silt loam, hilly phase
Dso	Dewey silt loam, rolling phase
Dsu	Dewey silt loam, undulating phase
Du	Dunning silty clay
Dwd	Dewey silty clay loam, severely eroded, rolling phase
Dwe	Dewey silty clay loam, eroded, undulating phase
Dwh	Dewey silty clay loam, eroded, hilly phase

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Dwn	Dewey silty clay loam, eroded, rolling phase
Dwr	Dewey silty clay loam, severely, eroded hilly phase
Eda	Enders silt loam, eroded, rolling shallow phase
Ede	Enders silt loam, eroded, undulating phase
Edg	Enders silt loam, rolling, shallow phase
Edn	Enders silt loam, eroded, rolling phase
Edo	Enders silt loam, rolling phase
Edu	Enders silt loam, undulating phase
Eg	Egam silt loam
El	Egam silty clay loam
Eso	Etowah silt loam, rolling phase
Esu	Etowah silt loam, undulating phase
Esv	Etowah silt loam, level phase
Etd	Etowah silty clay loam, severely eroded, rolling phase
Ete	Etowah silty clay loam, eroded, undulating phase
Etn	Etowah silty clay loam, eroded, rolling phase
Ewu	Etowah loam, undulating phase
Ewv	Etowah loam, level phase
Fce	Fullerton cherty silt loam, eroded, undulating phase
Fcf	Fullerton cherty silt loam, eroded, steep phase
Fch	Fullerton cherty silt loam, eroded, hilly phase
Fcl	Fullerton cherty silt loam, hilly phase
Fcn	Fullerton cherty silt loam, eroded, rolling phase
Fco	Fullerton cherty silt loam, rolling phase
Fcu	Fullerton cherty silt loam, undulating phase
Fcz	Fullerton cherty silt loam, steep phase
Fse	Fullerton silt loam, eroded, undulating phase
Fsn	Fullerton silt loam, eroded, rolling phase
Fsu	Fullerton silt loam, undulating phase
Ftd	Fullerton cherty silty clay loam, severely eroded, rolling phase
Ftr	Fullerton cherty silty clay loam, severely eroded, hilly phase
Gce	Greendale cherty silt loam, eroded, undulating phase
Gcn	Greendale cherty silt loam, eroded, rolling phase
Gcu	Greendale cherty silt loam, undulating phase
Gcv	Greendale cherty silt loam, level phase
Gl	Guthrie silt loam
Hcu	Hollywood silty clay, undulating phase
Hcv	Hollywood silty clay, level phase
Hfa	Hartsells fine sandy loam, eroded, rolling shallow phase
Hfe	Hartsells fine sandy loam, eroded, undulating phase
Hfg	Hartsells fine sandy loam, rolling, shallow phase
Hfm	Hartsells fine sandy loam, undulating, shallow phase
Hfn	Hartsells fine sandy loam, eroded, rolling phase
Hfo	Hartsells fine sandy loam, rolling phase
Hft	Hartsells fine sandy loam, eroded, undulating shallow phase
Hfu	Hartsells fine sandy loam, undulating phase
Hl	Huntington silt loam
Hne	Hanceville fine sandy loam, eroded, undulating phase
Hnn	Hanceville fine sandy loam, eroded, rolling phase
Hno	Hanceville fine sandy loam, rolling phase

Map Unit Legend

Jackson County, Alabama

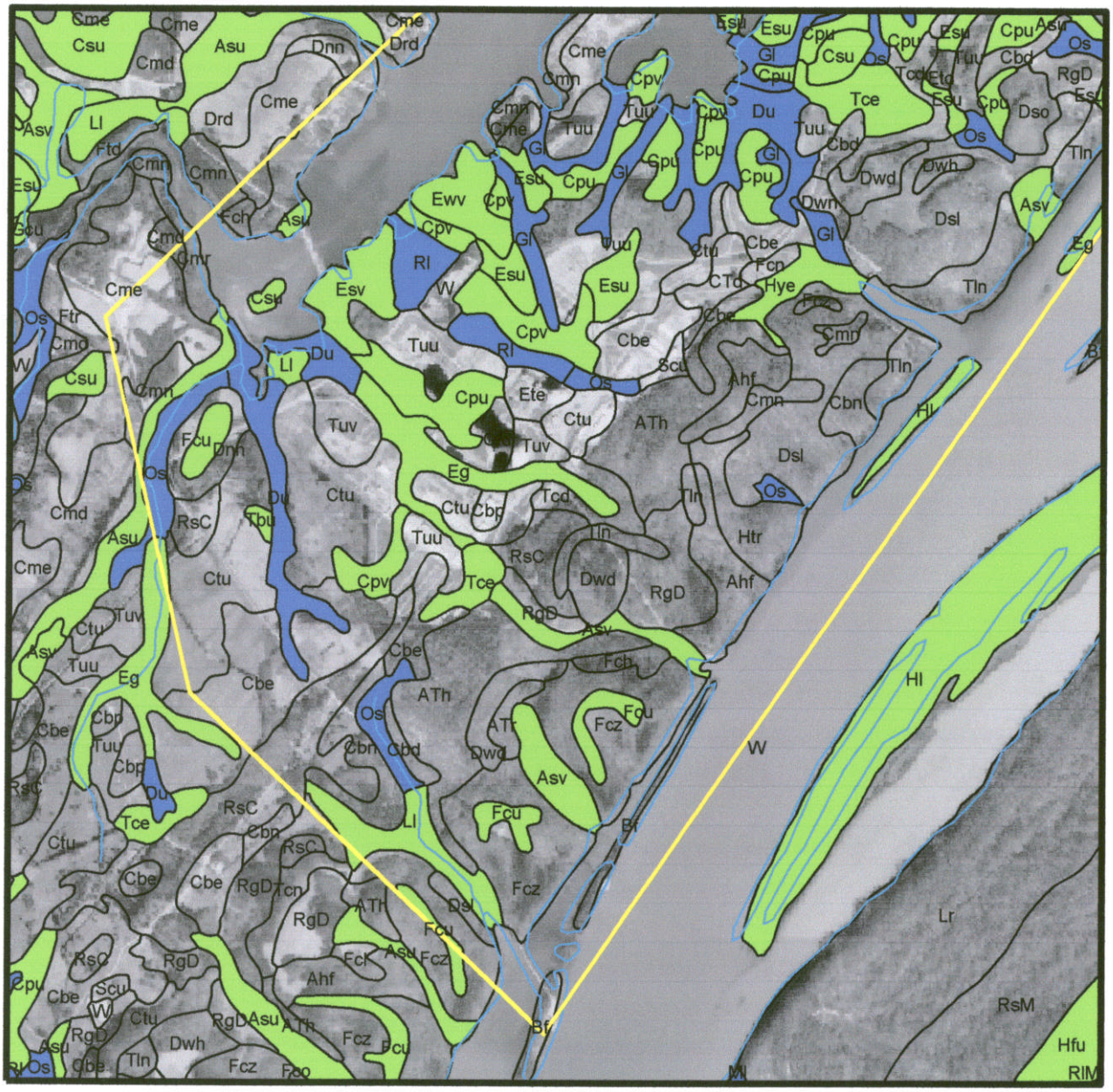
Map symbol	Map unit name
Hnu	Hanceville fine sandy loam, undulating phase
HsM	Hilly stony land
Hth	Hermitage cherty silty clay loam, eroded, hilly phase
Htr	Hermitage cherty silty clay loam, severely eroded, hilly phase
Huu	Holston loam, undulating phase
Huv	Holston loam, level phase
Hye	Hermitage silty clay loam, eroded, undulating phase
Hyn	Hermitage silty clay loam, eroded, rolling phase
JAh	Jefferson-Allen loams, eroded, hilly phases
JAl	Jefferson-Allen loams, hilly phases
JAn	Jefferson-Allen loams, eroded, rolling phases
JAr	Jefferson-Allen loams, severely eroded, hilly phases
JAs	Jefferson-Allen loams, severely eroded, steep phases
JAz	Jefferson-Allen loams, steep phases
Jfe	Jefferson fine sandy loam, eroded, undulating phase
Jfn	Jefferson fine sandy loam, eroded, rolling phase
Jfo	Jefferson fine sandy loam, rolling phase
Jfu	Jefferson fine sandy loam, undulating phase
Ld	Lindside silty clay loam
Le	Lindside silty clay
Lh	Limestone rockland, hilly
Ll	Lindside silt loam
Lr	Limestone rockland rough
Me	Melvin silty clay
Mfh	Muskingum fine sandy loam, eroded, hilly phase
Mfl	Muskingum fine sandy loam, hilly phase
Ml	Melvin silt loam
Mnu	Monongahela loam, undulating phase
Mnv	Monongahela loam, level phase
Mo	Melvin silty clay loam
Msl	Muskingum stony fine sandy loam, hilly phase
Msz	Muskingum stony fine sandy loam, steep phase
MW	Miscellaneous water
Os	Ooltewah silt loam
PA	Philo-Atkins silt loams
PAF	Palmerdale soils, hilly
Pd	Prader very fine sandy loam
Pf	Pope fine sandy loam
Plh	Pottsville loam, eroded, hilly phase
Pll	Pottsville loam, hilly phase
Qa	Quarry
RgD	Rough gullied land, Dewey, Cumberland, and Colbert soil material
RgM	Rough gullied land, Muskingum soil material
Rl	Robertsville silt loam
RlM	Rolling stony land, Muskingum soil material
RsC	Rolling stony land, Colbert soil material
RsM	Rough stony land, Muskingum soil material
Scd	Swaim silty clay loam, severely eroded, rolling phase
Sce	Swaim silty clay loam, eroded, undulating phase
Scn	Swaim silty clay loam, eroded, rolling phase

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Sco	Swaim silty clay loam, rolling phase
Scu	Swaim silty clay loam, undulating phase
Sfu	Sequatchie fine sandy loam, undulating phase
Sfv	Sequatchie fine sandy loam, level phase
St	Sturkie fine sandy loam
StM	Stony alluvium
Tbu	Talbott silt loam, undulating phase
Tcd	Talbott silty clay loam, severely eroded rolling phase
Tce	Talbott silty clay loam, eroded, undulating phase
Tcn	Talbott silty clay loam, eroded, rolling phase
Tld	Tellico clay loam, severely eroded, rolling phase
Tln	Tellico clay loam, eroded, rolling phase
Ts	Taft silt loam
Tuu	Tupelo silt loam, undulating phase
Tuv	Tupelo silt loam, level phase
Tv	Tyler very fine sandy loam
W	Water
Wld	Waynesboro loam, severely eroded, rolling phase
Wne	Waynesboro fine sandy loam, eroded, undulating phase
Wnh	Waynesboro fine sandy loam, eroded, hilly phase
Wnn	Waynesboro fine sandy loam, eroded, rolling phase
Wno	Waynesboro fine sandy loam, rolling phase
Wnu	Waynesboro fine sandy loam, undulating phase
Wsu	Wolftever silt loam, undulating phase
Wsv	Wolftever silt loam, level phase

TVA/NuStart Bellefonte Project
Request for Information on Soils and Prime Farmland



Jackson County, Alabama

Meters
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Legend

Farmland

FrmIndCls

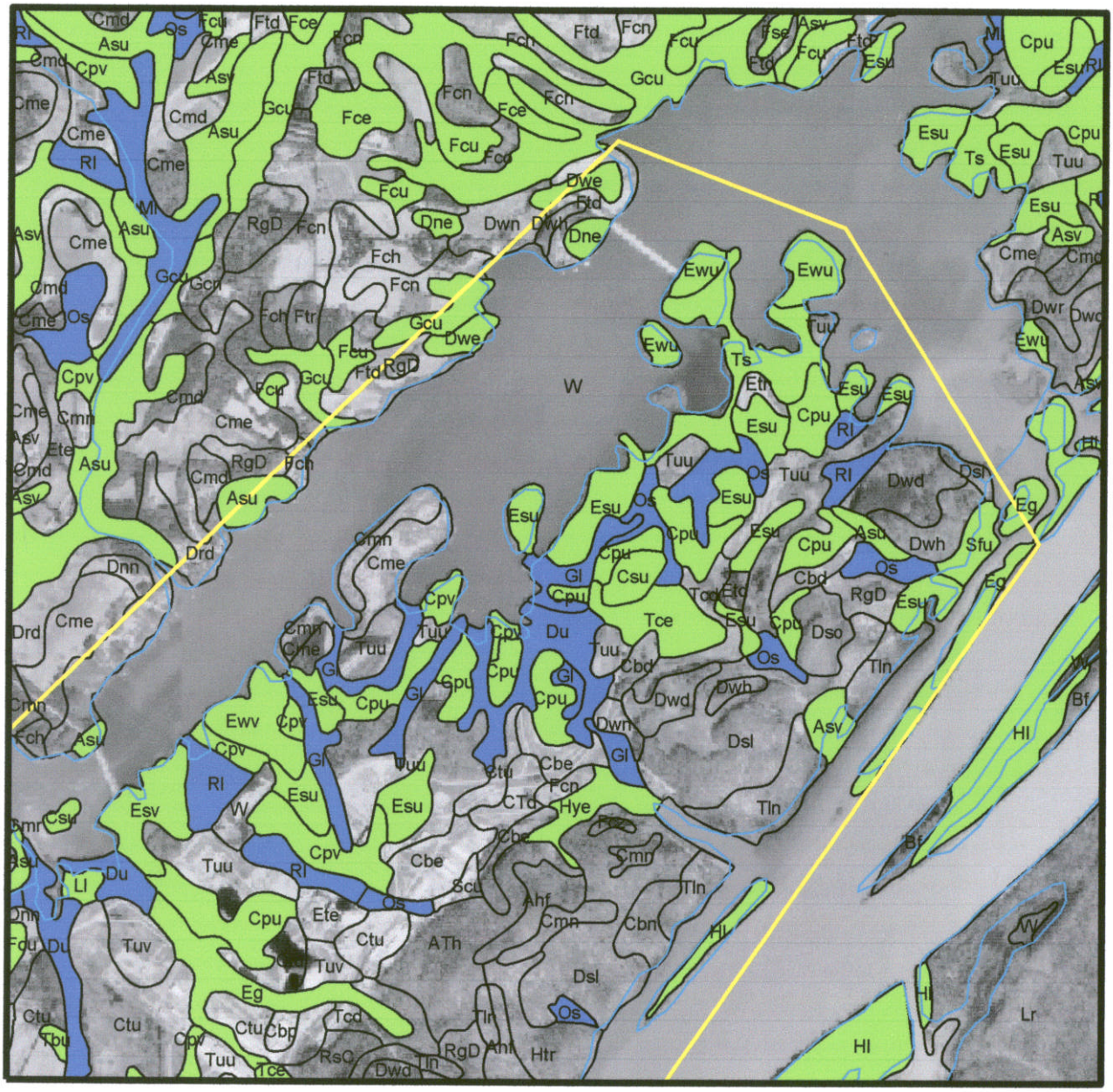
- All areas are prime farmland
- Not prime farmland
- Prime farmland if drained

hydric

HydrcRatng

- All Hydric
- Not Hydric

TVA/NuStart Bellefonte Project
Request for Information on Soils and Prime Farmland



Jackson County, Alabama

Meters
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Legend

Farmland

FrmlndCls

- All areas are prime farmland
- Not prime farmland
- Prime farmland if drained

hydric

HydrcRatng

- All Hydric
- Not Hydric

\CS Conservation Service
11 US Hwy 31 South
Decatur, AL 35603

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Mr. Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Chris Koopp

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

COLONEL (RET.) JOHN A. NEUBAUER
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

January 31, 2007

Diane Cargill
Cargill Archaeological Services, LLC
619 Tantra Drive
Boulder, Colorado 80305

RE: AHC 2006-1211
Bellefonte Nuclear Site
Jackson County

Dear Ms. Cargill:

Thank you for the well written report for the above referenced project. We agree that archaeological site 1Ja111 is potentially eligible for the National Register of Historic Places. We recommend avoidance of this site. If avoidance is not feasible, Phase II testing will be necessary. A phase II research proposal must be reviewed and approved by our office prior to the initiation of testing.

We further agree that archaeological sites 1Ja113, 1Ja300 and 1Ja301 have been destroyed and are therefore no longer eligible for the National Register.

However, insufficient research was conducted to make a determination for archaeological site 1Je1103. We cannot agree with your recommendations without first reviewing some historical research regarding the site. At the very least, a deed search is appropriate here. We also recommend attempting more that one shovel test before declaring a site ineligible.

Finally, we have a few minor editorial comments:

- On pages 1 and 38, you refer to the curatorial facility at Moundville as "UAB," which stands for the University of Alabama at Birmingham, when in fact it is associated with the University of Alabama (UA).

- In the historical background section (pages 21 & 22), you provide what appear to be definitive locations for Native towns visited by the de Soto entrada. To our knowledge, the only site definitively associated with the de Soto expedition is the Governor Martin Site at the Apalachee village of Anhaica, located about a half-mile west of the present Florida Capitol building in Tallahassee, FL. It was found

by archaeologist B. Calvin Jones in March of 1987. Although many reputable scholars, including DePratter and Hudson, have sought to locate other villages listed in the chronicles, all other town sites remain conjecture and it is misleading to present theory as fact.

- Also on page 22 Dragging Canoe, did indeed lead the the Chickamagua to the Chattanooga area following the American Revolution, but Double Head and Bloody Fellow were among the following generation of Chickamagua leaders.

- Finally, again on page 22, the Chickamagua actually seceeded from the Cherokee Nation because they disagreed with the 1777 Treaty of DeWitt's Corner, so why would you expect them to honour the 1785 Treaty of Hopewell between the United States and the Cherokee Nation? The Chickamagua formally declared war on the United States in 1792 and continued their bloody campaign against the ounslaught of white settelers until a militia led by Major James Ore destroyed Nickajack and Running Water in 1794. The Chickamagua finally ended eighteen year of resistance by signing the Treaty of Tellico Blockhouse in January of 1795. The Chickamagua were recognized by the US government as an entity distinct from the Cherokee Nation from the time of secession to removal.

We appreciate your efforts to help us in preserving Alabama's non-renewable cultural resources. If you have questions or comments or if we may be of additional service, please contact Stacye Hathorn of our office and include the AHC project number referenced above.

Sincerely,

Colonel (Ret.) John A. Neubauer
Executive Director

JAN/SGH/sgh

preserveALA
ALABAMA HISTORICAL COMMISSION

August 1, 2006

Richard J. Grumbir
NuStart Energy
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Re: AHC 2006-1211
Bellefonte Site
Jackson County

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242•3184
fax 334 240•3477

Dear Mr. Grumbir:

The Alabama Historical Commission appreciates your providing our office with information regarding the above referenced project. However, according to 36 CFR Subpart B, it is the federal agency's responsibility to initiate consultation, determine the area of potential effect (APE) and make a determination regarding effect. Our office, then, either agrees or disagrees with the agency's determinations. Although we appreciate being informed it would be precipitous for our office to comment prior to receiving an opinion from the Tennessee Valley Authority (TVA). We look forward to hearing from TVA regarding the above referenced project.

We appreciate your efforts to help us in preserving Alabama's non-renewable cultural resources. If you have questions or comments or if we may be of additional service, please contact Stacye Hathorn of our office and include the AHC project number referenced above.

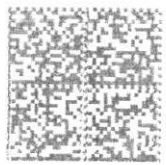
Very truly yours,

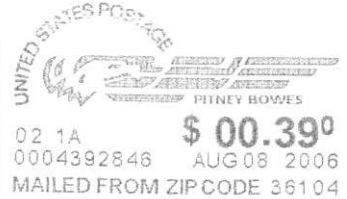
Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/SGH/sgh

Cc: Erin Pritchard, TVA

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
P.O. BOX 300900
MONTGOMERY, ALABAMA 36130-0900





MR RICHARD GRUMBIR
NUSTART ENERGY
200 EXELON WAY
KENNETT SQUARE PA 19348

1334&+2442-00 C006

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214-2660

REPLY TO
ATTENTION OF:

August 11, 2006

Regulatory Branch

SUBJECT: File No. 2006-01712; Comments on TVA/NuStart Bellefont Project adjacent to Town Creek Mile 2.5R, (TRM 362.5L), Jackson County, AL

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

Dear Dr. Luchsinger:

This is in response to your July 24, 2006, requesting our legal jurisdiction over the proposed construction of a new plant at the subject site. Your letter states that preliminary construction plans indicate that proposed construction of new reactor units could impact at least two small wetland areas (shown as Wetland 2 and Wetland 3 on the map). Wetland 2 may be impacted by a haul road to the construction site and at least two construction pads for containment vessel assembly. Wetland 3 would be affected by the proposed haul road. Wetland 1 would receive storm water runoff from the proposed constriction site.

Based upon the information submitted, it is likely that a Department of the Army permit is required for the work. From my cursory review of the information, it is likely that the work may meet the criteria for approval under a Nationwide Permit. However, we need more information before we can make that determination. If the haul road wetland impact is only going to be temporary or if you can utilize mats across the wetlands; then that portion of the activity may meet the criteria of NWP #33, copy enclosed. It the road will be permanent and not restored after use, then it may meet the criteria of NWP #14; that is, if the impact is less than 0.5 acres and mitigation for the fill is provided as appropriate. The fill for the construction pads may be authorized under NWP #25, if less than 0.5 acres.

The work may also require other federal, state, and/or local approvals. When available, please provide a request for permit and your final plans of the proposed work with descriptions on 8½" x 11" sized paper to us. Please contact me if you need assistance or any other information. We appreciate your awareness of the regulatory program.

Please be advised that this determination reflects current policy. If this office has not specifically revalidated this determination after a 5-year period, it shall automatically expire. Thank you for coordinating this matter with us. If you have any questions or comments, you can contact me at the above address or telephone (615) 369-7504.

Sincerely,

Lisa R. Morris

Lisa R. Morris
Project Manager
Operations Division

Enclosures

Copies Furnished: TVA, Guntersville

Mr. Carl Crawford
NuStart Energy Development, LLC
200 Exelon Way, M/S KSA 3-N
Kennett Square, PA 19348

NuStart Energy℠

JUL 31

FILE NO. 2006-01712

July 24, 2006

U.S Army Corp of Engineers
ATTN: Forrest McDaniel
Western Regulatory Field Office, Nashville District
2042 Beltline Road SW
Building C, Suite 415
Decatur, AL 35601

Subject: TVA/NuStart Bellefonte Project
Request for Information on New Power Plant Requirements

Dear Mr. McDaniel:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local environment and work together to preserve any critical aspects, and to accurately assess all permitting requirements.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits and mitigation measures that may be required.

Our initial evaluation of the site indicates that there are numerous wetland areas in and around the Bellefonte Nuclear Plant site, most of them located along the 12.5 mile shoreline that borders much of the site. Included are 52 acres of islands along the old river channel; the wetlands on these islands are classified as palustrine, bottomland hardwood, deciduous, and temporarily flooded.

Wetlands have also developed in three ponds that were constructed in the 1970s during the initial phase of development of the Bellefonte site. The dikes of two ponds were breached in 1989, and 6 acres of palustrine, emergent, persistent, intermittently flooded wetlands have developed. The third 12-acre pond is used to filter stormwater runoff and is classified as palustrine, scrub-shrub, permanently flooded wetlands. Other wetlands have developed in areas where ponds were constructed for previous construction activities.

As a federal agency, TVA fulfills its mandate to protect wetlands as directed by Executive Order 11990.

Field surveys were conducted in April 2006 to determine the presence of wetlands in the vicinity of the proposed AP1000 rector facility at Bellefonte. The survey covered the area between the Bellefonte Nuclear Plant parking lot and the perimeter road to the north of the site. Six forested wetlands covering a total of 11.15 acres were identified within the survey area. Individual wetlands ranged in size from 0.24 acre to 4.05 acres. Preliminary construction plans indicate that the proposed construction of the new reactor units could directly impact at least two of the wetlands (Wetland 2 and Wetland 3, as shown in Enclosure 4 of this letter). Wetland 2 would be impacted by the proposed haul road to the construction site and at least two construction pads for containment vessel assembly. Wetland 3 would only be affected by the proposed haul road. Wetland 1 would receive stormwater runoff from the proposed construction site.

Please let us know what potential resource impacts under your legal jurisdiction should be considered in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

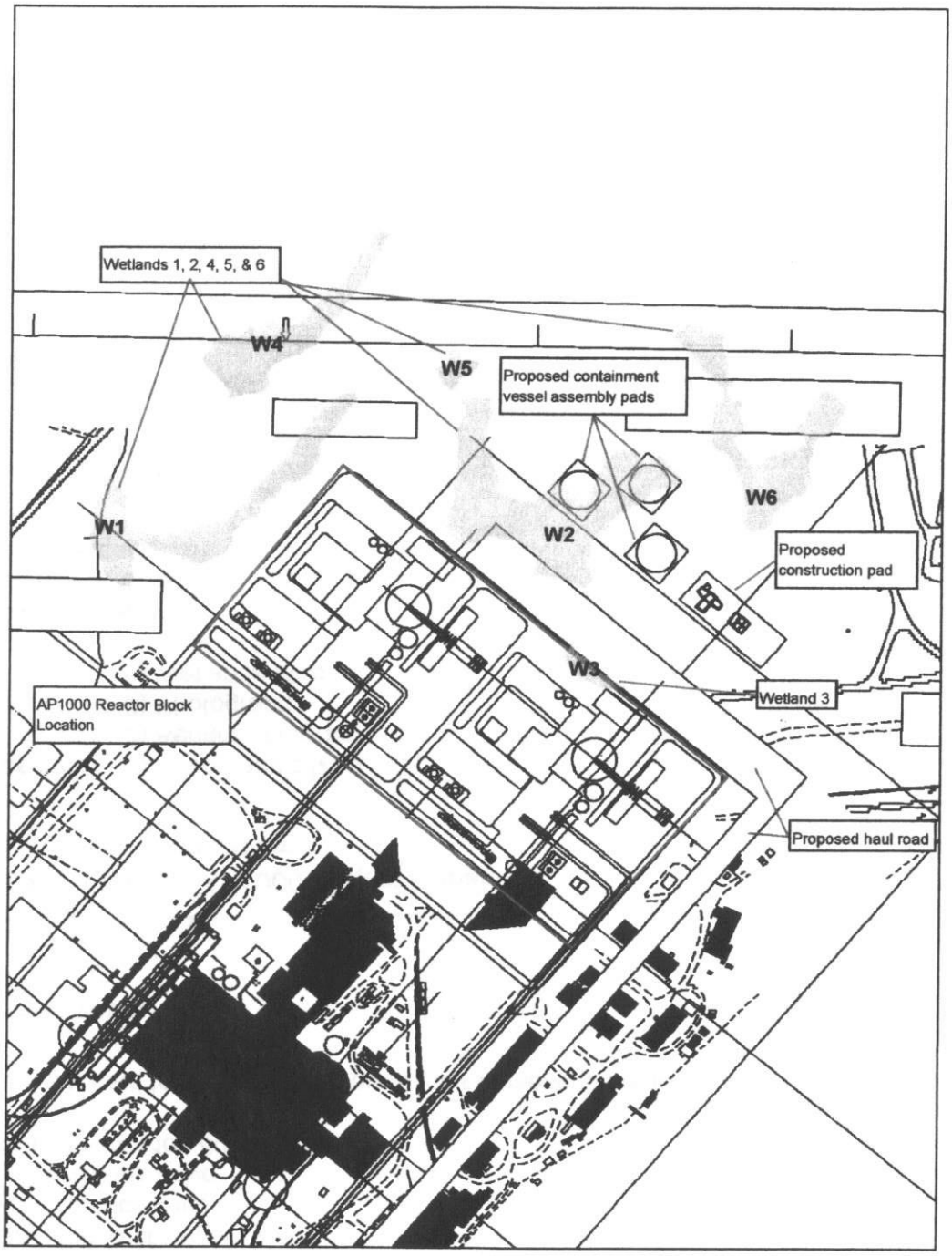
Very truly yours,

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

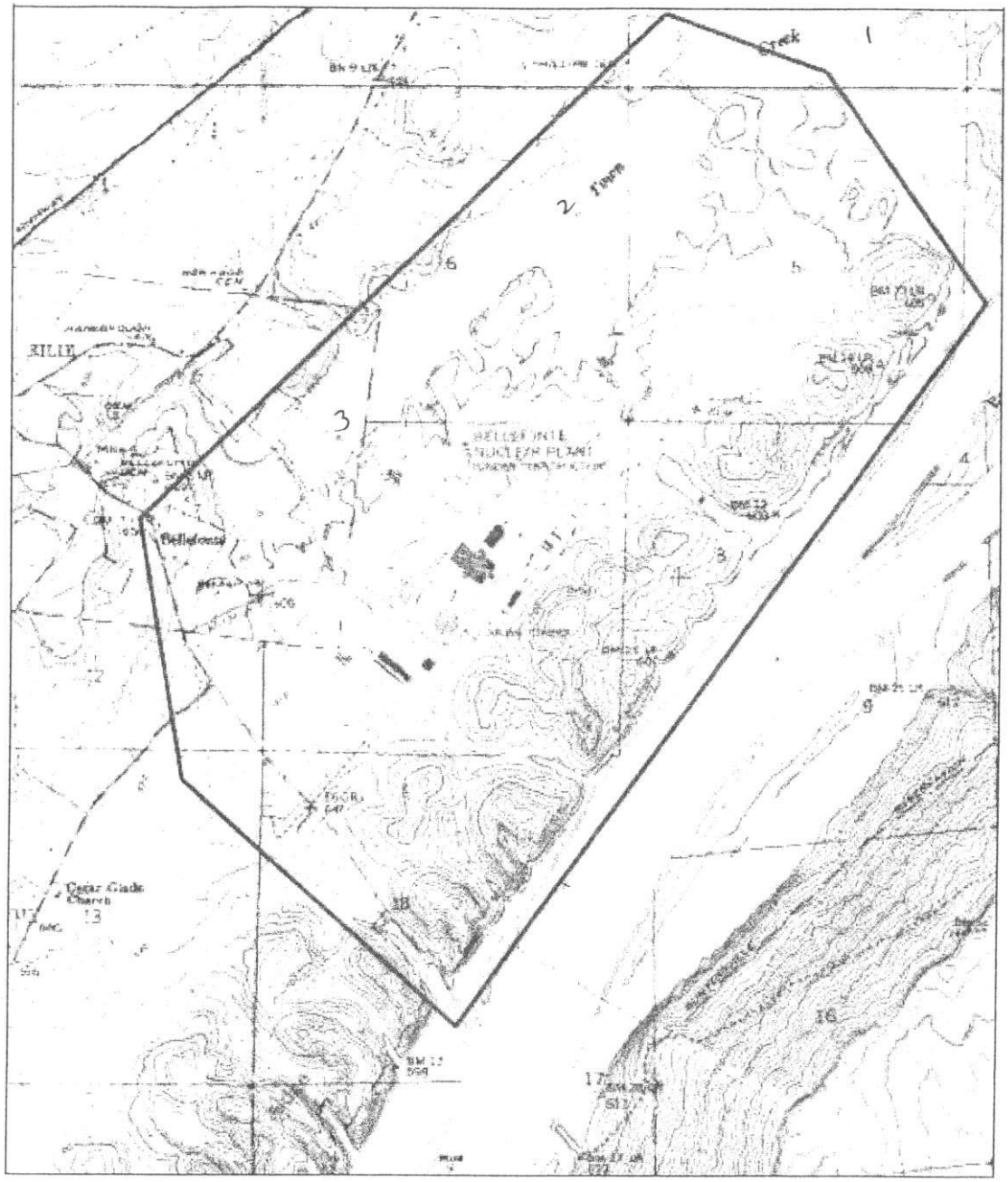
Enclosures:
1) Topographic Map
2) Aerial Photograph
3) Photograph
4) Wetlands Map

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 4: Map of potentially-impacted wetlands current at the site.



ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

Town Creek Mile 25R
Jackson County, AL (TRM 360.5)
File No. 2006-01712

US Army Corps of Engineers®
Nashville District

Nationwide Permit

No. 14, Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the US, including wetlands, if the activity meets the following criteria:

a. The discharge does not cause the loss of greater than 1/2-acre of waters of the US;

b. The width of the fill is limited to the minimum necessary for the crossing;

c. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

d. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

e. The crossing is a single and complete project for crossing waters of the US. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an Individual Permit. (Sections 10 and 404)

US Army Corps of Engineers
Nashville District

Nationwide Permit

No. 25, Structural Discharges

Structural Discharges. Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a Section 10 permit if located in navigable waters of the US. (Section 404)

US Army Corps
of Engineers
Nashville District

Nationwide Permit

No. 33 Temporary Construction, Access and Dewatering.

Temporary structures, work and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites; provided that the associated primary activity is authorized by the Corps of Engineers or the USCG, or for other construction activities not subject to the Corps or USCG regulations. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must be of materials, and placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if it is determined by the District Engineer that it will not cause more than minimal adverse effects on aquatic resources.

Temporary fill must be entirely removed to upland areas, or dredged material returned to its original location, following completion of the construction activity, and the affected areas must be restored to the pre-project conditions. Cofferdams cannot be used to dewater wetlands or other aquatic areas to change their use. Structures left in place after cofferdams are removed require a Section 10 permit if located in navigable waters of the U.S. (See 33 CFR part 322). The permittee must notify the District Engineer in accordance with the ``Notification'' General Condition. The notification must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources. The District Engineer will add Special Conditions, where necessary, to ensure environmental adverse effects is minimal. Such conditions may include: limiting the temporary work to the minimum necessary; requiring seasonal restrictions; modifying the restoration plan; and requiring alternative construction methods (e.g. construction mats in wetlands where practicable.)
Section 10 and 404

DI
HVIL

NASHVILLE, TENNESSEE 37202-1070

OFFICIAL BUSINESS

DR Deborah Luchsinger
EnerCon SVCS INC
6500 Crestbrook DR
Morristown CO 80465

NuStart Energy sm

August 28, 2006

Ms. Karen Kaniatobe
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 S Gordon Cooper
Shawnee Oklahoma 74801

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Kaniatobe:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects, including traditional cultural properties (TCP).

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past

several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties.

The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

Previous archival record search, field verification, and prior discussions with the Alabama Historical Commission deduced that the only historical site of potential significance was the original town site of Bellefonte. All structures associated with the original Bellefonte town site, including the 1845 Tavern and Inn, have been removed since 1974 when it was initially determined that the town site was eligible for placement on the National Register of Historic Places. The former town site is on the north side of and adjacent to Jackson County Highway 33, between U.S. 72 and the project Bellefonte project site. The town site is not on TVA property, and the buildings were removed by the owners.

Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site

showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

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6500 Crestbrook Drive
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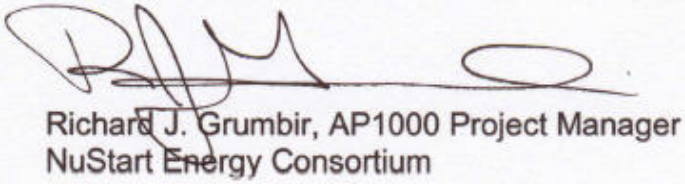
Very truly yours,



Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
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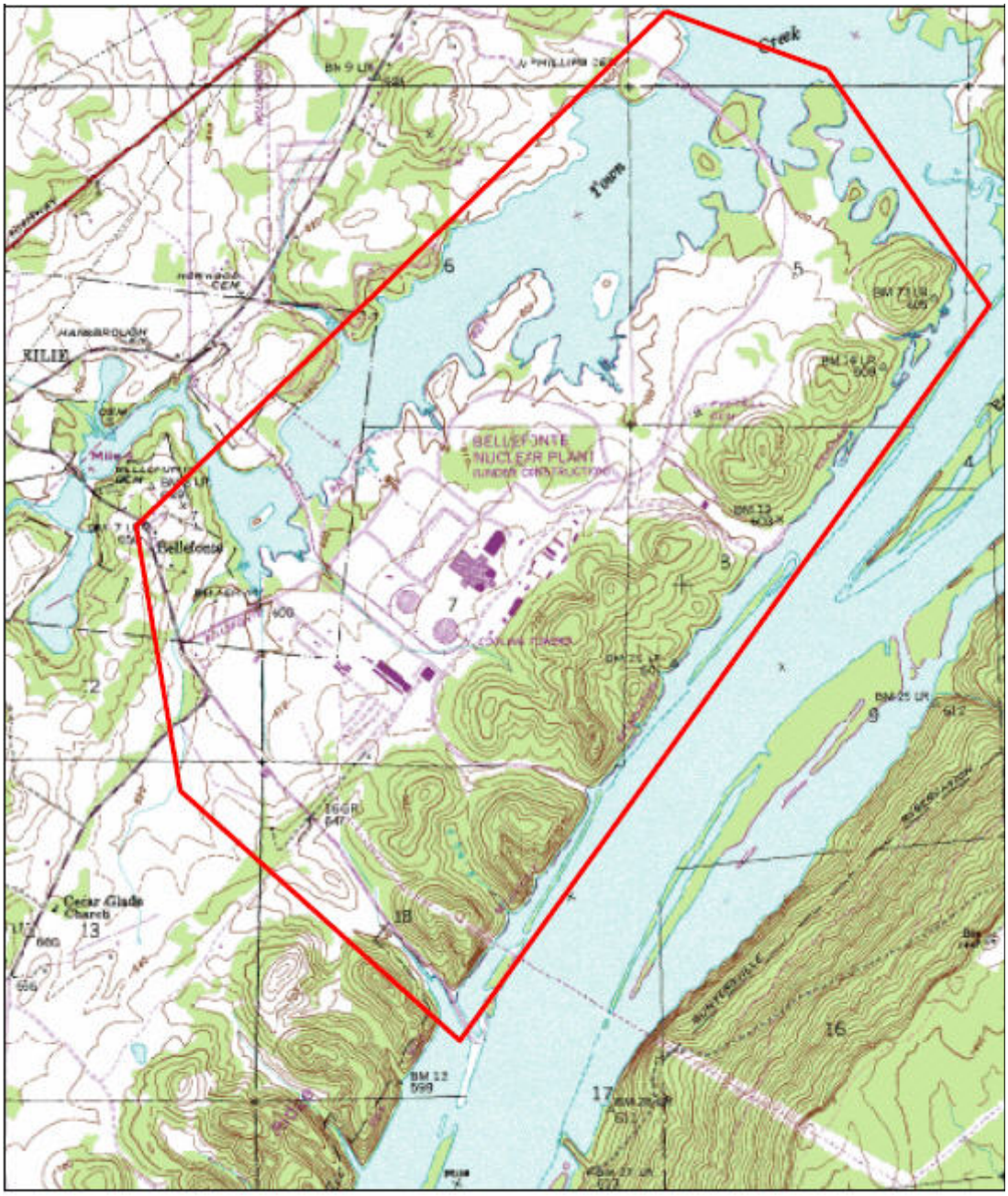
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Mr. Ronnie Thomas
Tribal Council Chairman
Alabama-Coushatta Tribe of Texas
571 State Park Rd. 56
Livingston, Texas 77351

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Thomas:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects, including traditional cultural properties (TCP).

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on

the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties.

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Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new

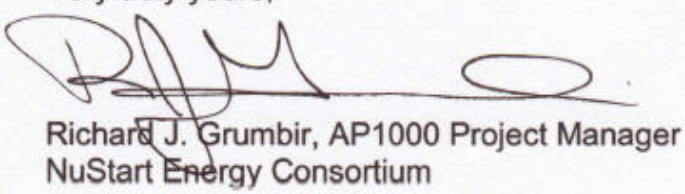
plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,



Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

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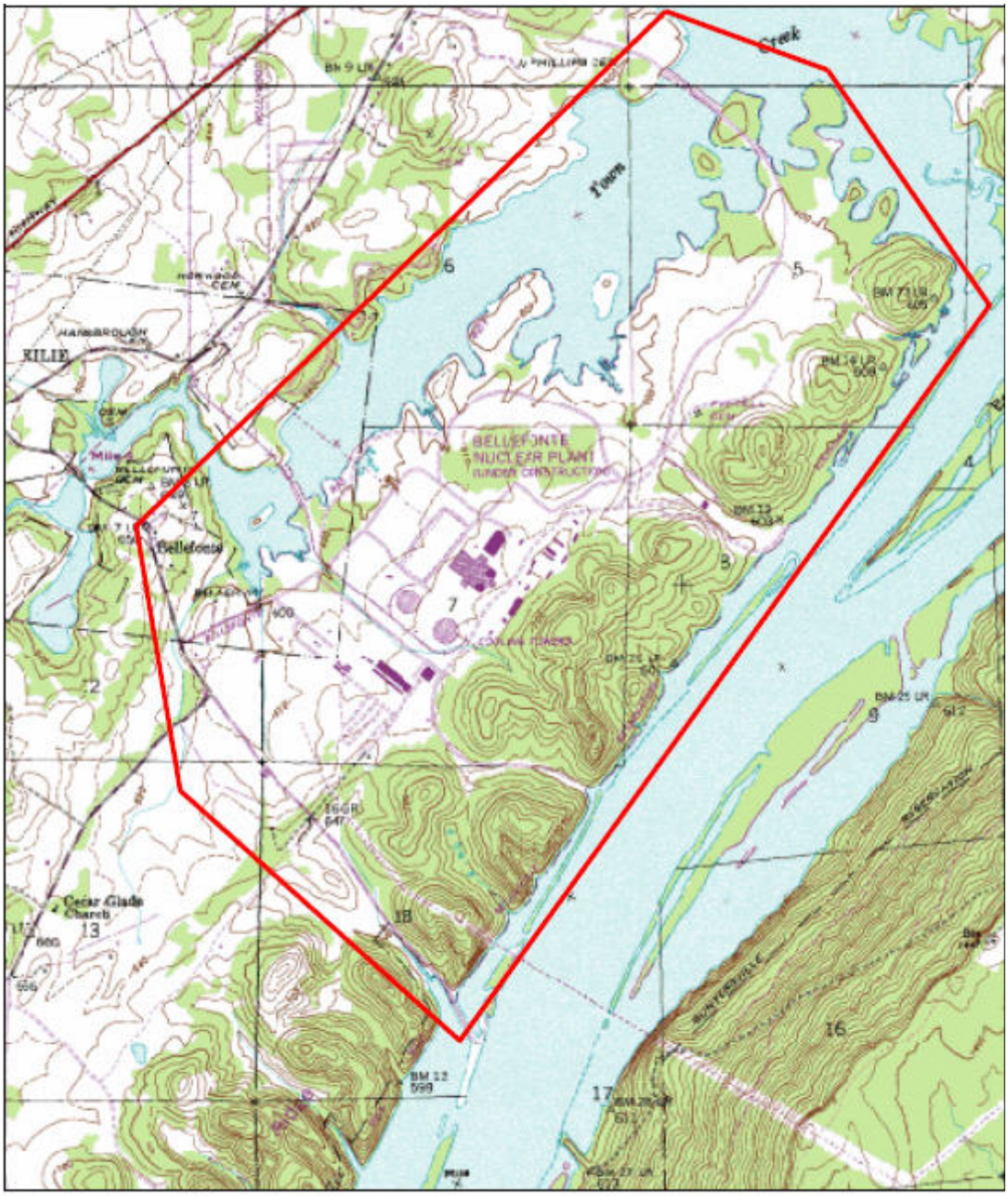
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms. Augustine Asbury
Cultural Preservation Coordinator
Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumka, Oklahoma 74883

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Asbury:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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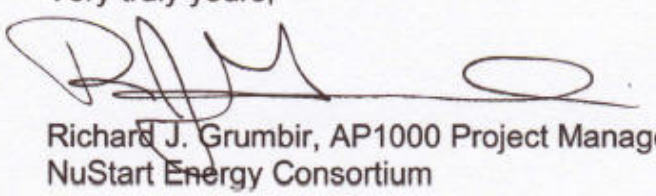

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

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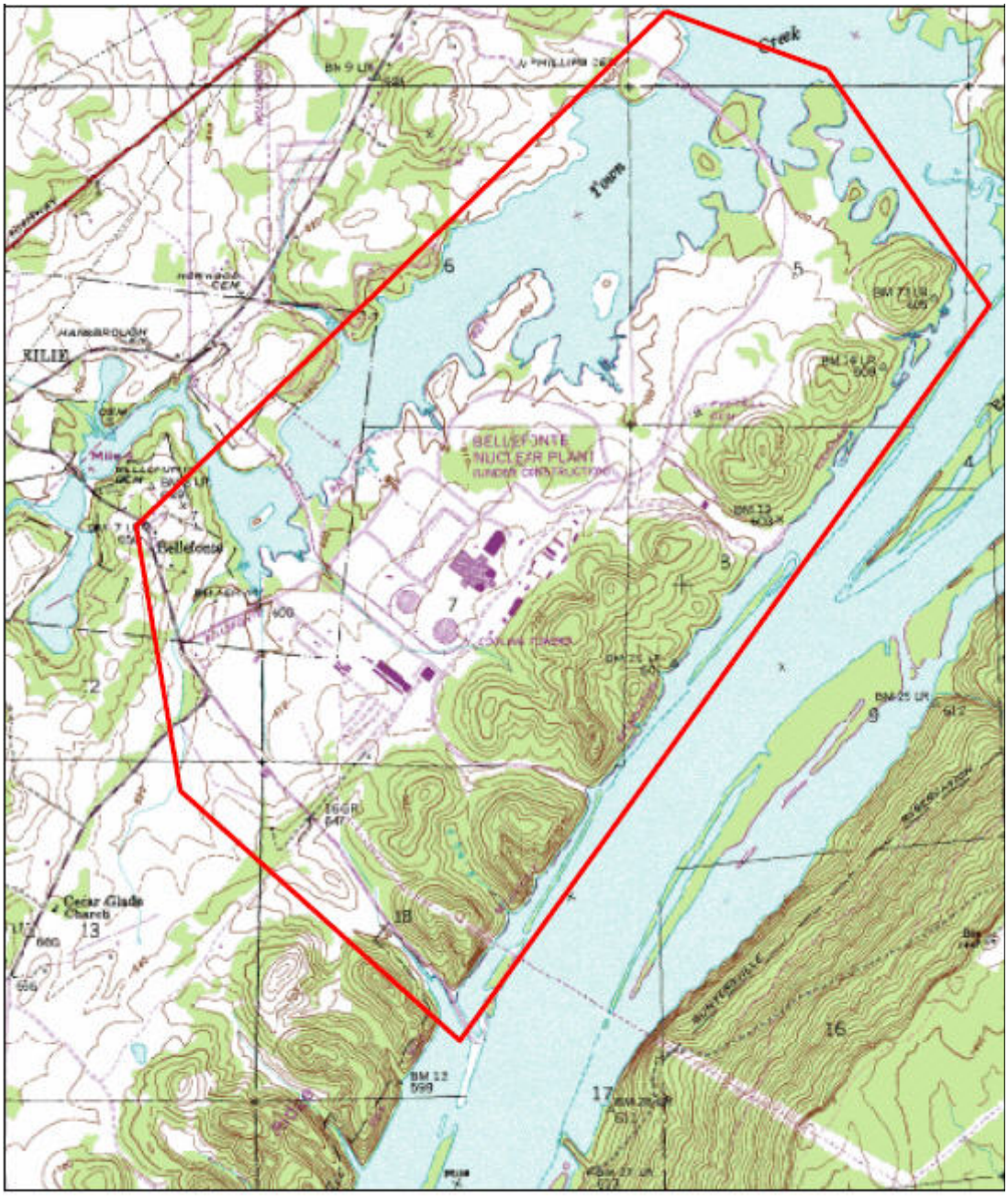

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Mr. Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of the Cherokee Indians
Post Office Box 455
Bryson City, North Carolina 28713

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Townsend:

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Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

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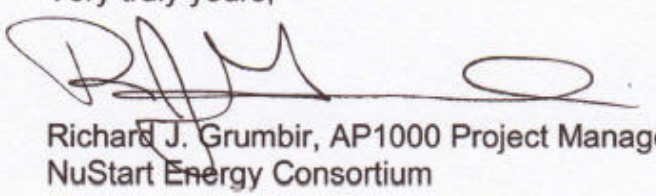
Very truly yours,



Richard J. Grumbir, AP1000 Project Manager
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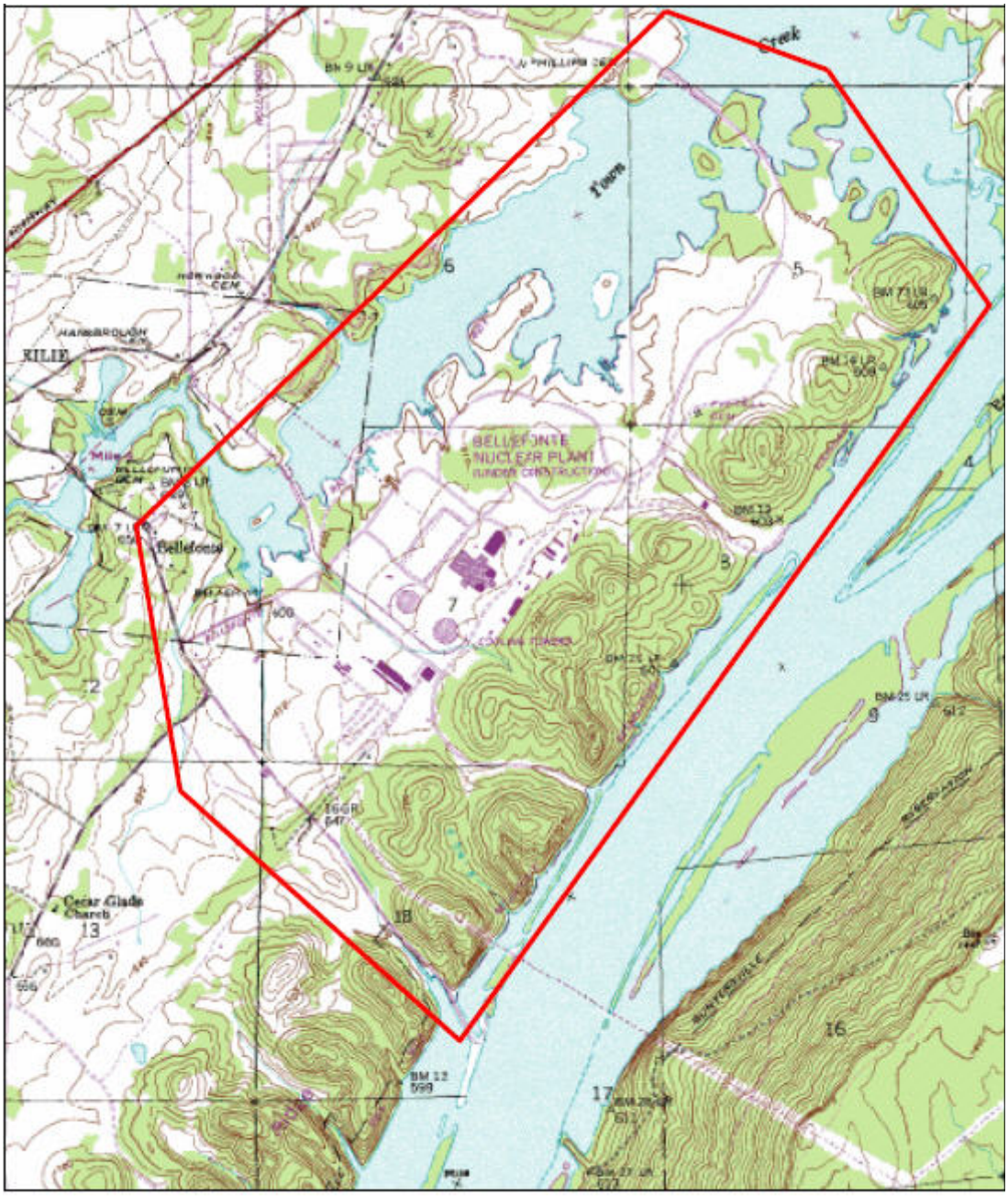

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ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Dr. Richard Allen
Policy Analyst
History and Culture Office
Cherokee Nation
Post Office Box 948
Tahlequah, Oklahoma 74465

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Dr. Allen:

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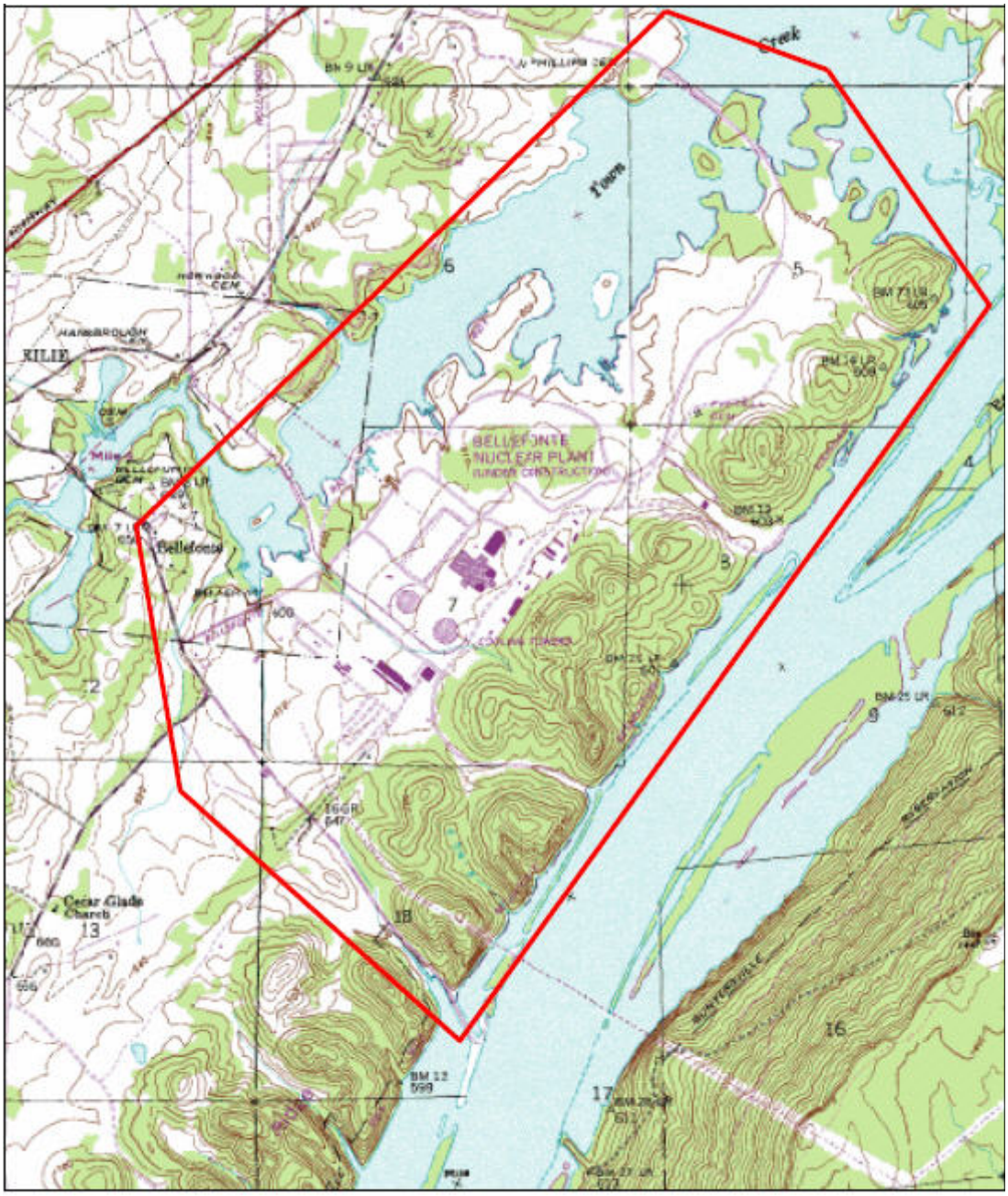

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ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms. Virginia Nail
Tribal Historic Preservation Officer
Chickasaw Nation
Cultural Resources Department
Post Office Box 1548
Ada, Oklahoma 74821-1548

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Nail:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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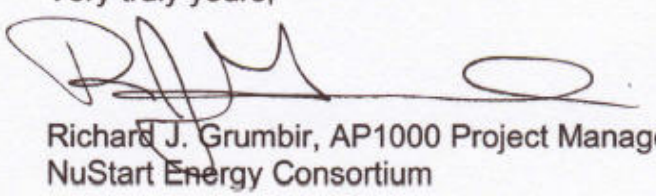

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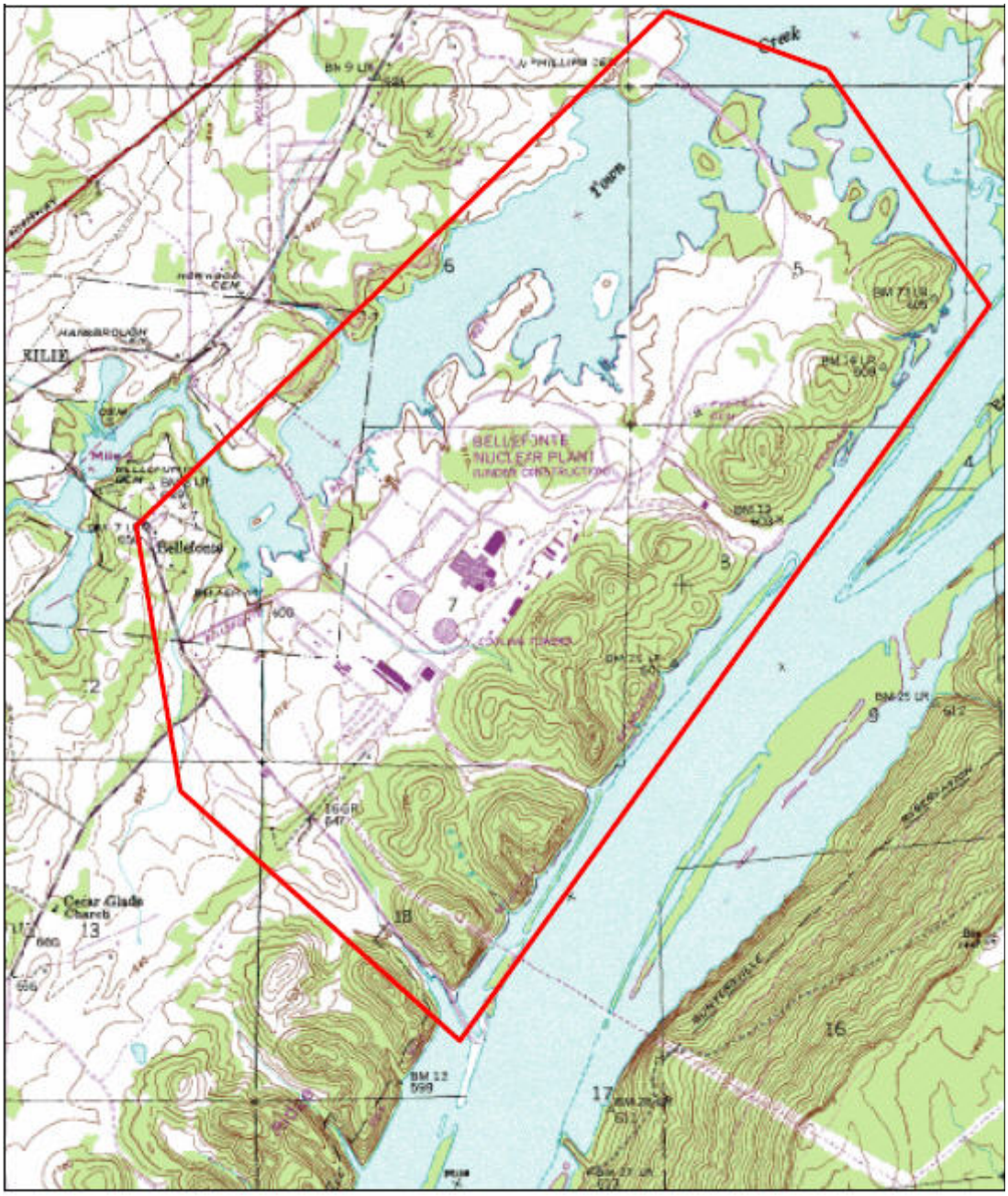

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NuStart Energy sm

August 28, 2006

Mr. Terry Cole
Cultural Resources Director
Choctaw Nation of Oklahoma
Post Office Drawer 1210
Durant, Oklahoma 74702

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Cole:

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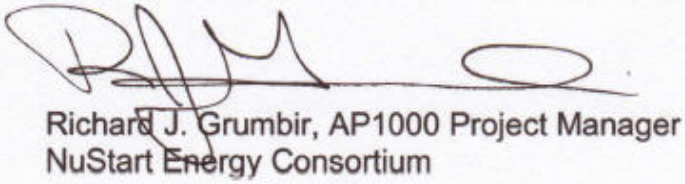

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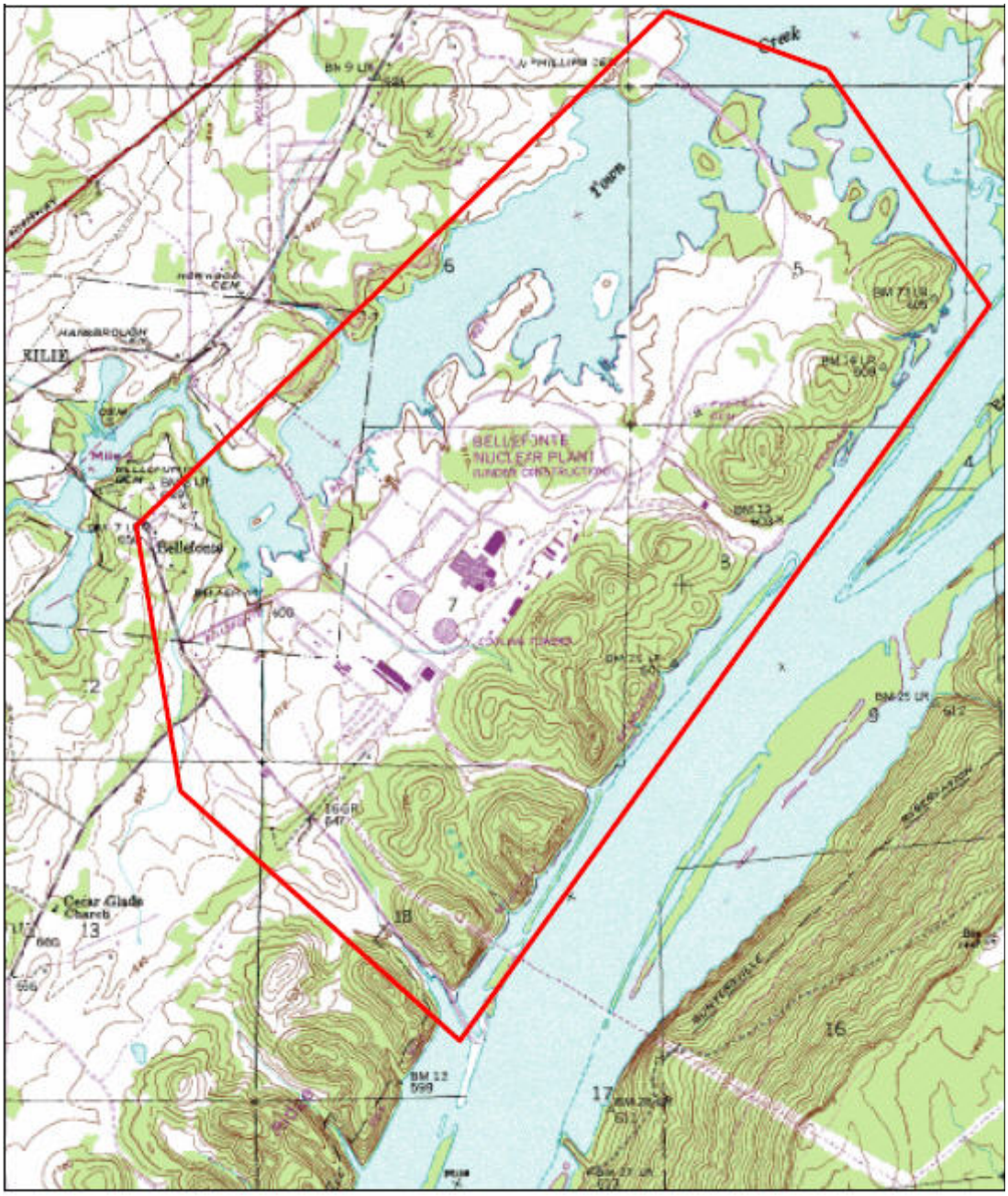

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NuStart Energy sm

August 28, 2006

Mr. Tyler Howe
Historic Preservation Specialist
Eastern Band of the Cherokee Indians
Post Office Box 455
Bryson City, North Carolina 28713

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Howe:

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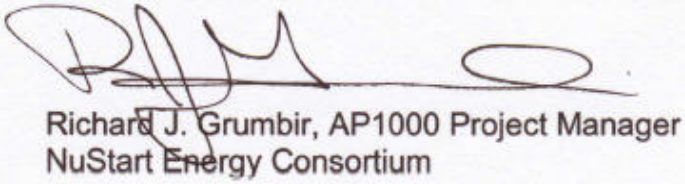
Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,

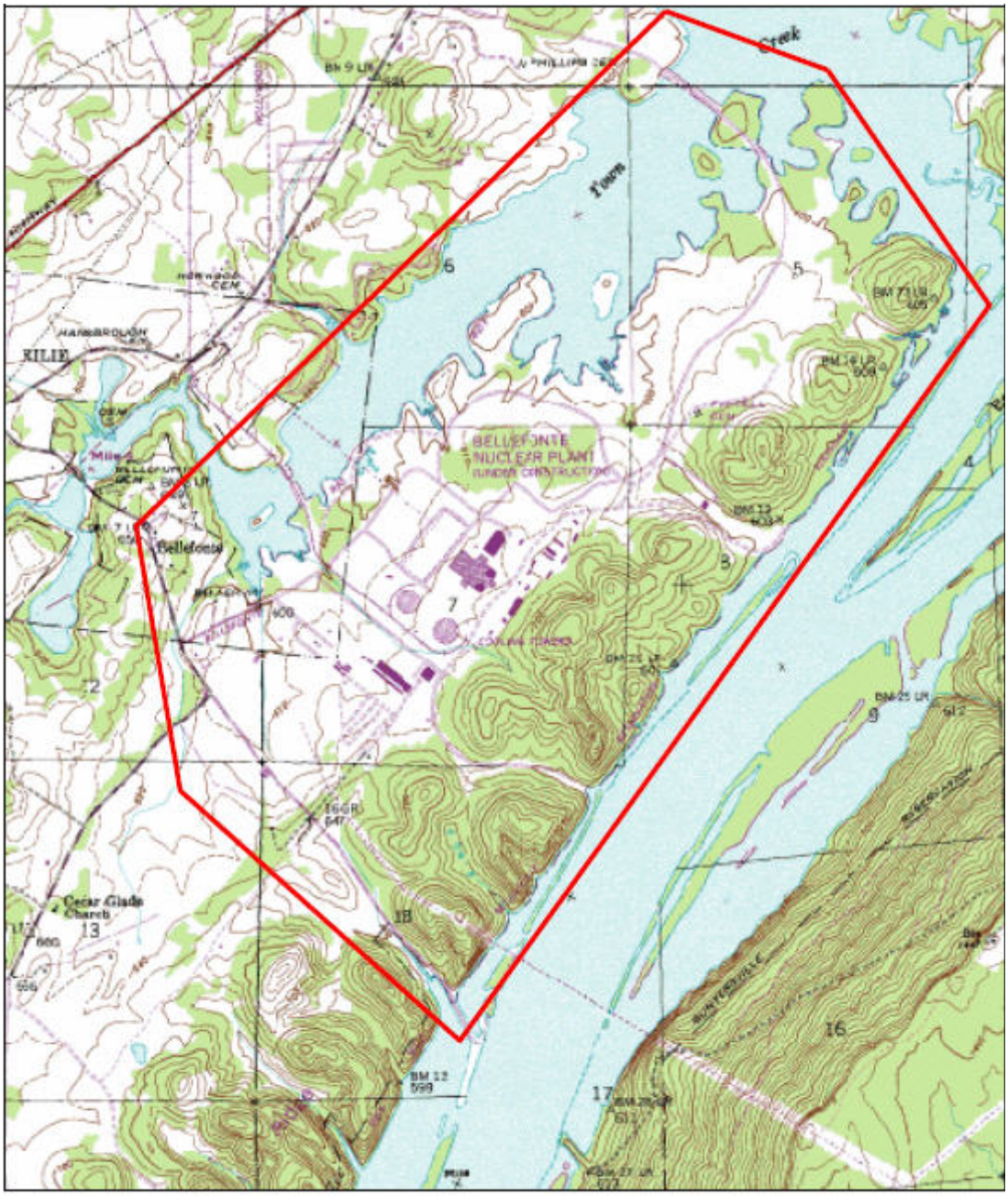


Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms. Robin DuShane
Cultural Preservation Director
Eastern Shawnee Tribe of Oklahoma
P.O. Box 350
127 West Oneida
Seneca, Missouri 64865

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. DuShane:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects, including traditional cultural properties (TCP).

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are

forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties.

The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

Previous archival record search, field verification, and prior discussions with the Alabama Historical Commission deduced that the only historical site of potential significance was the original town site of Bellefonte. All structures associated with the original Bellefonte town site, including the 1845 Tavern and Inn, have been removed since 1974 when it was initially determined that the town site was eligible for placement on the National Register of Historic Places. The former town site is on the north side of and adjacent to Jackson County Highway 33, between U.S. 72 and the project Bellefonte project site. The town site is not on TVA property, and the buildings were removed by the owners.

Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis.

Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

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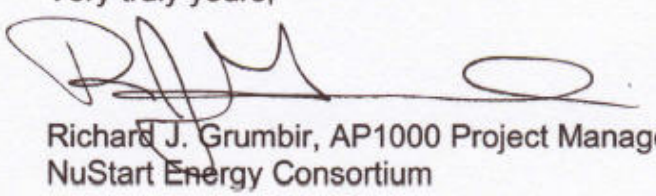

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

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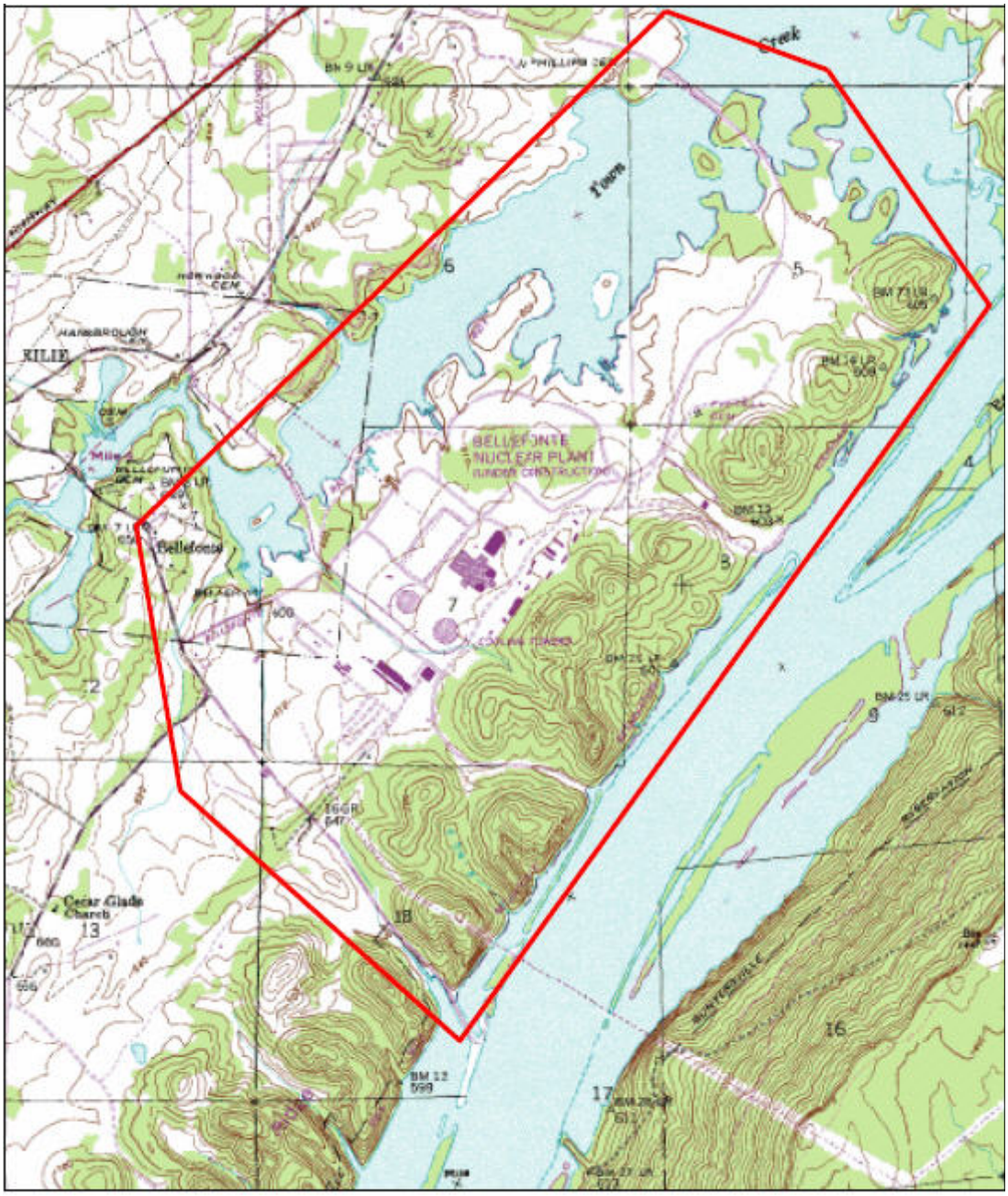

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ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms. Lillie Strange
Environmental Director
Jena Band of Choctaw Indians
P.O. Box 14
Jena, Louisiana 71342

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Strange:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past

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Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

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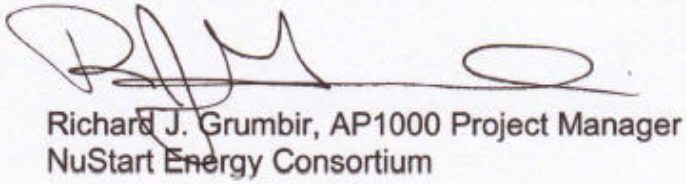

Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

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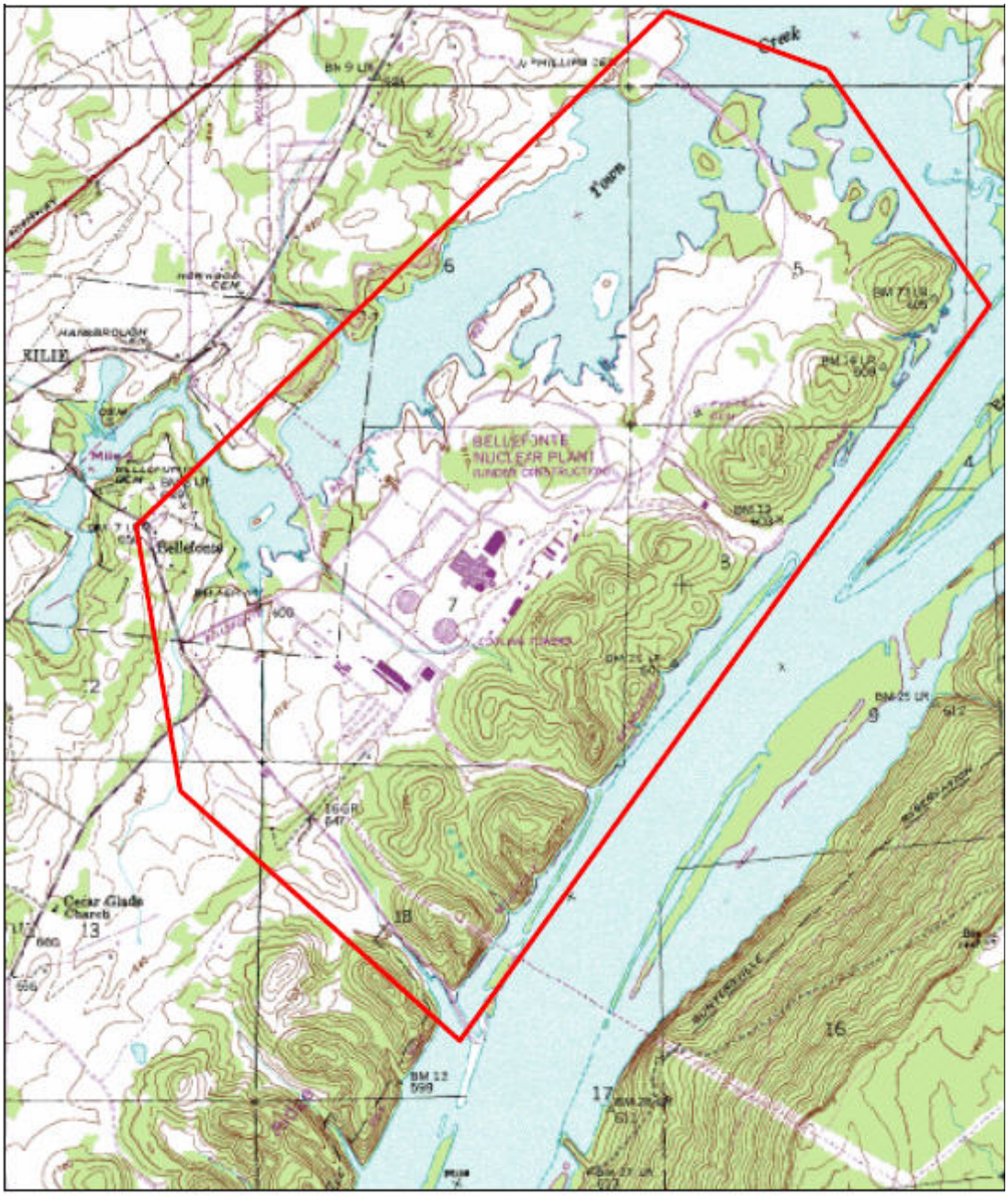

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Mr. Gary Bucktrot
MEKKO
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Bucktrot:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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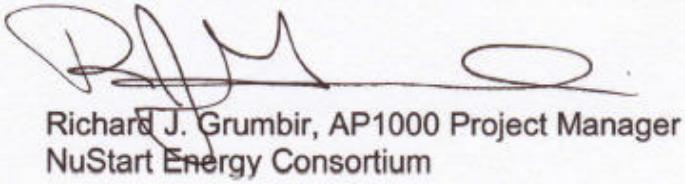

Richard J. Grumbir, AP1000 Project Manager
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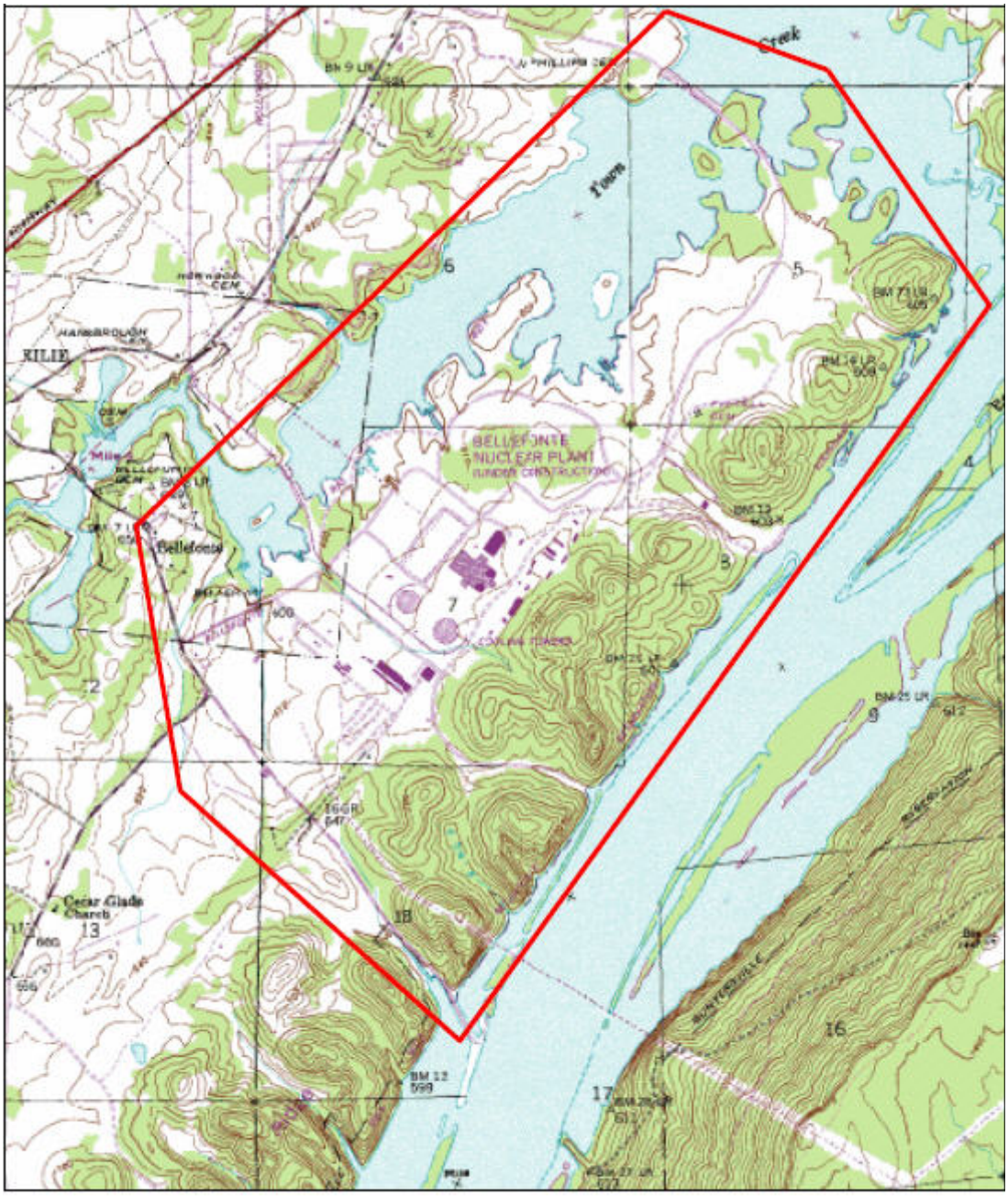

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Mr. Kenneth Carleton
Tribal Historic Preservation Officer/Archaeologist
Mississippi Band of Choctaw Indians
Post Office Box 6257
Choctaw, Mississippi 39350

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Carleton:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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Enercon Services, Inc.
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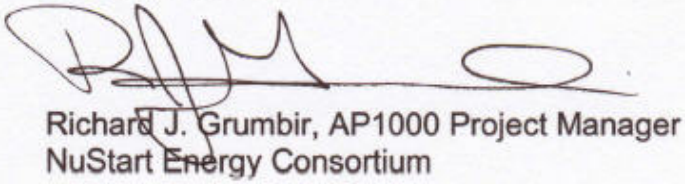

Richard J. Grumbir, AP1000 Project Manager
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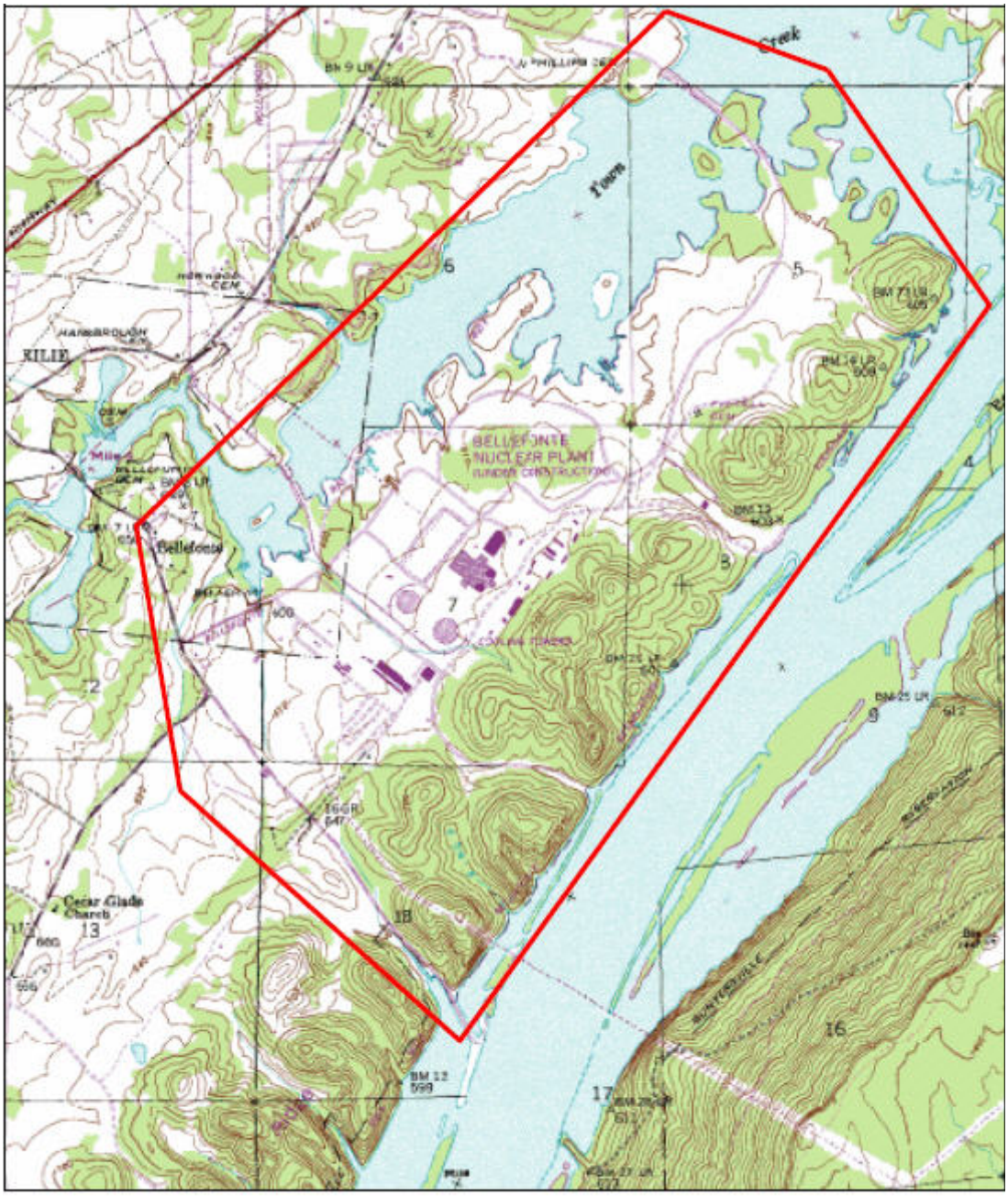

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ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms. Joyce Bear
Historic Preservation Officer
Muscogee (Creek) Nation of Oklahoma
Post Office Box 580
Okmulgee, Oklahoma 74447

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Bear:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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Morrison, Colorado 80465

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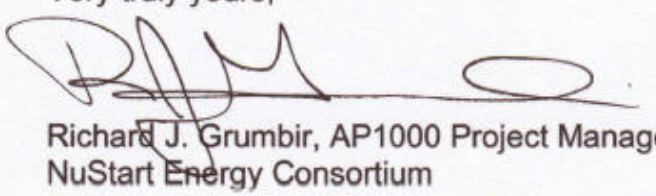

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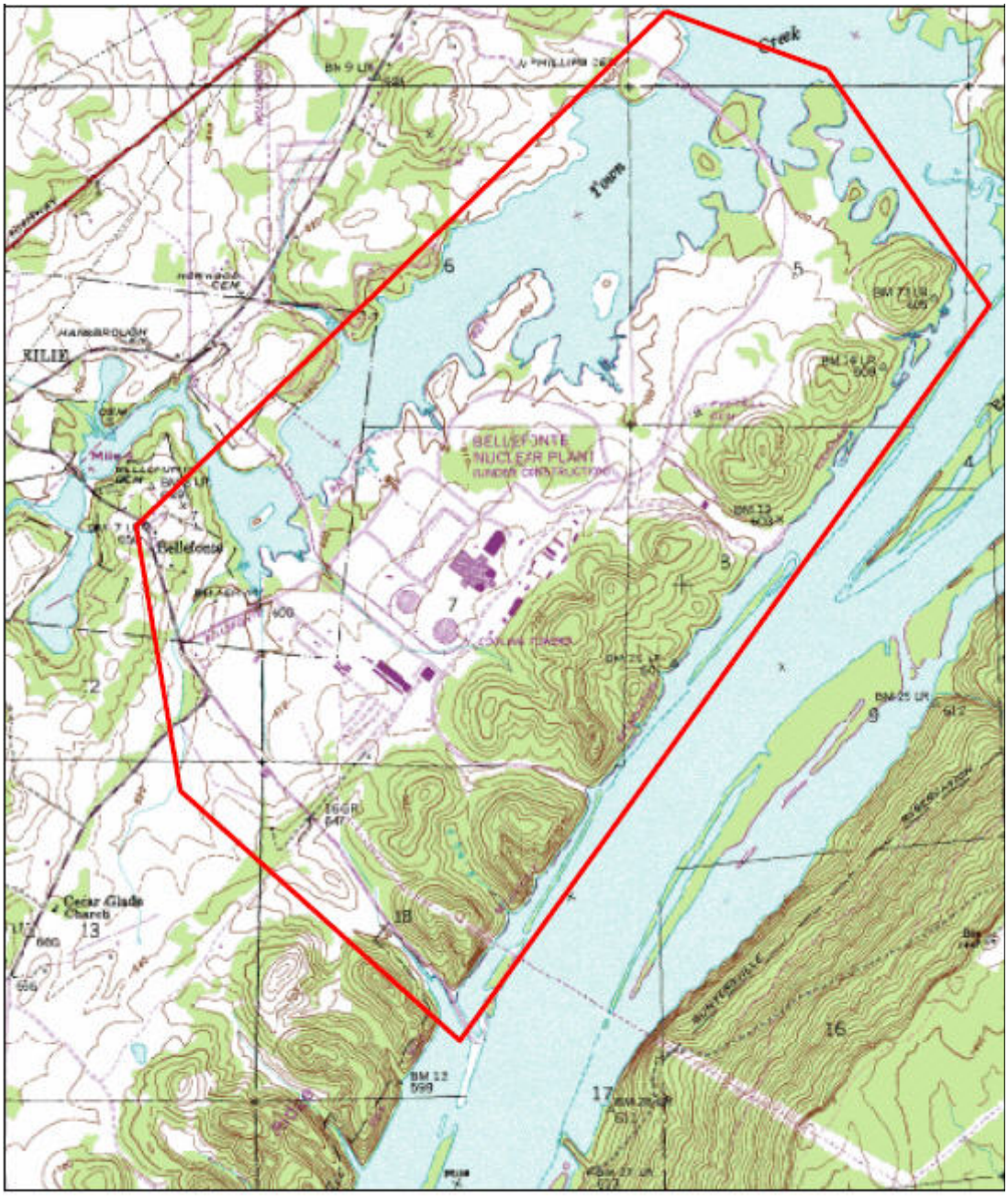

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ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Mr. Willard Steele,
Tribal Historic Preservation Officer
Seminole Indian Tribe
HC-61, Box 21-A
Clewiston, FL 33440

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Steele:

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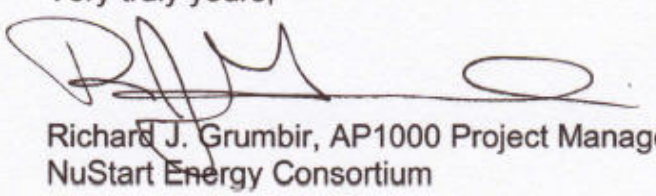

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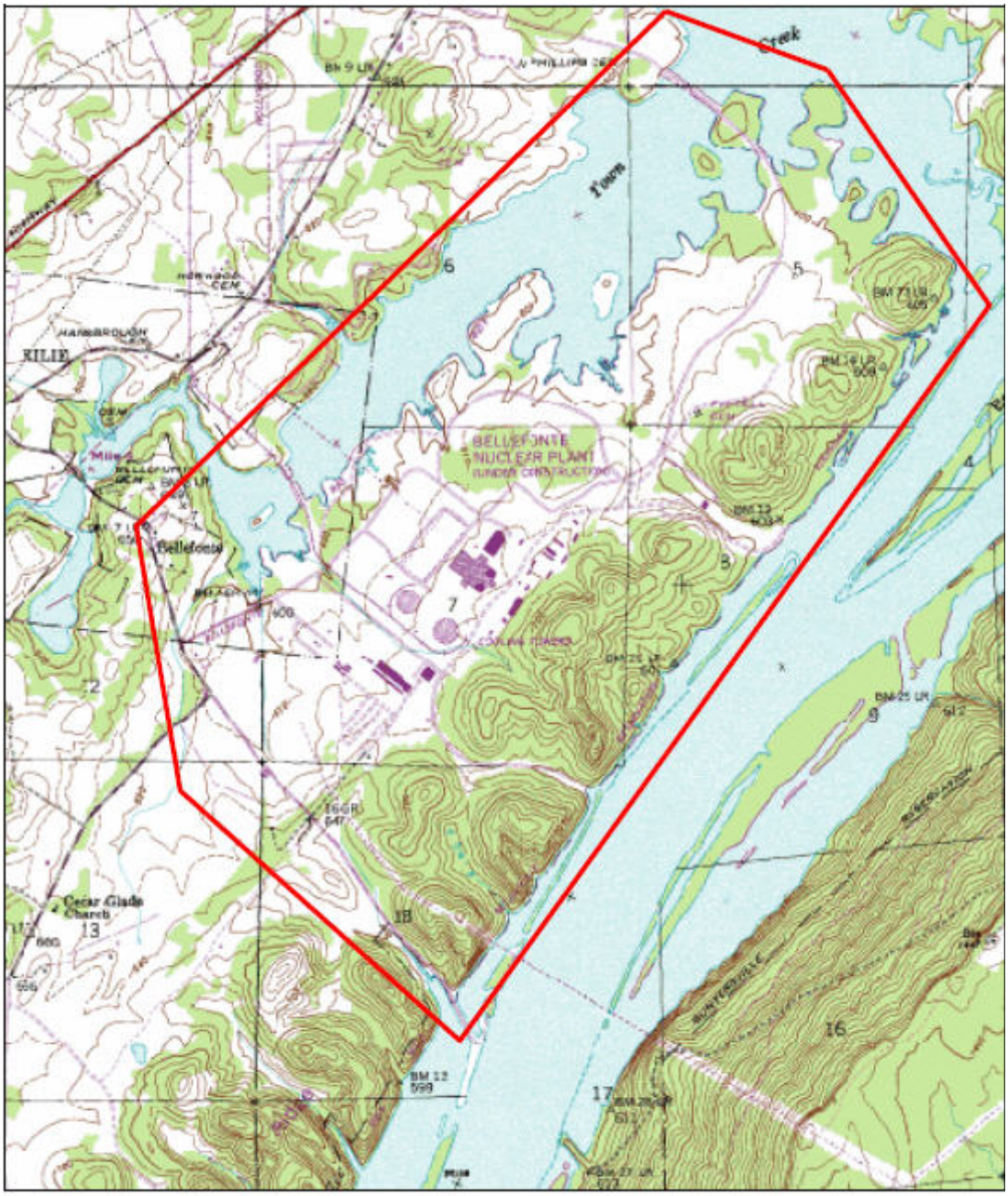

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NuStart Energy sm

August 28, 2006

Mr. Pare Bowlegs
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Bowlegs:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

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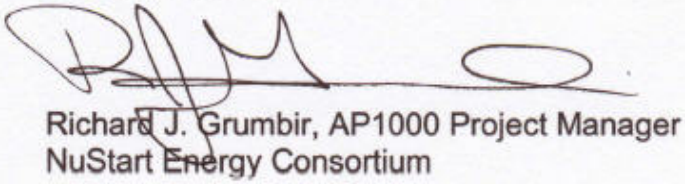

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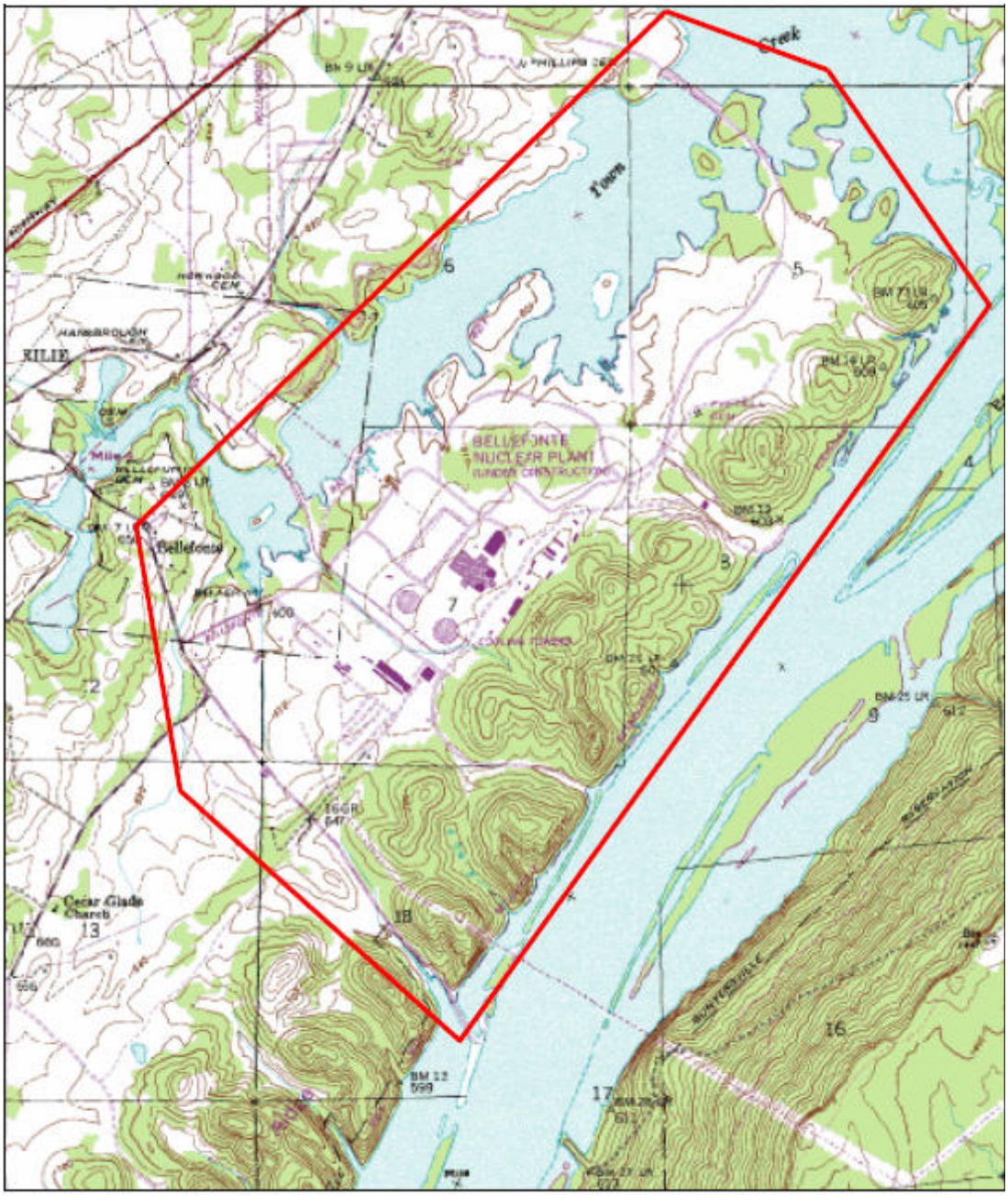

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NuStart Energy sm

August 28, 2006

Mr. Ron Sparkman
Chairman
Shawnee Tribe
P.O. Box 189
21 N. Eight Tribes
Miami, Oklahoma 74355

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Mr. Sparkman:

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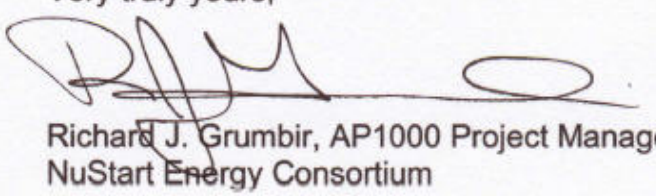

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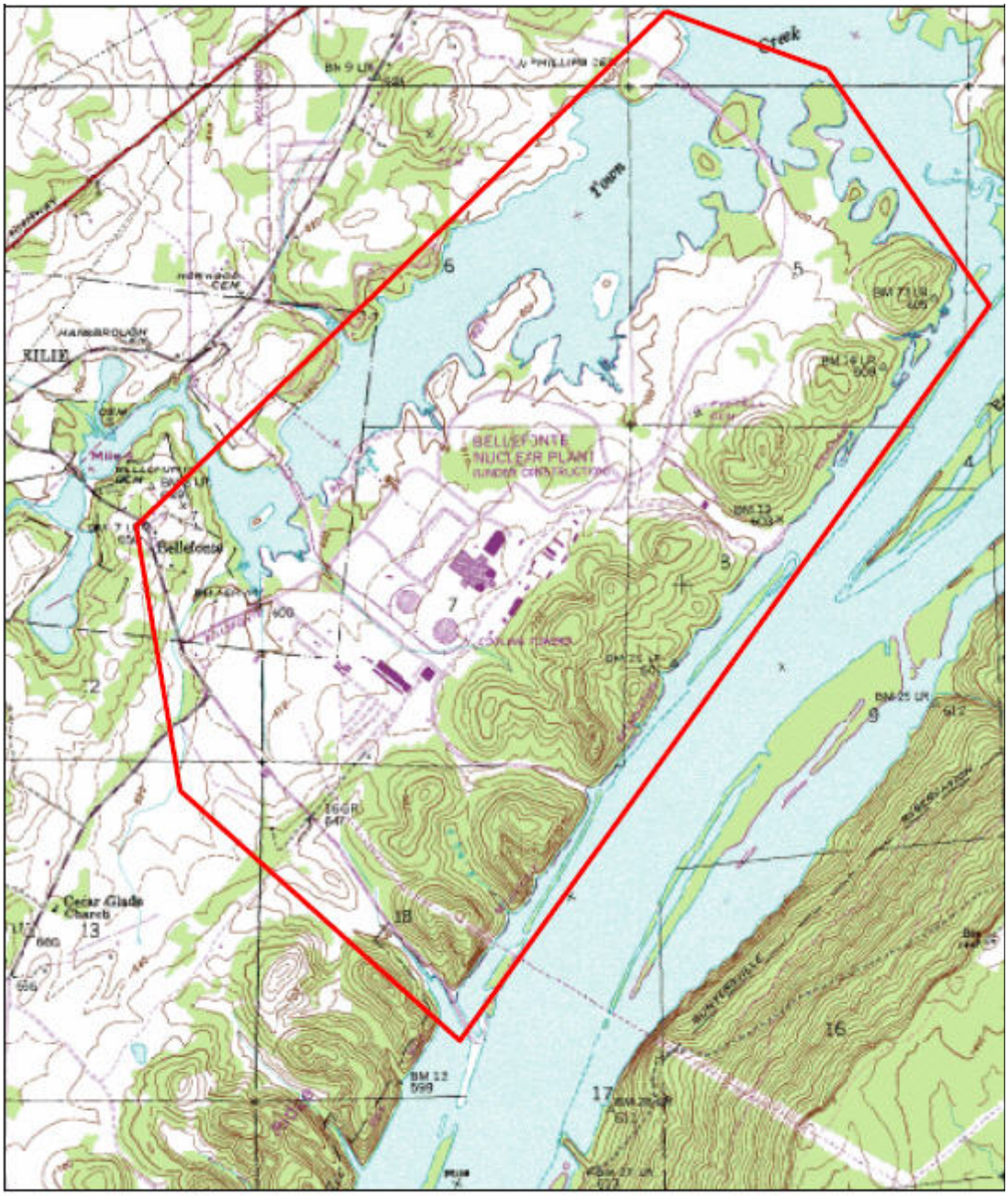

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NuStart Energy sm

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Mr. Charles Coleman
NAGPRA Representative
Thlopthlocco Tribal Town
Post Office Box 188
Okemah, Oklahoma 74859

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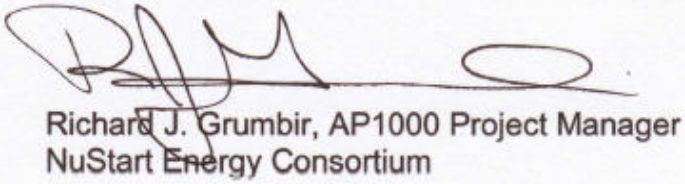
showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,

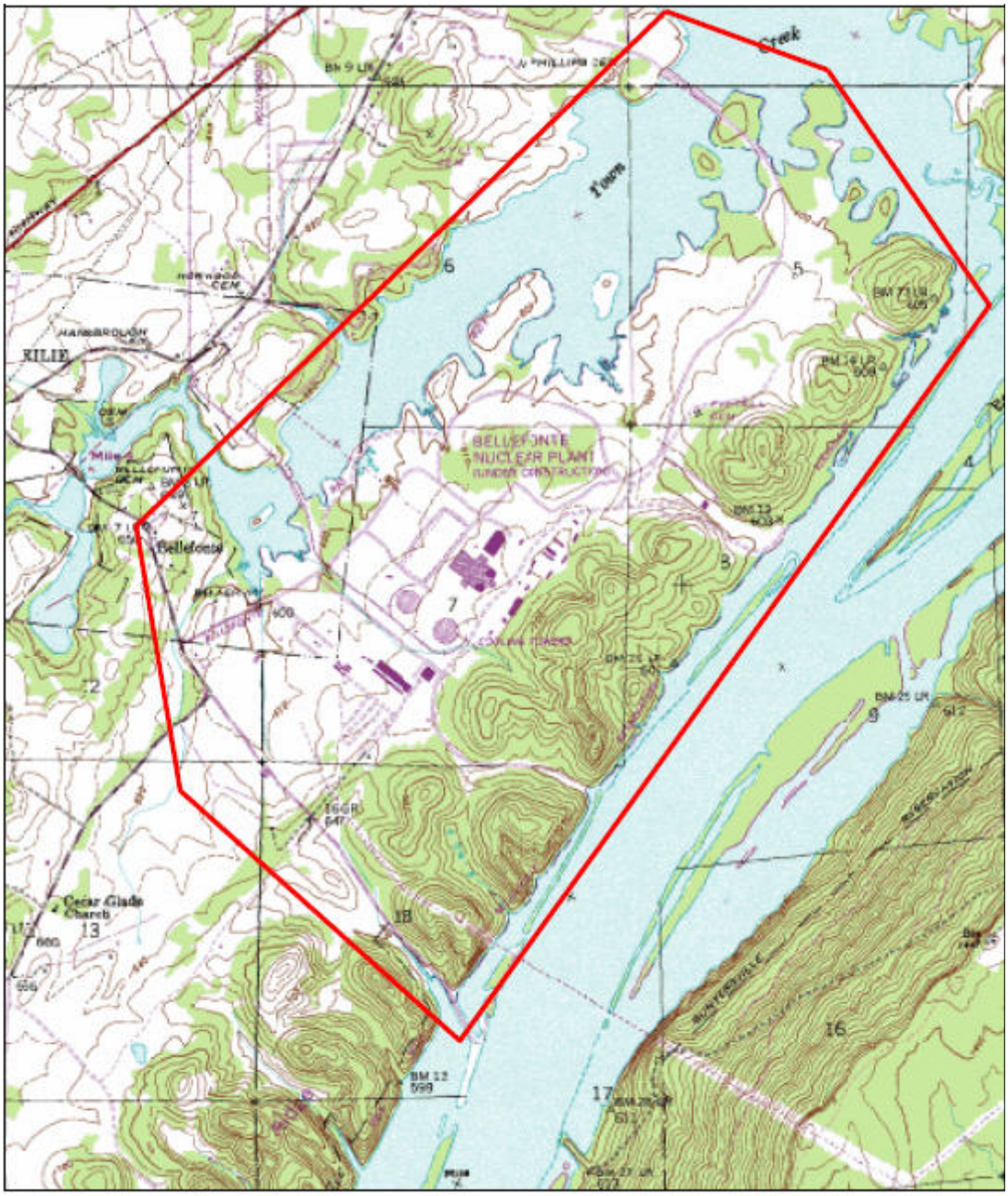


Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

NuStart Energy sm

August 28, 2006

Ms.Lisa Stopp
Acting Tribal Historic Preservation Officer
United Keetoowah Band of Cherokee Indians in Oklahoma
Post Office Box 746
Tahlequah, Oklahoma 74464

Subject: TVA/NuStart Bellefonte Project
Request for Information on Cultural, Historical, and Archeological Resources

Dear Ms. Stopp:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional Section 106 consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local cultural, historical, and archeological resources and work together to preserve any of these aspects, including traditional cultural properties (TCP).

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past

several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on properties within the proposed site that are listed in or eligible for inclusion in the *National Register* or are included in Alabama or local registers or inventories of historic and archaeological resources. This assessment includes traditional cultural properties.

The initial archeological reconnaissance of the 1,600 acres was conducted in 1972. As a result of this initial survey and subsequent assessments, two sites discovered during the pre-inundation archaeological survey of Guntersville Lake in 1936 (1JA978 and 1JA112) were verified and three additional sites were discovered (1JA300-302). Site 1JA978 was noted in the riverbank and contains both Archaic and Woodland components; 1JA112 is on a natural levee adjacent to the original riverbank and is primarily inundated and cultural affiliation could not be determined. Site 1JA300 covers an area of approximately 200- by 250-feet on a knoll adjacent to a small unnamed inlet that serves as the plant intake for make-up cooling water. The site contains Archaic, Woodland, and Mississippian components. Site 1JA301 consists of surficial remains from the Archaic on a knoll adjacent to two limestone hills. Site 1JA302 consists of a Woodland component in the northeast edge of the peninsula near the confluence of Town Creek and the Tennessee River and is potentially eligible for inclusion in the National Register of Historic Places. Since site 1JA300 was going to be adversely impacted by the construction of the original plant intake structure and an access road, data recovery excavations were conducted in 1973 by the University of Alabama.

Previous archival record search, field verification, and prior discussions with the Alabama Historical Commission deduced that the only historical site of potential significance was the original town site of Bellefonte. All structures associated with the original Bellefonte town site, including the 1845 Tavern and Inn, have been removed since 1974 when it was initially determined that the town site was eligible for placement on the National Register of Historic Places. The former town site is on the north side of and adjacent to Jackson County Highway 33, between U.S. 72 and the project Bellefonte project site. The town site is not on TVA property, and the buildings were removed by the owners.

Construction activities for the plant and ancillary facilities would not adversely affect the identified cultural, historic, or archeological properties. Additionally, no artifacts were discovered during extensive construction activities already completed for this site.

Please let us know if we should consider any other nearby historic, archaeological or cultural resources, including TCPs, under your legal jurisdiction in our analysis. Attached to this letter are several figures for reference, including a photograph of the site

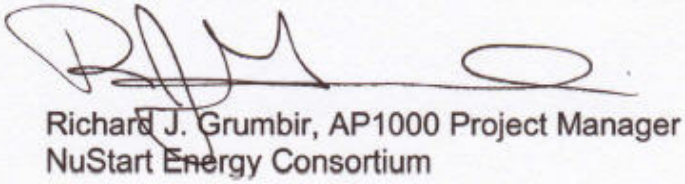
showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,

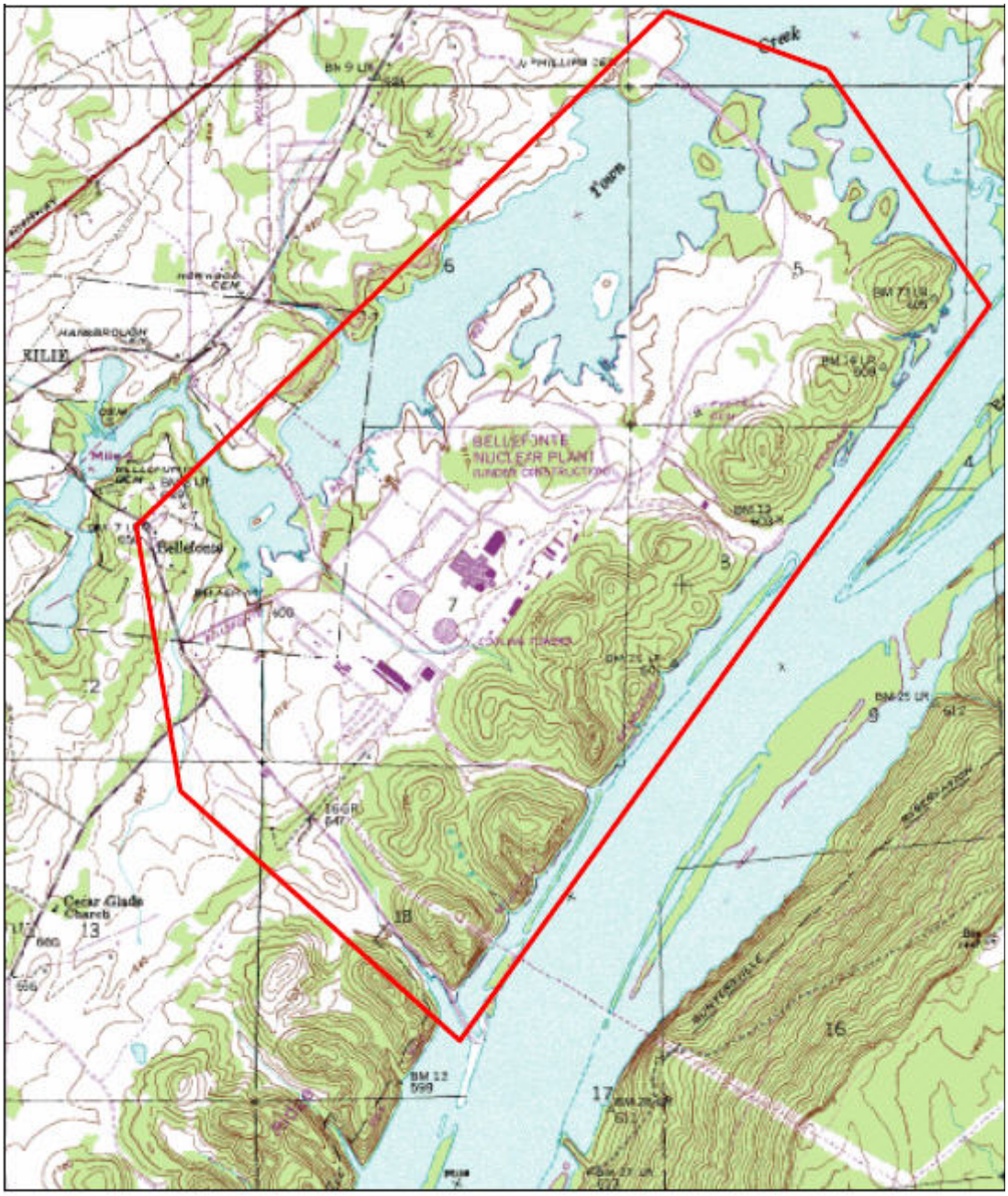


Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 1: Topographic map of the Bellefonte area.



Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

ENCLOSURE 2: Aerial photograph of the Bellefonte site.

ENCLOSURE 3: Photograph showing current conditions at the site.

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214-2660

REPLY TO
ATTENTION OF:

August 11, 2006

Regulatory Branch

SUBJECT: File No. 2006-01712; Comments on TVA/NuStart Bellefont Project adjacent to Town Creek Mile 2.5R, (TRM 362.5L), Jackson County, AL

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

Dear Dr. Luchsinger:

This is in response to your July 24, 2006, requesting our legal jurisdiction over the proposed construction of a new plant at the subject site. Your letter states that preliminary construction plans indicate that proposed construction of new reactor units could impact at least two small wetland areas (shown as Wetland 2 and Wetland 3 on the map). Wetland 2 may be impacted by a haul road to the construction site and at least two construction pads for containment vessel assembly. Wetland 3 would be affected by the proposed haul road. Wetland 1 would receive storm water runoff from the proposed constriction site.

Based upon the information submitted, it is likely that a Department of the Army permit is required for the work. From my cursory review of the information, it is likely that the work may meet the criteria for approval under a Nationwide Permit. However, we need more information before we can make that determination. If the haul road wetland impact is only going to be temporary or if you can utilize mats across the wetlands; then that portion of the activity may meet the criteria of NWP #33, copy enclosed. It the road will be permanent and not restored after use, then it may meet the criteria of NWP #14; that is, if the impact is less than 0.5 acres and mitigation for the fill is provided as appropriate. The fill for the construction pads may be authorized under NWP #25, if less than 0.5 acres.

The work may also require other federal, state, and/or local approvals. When available, please provide a request for permit and your final plans of the proposed work with descriptions on 8½" x 11" sized paper to us. Please contact me if you need assistance or any other information. We appreciate your awareness of the regulatory program.

Please be advised that this determination reflects current policy. If this office has not specifically revalidated this determination after a 5-year period, it shall automatically expire. Thank you for coordinating this matter with us. If you have any questions or comments, you can contact me at the above address or telephone (615) 369-7504.

Sincerely,

Lisa R. Morris

Lisa R. Morris
Project Manager
Operations Division

Enclosures

Copies Furnished: TVA, Guntersville

Mr. Carl Crawford
NuStart Energy Development, LLC
200 Exelon Way, M/S KSA 3-N
Kennett Square, PA 19348

NuStart Energy℠

JUL 31 2006

FILE NO. 2006-01712

July 24, 2006

U.S Army Corp of Engineers
ATTN: Forrest McDaniel
Western Regulatory Field Office, Nashville District
2042 Beltline Road SW
Building C, Suite 415
Decatur, AL 35601

Subject: TVA/NuStart Bellefonte Project
Request for Information on New Power Plant Requirements

Dear Mr. McDaniel:

As you may know, NuStart Energy Development LLC has selected TVA's Bellefonte site in Jackson County, Alabama, as one of two sites that will be the subject for applications for an advanced technology nuclear power plant. NuStart is a consortium of two nuclear reactor vendors and ten electric utility companies, including TVA, working together to demonstrate the combined Construction and Operating License (COL) process for advanced reactor designs in support of potential future construction and operation decisions.

While TVA has not committed to building a nuclear plant at the site, NuStart's work will provide TVA and its other members with detailed information regarding the licensing process as well as additional studies that will support the decision making process for future nuclear plant construction. NuStart is doing the preliminary work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte, and we have contracted with Enercon Services, Inc to complete much of the environmental and emergency planning work needed in the license application.

With this letter, NuStart is requesting information regarding your requirements for additional consultation in support of the analysis of potential environmental impacts from the proposed activity. It is our strong desire to accurately depict the local environment and work together to preserve any critical aspects, and to accurately assess all permitting requirements.

With that perspective, Enercon has reviewed existing information and determined that the 1,600-acre Bellefonte site currently contains two partially-completed pressurized water reactors that were never put into use. The Bellefonte site is situated on a peninsula of the Tennessee River, on the western shore of Guntersville Reservoir, northeast of Scottsboro, Alabama. The primary land uses in the surrounding area are forestry and agriculture; however, urban-industrial development has grown over the past several years around the plant along the Guntersville Reservoir. Guntersville Lake on the Tennessee River would be used as the source of makeup water for a Bellefonte

nuclear plant. The site is already zoned as industrial. About 900 acres of the Bellefonte site have been developed with buildings and facilities, roads, parking lots or other uses related to the previous nuclear option. Approximately 20 acres are currently used by a local farmer for hay production. The remaining approximately 600 acres are in various stages of grassland or forest combination, with perhaps 200 acres that would be considered forest.

In accordance with the U.S. Nuclear Regulatory Commission regulations for submitting a COL application, NuStart is currently preparing an Environmental Report. Among other key aspects, the Environmental Report will assess the impact of the construction and operation of the nuclear power generation facility on the local environment, and evaluate the need for appropriate environmental permits and mitigation measures that may be required.

Our initial evaluation of the site indicates that there are numerous wetland areas in and around the Bellefonte Nuclear Plant site, most of them located along the 12.5 mile shoreline that borders much of the site. Included are 52 acres of islands along the old river channel; the wetlands on these islands are classified as palustrine, bottomland hardwood, deciduous, and temporarily flooded.

Wetlands have also developed in three ponds that were constructed in the 1970s during the initial phase of development of the Bellefonte site. The dikes of two ponds were breached in 1989, and 6 acres of palustrine, emergent, persistent, intermittently flooded wetlands have developed. The third 12-acre pond is used to filter stormwater runoff and is classified as palustrine, scrub-shrub, permanently flooded wetlands. Other wetlands have developed in areas where ponds were constructed for previous construction activities.

As a federal agency, TVA fulfills its mandate to protect wetlands as directed by Executive Order 11990.

Field surveys were conducted in April 2006 to determine the presence of wetlands in the vicinity of the proposed AP1000 rector facility at Bellefonte. The survey covered the area between the Bellefonte Nuclear Plant parking lot and the perimeter road to the north of the site. Six forested wetlands covering a total of 11.15 acres were identified within the survey area. Individual wetlands ranged in size from 0.24 acre to 4.05 acres. Preliminary construction plans indicate that the proposed construction of the new reactor units could directly impact at least two of the wetlands (Wetland 2 and Wetland 3, as shown in Enclosure 4 of this letter). Wetland 2 would be impacted by the proposed haul road to the construction site and at least two construction pads for containment vessel assembly. Wetland 3 would only be affected by the proposed haul road. Wetland 1 would receive stormwater runoff from the proposed construction site.

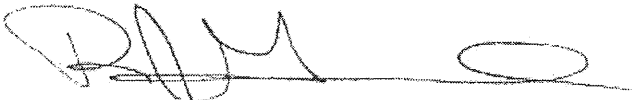
Please let us know what potential resource impacts under your legal jurisdiction should be considered in our analysis. Attached to this letter are several figures for reference, including a photograph of the site showing current conditions, a topographic map, and an aerial photograph with the new plant outline. Personnel from Enercon Services, Inc will likely follow up on this letter to ensure any potential questions or requests for additional information are adequately addressed.

Thank you very much for your support and assistance. If you have questions regarding the environmental impact assessment effort, please contact Dr. Deborah Anne Luchsinger of Enercon, 303-927-6501 or dluchsinger@enercon.com. Should you have any questions regarding the entire NuStart COL demonstration project, please contact the NuStart communications team leader Carl Crawford, 601-368-5658. Written comments can be submitted to:

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, Colorado 80465

We look forward to hearing from you at your earliest convenience.

Very truly yours,

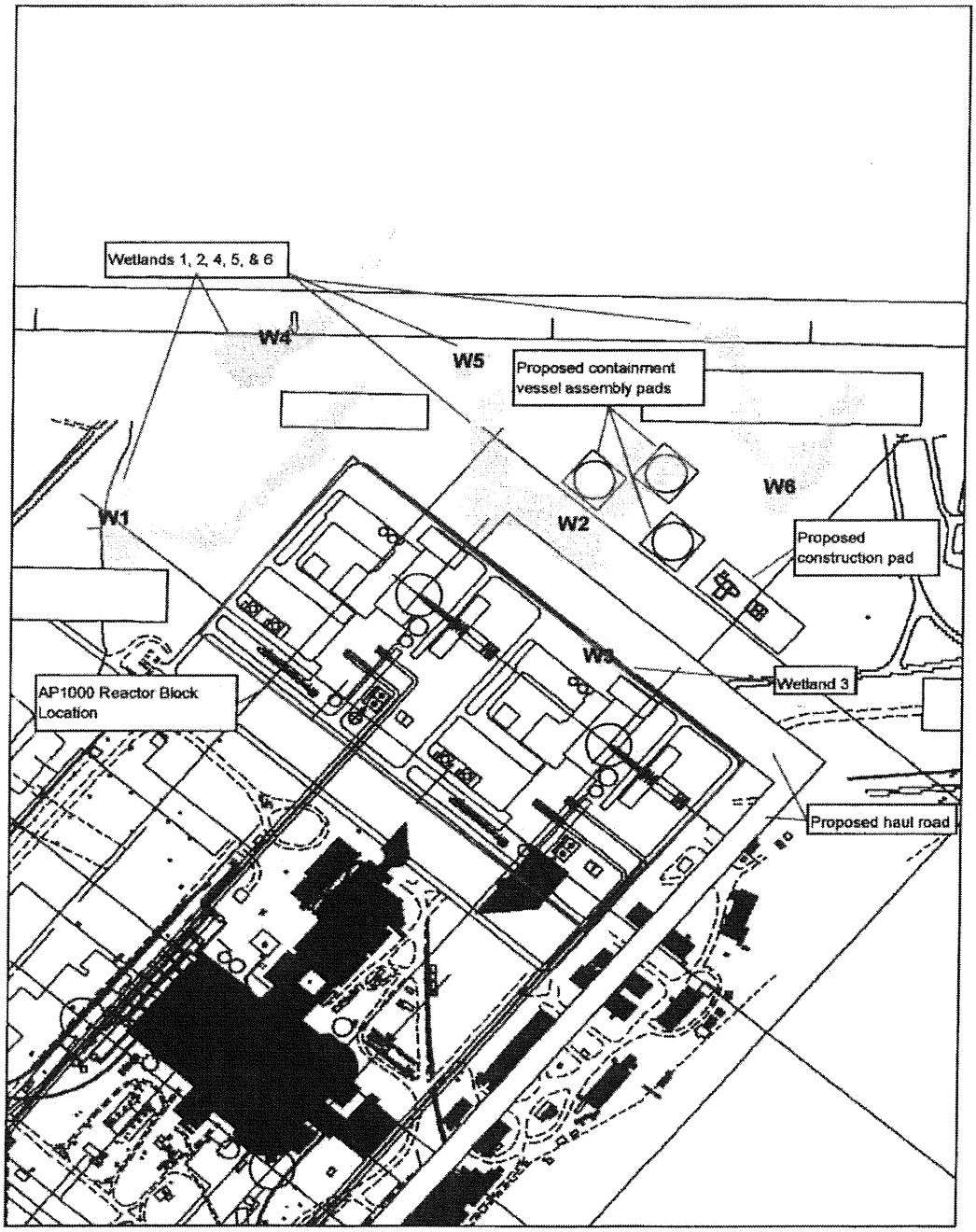


Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium

Enclosures: 1) Topographic Map
2) Aerial Photograph
3) Photograph
4) Wetlands Map

cc: Jack A. Bailey
James S. Chardos
B. J. Gatten

ENCLOSURE 4: Map of potentially-impacted wetlands current at the site.



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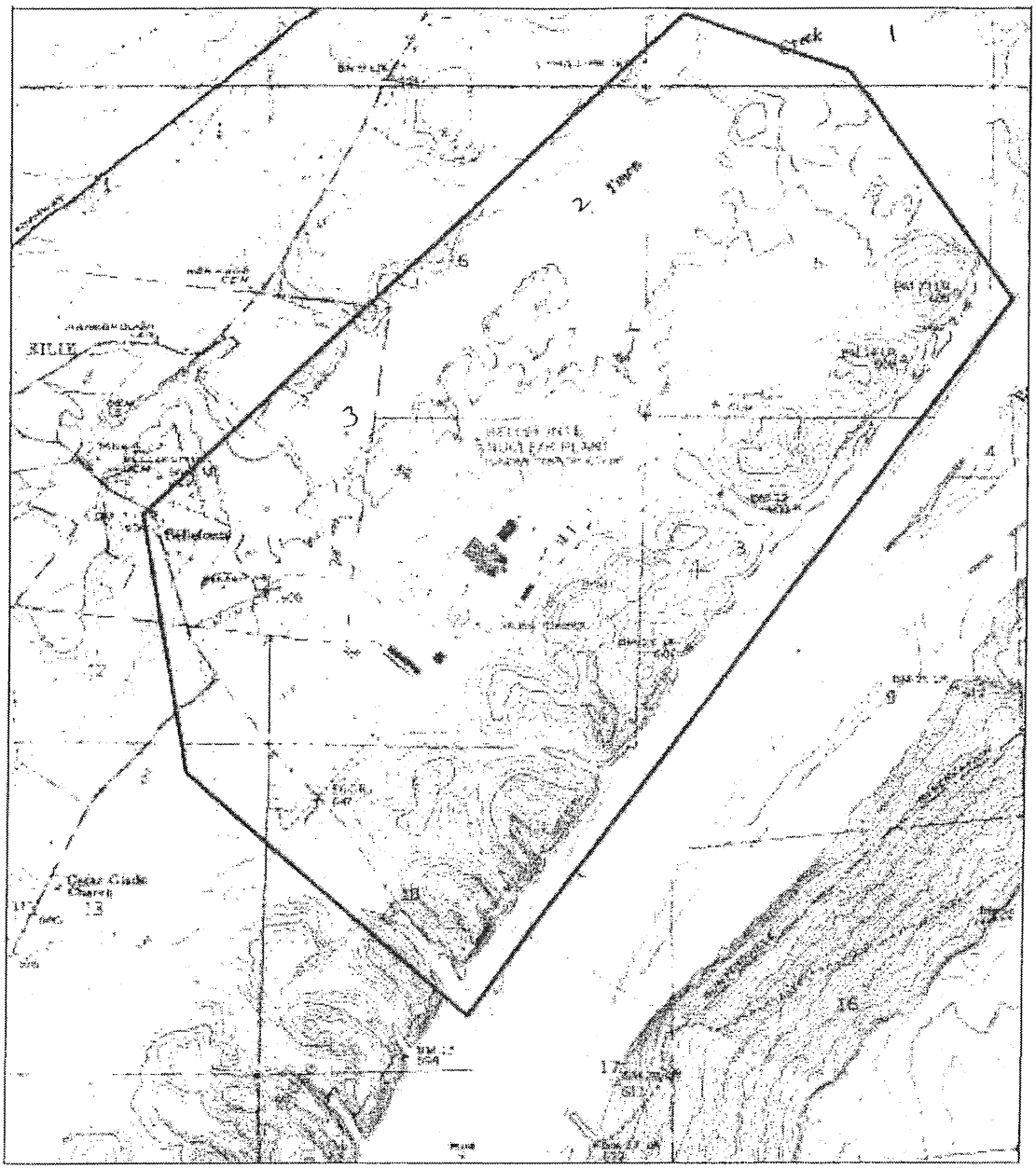

Reference: USGS Hollywood Quadrangle, Jackson County, Alabama

Town Creek Mile 25R
Jackson County, AL (TRM 3625)
File No. 2006-01712

US Army Corps
of Engineers
Nashville District

Nationwide Permit

No. 14, Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the US, including wetlands, if the activity meets the following criteria:

a. The discharge does not cause the loss of greater than 1/2-acre of waters of the US;

b. The width of the fill is limited to the minimum necessary for the crossing;

c. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

d. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

e. The crossing is a single and complete project for crossing waters of the US. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an Individual Permit. (Sections 10 and 404)

US Army Corps of Engineers®
Nashville District

Nationwide Permit

No. 25, Structural Discharges

Structural Discharges. Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a Section 10 permit if located in navigable waters of the US. (Section 404)

US Army Corps
of Engineers
Nashville District

Nationwide Permit

No. 33 Temporary Construction, Access and Dewatering.

Temporary structures, work and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites; provided that the associated primary activity is authorized by the Corps of Engineers or the USCG, or for other construction activities not subject to the Corps or USCG regulations. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must be of materials, and placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if it is determined by the District Engineer that it will not cause more than minimal adverse effects on aquatic resources.

Temporary fill must be entirely removed to upland areas, or dredged material returned to its original location, following completion of the construction activity, and the affected areas must be restored to the pre-project conditions. Cofferdams cannot be used to dewater wetlands or other aquatic areas to change their use. Structures left in place after cofferdams are removed require a Section 10 permit if located in navigable waters of the U.S. (See 33 CFR part 322). The permittee must notify the District Engineer in accordance with the ``Notification'' General Condition. The notification must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources. The District Engineer will add Special Conditions, where necessary, to ensure environmental adverse effects is minimal. Such conditions may include: limiting the temporary work to the minimum necessary; requiring seasonal restrictions; modifying the restoration plan; and requiring alternative construction methods (e.g. construction mats in wetlands where practicable.)
Section 10 and 404

DI
HVILI

NASHVILLE, TENNESSEE 37202-1070

OFFICIAL BUSINESS

DR Deborah Luchsinger
Enercon Svcs INC
6500 Crestbrook DR
Morristown CO 80465

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

COLONEL (RET.) JOHN A. NEUBAUER
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

January 31, 2007

Diane Cargill
Cargill Archaeological Services, LLC
619 Tantra Drive
Boulder, Colorado 80305

RE: AHC 2006-1211
Bellefonte Nuclear Site
Jackson County

Dear Ms. Cargill:

Thank you for the well written report for the above referenced project. We agree that archaeological site 1Ja111 is potentially eligible for the National Register of Historic Places. We recommend avoidance of this site. If avoidance is not feasible, Phase II testing will be necessary. A phase II research proposal must be reviewed and approved by our office prior to the initiation of testing.

We further agree that archaeological sites 1Ja113, 1Ja300 and 1Ja301 have been destroyed and are therefore no longer eligible for the National Register.

However, insufficient research was conducted to make a determination for archaeological site 1Je1103. We cannot agree with your recommendations without first reviewing some historical research regarding the site. At the very least, a deed search is appropriate here. We also recommend attempting more that one shovel test before declaring a site ineligible.

Finally, we have a few minor editorial comments:

- On pages 1 and 38, you refer to the curatorial facility at Moundville as "UAB," which stands for the University of Alabama at Birmingham, when in fact it is associated with the University of Alabama (UA).

- In the historical background section (pages 21 & 22), you provide what appear to be definitive locations for Native towns visited by the de Soto entrada. To our knowledge, the only site definitively associated with the de Soto expedition is the Governor Martin Site at the Apalachee village of Anhaica, located about a half-mile west of the present Florida Capitol building in Tallahassee, FL. It was found

by archaeologist B. Calvin Jones in March of 1987. Although many reputable scholars, including DePratter and Hudson, have sought to locate other villages listed in the chronicles, all other town sites remain conjecture and it is misleading to present theory as fact.

- Also on page 22 Dragging Canoe, did indeed lead the the Chickamagua to the Chattanooga area following the American Revolution, but Double Head and Bloody Fellow were among the following generation of Chickamagua leaders.

- Finally, again on page 22, the Chickamagua actually seceeded from the Cherokee Nation because they disagreed with the 1777 Treaty of DeWitt's Corner, so why would you expect them to honour the 1785 Treaty of Hopewell between the United States and the Cherokee Nation? The Chickamagua formally declared war on the United States in 1792 and continued their bloody campaign against the ounslaught of white settelers until a militia led by Major James Ore destroyed Nickajack and Running Water in 1794. The Chickamagua finally ended eighteen year of resistance by signing the Treaty of Tellico Blockhouse in January of 1795. The Chickamagua were recognized by the US government as an entity distinct from the Cherokee Nation from the time of secession to removal.

We appreciate your efforts to help us in preserving Alabama's non-renewable cultural resources. If you have questions or comments or if we may be of additional service, please contact Stacye Hathorn of our office and include the AHC project number referenced above.

Sincerely,

Colonel (Ret.) John A. Neubauer
Executive Director

JAN/SGH/sgh

preserveALA
ALABAMA HISTORICAL COMMISSION

August 1, 2006

Richard J. Grumbir
NuStart Energy
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Re: AHC 2006-1211
Bellefonte Site
Jackson County

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242•3184
fax 334 240•3477

Dear Mr. Grumbir:

The Alabama Historical Commission appreciates your providing our office with information regarding the above referenced project. However, according to 36 CFR Subpart B, it is the federal agency's responsibility to initiate consultation, determine the area of potential effect (APE) and make a determination regarding effect. Our office, then, either agrees or disagrees with the agency's determinations. Although we appreciate being informed it would be precipitous for our office to comment prior to receiving an opinion from the Tennessee Valley Authority (TVA). We look forward to hearing from TVA regarding the above referenced project.

We appreciate your efforts to help us in preserving Alabama's non-renewable cultural resources. If you have questions or comments or if we may be of additional service, please contact Stacye Hathorn of our office and include the AHC project number referenced above.

Very truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/SGH/sgh

Cc: Erin Pritchard, TVA

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
P.O. BOX 300900
MONTGOMERY, ALABAMA 36130-0900

MR RICHARD GRUMBIR
NUSTART ENERGY
200 EXELON WAY
KENNETT SQUARE PA 19348

1934&+2442-00 C006

NRCS Natural Resources Conservation Service
4511 US Highway 31S
Decatur, AL 35603

August 3, 2006

Mr. Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Dear Mr. Grumbir:

I have enclosed the soil survey maps for the locations that you requested in Jackson County. Also, I have enclosed the Jackson County Soil Survey legend and the list of soil map units considered to be Prime Farmland.

I have marked off the area of interest and divided them into 3 sections:

- Prime farmland
- Non-prime farmland/not hydric
- Wetland/Hydric soils

The areas marked in green are considered "Prime Farmland" as defined in Appendix A of Department Regulation No. DR 9500-3 dated March 22, 1983; and also, meets the criteria set forth by the Farmland Protection Policy Act (FPPA) and Land Evaluation Site Assessment (LESA) of June 22, 1982. In addition, forested areas are considered to be prime farmland, if the criteria for prime farmland are met.

However, considering, as stated in your letter, that part of area of interest has been zoned for industrial use, then this area **is not** subject to Farmland Protection Policy Act (FPPA) requirements. This area is to be considered as "urban and built up areas."

Urban and built-up areas. A *Land cover/use* category consisting of residential, industrial, commercial, and institutional land; construction sites; public administrative sites; railroad yards; cemeteries; airports; golf courses; sanitary landfills; sewage treatment plants; water control structures and spillways; other land used for such purposes; small parks (less than 10 acres) within urban and built-up areas; and highways, railroads, and other transportation facilities if they are surrounded by urban areas. Also included are tracts of less than 10 acres that do not meet the above definition but are completely surrounded by Urban and built-up land. Two size categories are recognized in the NRI: areas of 0.25 acre to 10 acres, and areas of at least 10 acres.

Any areas not within the category of "Urban and built up area," may be subject to FPPA requirements.

In addition, area of consideration **does** contain hydric soils (blue) that meet the definition for wetland criteria, as required by 180-V-NFSAM Third Edition, Amend 2, November 1996 part 513.11.a. The map units that are considered hydric soils in the area of interest are:

Du – Dunning silty clay
Gl – Guthrie silt loam
Os – Ooltewah silt loam
Rl – Robertsville silt loam

NRCS primary concerns with this project are possible loss of prime farmland and the possible conversion of wetlands during construction. Erosion and sediment control measures should be implemented and maintained during the construction phase to protect land, water, and related resources. Plans for construction should include sediment basins or traps and other erosion control practices, including coverage of bare soil as soon as possible by temporary and permanent vegetation and structures.

If you need further assistance, please contact your local NRCS office, or feel free to call myself, Christopher Ford, Resource Soil Scientist, at (256) 353-6146 ext. 107.

Sincerely,

Christopher Ford

Christopher Ford
Resource Soil Scientist

Prime and Other Important Farmlands

Jackson County, Alabama

Map symbol	Map unit name	Farmland classification
Ade	Allen fine sandy loam, eroded, undulating phase	All areas are prime farmland
Adu	Allen fine sandy loam, undulating phase	All areas are prime farmland
Af	Abernathy fine sandy loam	All areas are prime farmland
Asu	Abernathy silt loam, undulating phase	All areas are prime farmland
Asv	Abernathy silt loam, level phase	All areas are prime farmland
BC	Barbourville-Cotaco fine sandy loams	All areas are prime farmland
Cce	Clarksville cherty silt loam, eroded, undulating phase	All areas are prime farmland
Ccu	Clarksville cherty silt loam, undulating phase	All areas are prime farmland
Co	Crossville loam, undulating phase	All areas are prime farmland
Cpu	Capshaw silt loam, undulating phase	All areas are prime farmland
Cpv	Capshaw silt loam, level phase	All areas are prime farmland
Csu	Cumberland silt loam, undulating phase	All areas are prime farmland
Cuu	Cumberland loam, undulating phase	All areas are prime farmland
Dne	Dewey cherty silt loam, eroded, undulating phase	All areas are prime farmland
Dsu	Dewey silt loam, undulating phase	All areas are prime farmland
Dwe	Dewey silty clay loam, eroded, undulating phase	All areas are prime farmland
Ede	Enders silt loam, eroded, undulating phase	All areas are prime farmland
Edu	Enders silt loam, undulating phase	All areas are prime farmland
Eg	Egam silt loam	All areas are prime farmland
El	Egam silty clay loam	All areas are prime farmland
Esu	Etowah silt loam, undulating phase	All areas are prime farmland
Esv	Etowah silt loam, level phase	All areas are prime farmland
Ewu	Etowah loam, undulating phase	All areas are prime farmland
Ewv	Etowah loam, level phase	All areas are prime farmland
Fce	Fullerton cherty silt loam, eroded, undulating phase	All areas are prime farmland
Fcu	Fullerton cherty silt loam, undulating phase	All areas are prime farmland
Fse	Fullerton silt loam, eroded, undulating phase	All areas are prime farmland
Fsu	Fullerton silt loam, undulating phase	All areas are prime farmland
Gce	Greendale cherty silt loam, eroded, undulating phase	All areas are prime farmland
Gcu	Greendale cherty silt loam, undulating phase	All areas are prime farmland
Gcv	Greendale cherty silt loam, level phase	All areas are prime farmland
Hcu	Hollywood silty clay, undulating phase	All areas are prime farmland
Hcv	Hollywood silty clay, level phase	All areas are prime farmland
Hfe	Hartsells fine sandy loam, eroded, undulating phase	All areas are prime farmland
Hfm	Hartsells fine sandy loam, undulating, shallow phase	All areas are prime farmland
Hft	Hartsells fine sandy loam, eroded, undulating shallow phase	All areas are prime farmland
Hfu	Hartsells fine sandy loam, undulating phase	All areas are prime farmland
Hl	Huntington silt loam	All areas are prime farmland
Hne	Hanceville fine sandy loam, eroded, undulating phase	All areas are prime farmland
Hnu	Hanceville fine sandy loam, undulating phase	All areas are prime farmland
Huu	Holston loam, undulating phase	All areas are prime farmland
Huv	Holston loam, level phase	All areas are prime farmland
Hye	Hermitage silty clay loam, eroded, undulating phase	All areas are prime farmland
Jfe	Jefferson fine sandy loam, eroded, undulating phase	All areas are prime farmland
Jfu	Jefferson fine sandy loam, undulating phase	All areas are prime farmland
Ld	Lindside silty clay loam	All areas are prime farmland
Le	Lindside silty clay	All areas are prime farmland
Ll	Lindside silt loam	All areas are prime farmland
Mnu	Monongahela loam, undulating phase	All areas are prime farmland
Mnv	Monongahela loam, level phase	All areas are prime farmland

Prime and Other Important Farmlands

Jackson County, Alabama

Map symbol	Map unit name	Farmland classification
Pf	Pope fine sandy loam	All areas are prime farmland
Sfu	Sequatchie fine sandy loam, undulating phase	All areas are prime farmland
Sfv	Sequatchie fine sandy loam, level phase	All areas are prime farmland
Tbu	Talbott silt loam, undulating phase	All areas are prime farmland
Tce	Talbott silty clay loam, eroded, undulating phase	All areas are prime farmland
Ts	Taft silt loam	All areas are prime farmland
Tv	Tyler very fine sandy loam	All areas are prime farmland
Wne	Waynesboro fine sandy loam, eroded, undulating phase	All areas are prime farmland
Wnu	Waynesboro fine sandy loam, undulating phase	All areas are prime farmland
Wsu	Wolftever silt loam, undulating phase	All areas are prime farmland
Wsv	Wolftever silt loam, level phase	All areas are prime farmland
PA	Philo-Atkins silt loams	Prime farmland if drained

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Ade	Allen fine sandy loam, eroded, undulating phase
Adh	Allen fine sandy loam, eroded, hilly phase
Adn	Allen fine sandy loam, eroded, rolling phase
Ado	Allen fine sandy loam, rolling phase
Adu	Allen fine sandy loam, undulating phase
Af	Abernathy fine sandy loam
Ahf	Armuchee silty clay loam, eroded, steep phase
Ald	Allen loam, severely eroded, rolling phase
Alr	Allen loam, severely eroded, hilly phase
Asu	Abernathy silt loam, undulating phase
Asv	Abernathy silt loam, level phase
ATh	Armuchee-Tellico silty clay loams, eroded, hilly phases
ATr	Armuchee-Tellico silty clay loams, severely eroded, hilly phases
BC	Barbourville-Cotaco fine sandy loams
Bf	Bruno fine sandy loam
Bu	Bruno loamy fine sand
Cbd	Colbert silty clay, severely eroded ,rolling phase
Cbe	Colbert silty clay, eroded, undulating phase
Cbn	Colbert silty clay, eroded, rolling phase
Cbp	Colbert silty clay, severely eroded, undulating phase
Cce	Clarksville cherty silt loam, eroded, undulating phase
Cch	Clarksville cherty silt loam, eroded, hilly phase
Ccl	Clarksville cherty silt loam, hilly phase
Ccn	Clarksville cherty silt loam, eroded, rolling phase
Cco	Clarksville cherty silt loam, rolling phase
Ccu	Clarksville cherty silt loam, undulating phase
Cmd	Cumberland silty clay loam, severely eroded, rolling phase
Cme	Cumberland silty clay loam, eroded, undulating phase
Cmh	Cumberland silty clay loam, eroded, hilly phase
Cmn	Cumberland silty clay loam, eroded, rolling phase
Cmr	Cumberland silty clay loam, severely eroded, hilly phase
Co	Crossville loam, undulating phase
Cpu	Capshaw silt loam, undulating phase
Cpv	Capshaw silt loam, level phase
Cso	Cumberland silt loam, rolling phase
Csu	Cumberland silt loam, undulating phase
CTd	Colbert-Talbott stony silty clay loams, severely eroded, rolling phases
Cto	Colbert silty clay loam, rolling phase
Ctu	Colbert silty clay loam, undulating phase
Cuu	Cumberland loam, undulating phase
Dne	Dewey cherty silt loam, eroded, undulating phase
Dnn	Dewey cherty silt loam, eroded, rolling phase
Drd	Dewey cherty silty clay loam, severely eroded, rolling phase
Dsl	Dewey silt loam, hilly phase
Dso	Dewey silt loam, rolling phase
Dsu	Dewey silt loam, undulating phase
Du	Dunning silty clay
Dwd	Dewey silty clay loam, severely eroded, rolling phase
Dwe	Dewey silty clay loam, eroded, undulating phase
Dwh	Dewey silty clay loam, eroded, hilly phase

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Dwn	Dewey silty clay loam, eroded, rolling phase
Dwr	Dewey silty clay loam, severely, eroded hilly phase
Eda	Enders silt loam, eroded, rolling shallow phase
Ede	Enders silt loam, eroded, undulating phase
Edg	Enders silt loam, rolling, shallow phase
Edn	Enders silt loam, eroded, rolling phase
Edo	Enders silt loam, rolling phase
Edu	Enders silt loam, undulating phase
Eg	Egam silt loam
El	Egam silty clay loam
Eso	Etowah silt loam, rolling phase
Esu	Etowah silt loam, undulating phase
Esv	Etowah silt loam, level phase
Etd	Etowah silty clay loam, severely eroded, rolling phase
Ete	Etowah silty clay loam, eroded, undulating phase
Etn	Etowah silty clay loam, eroded, rolling phase
Ewu	Etowah loam, undulating phase
Ewv	Etowah loam, level phase
Fce	Fullerton cherty silt loam, eroded, undulating phase
Fcf	Fullerton cherty silt loam, eroded, steep phase
Fch	Fullerton cherty silt loam, eroded, hilly phase
Fcl	Fullerton cherty silt loam, hilly phase
Fcn	Fullerton cherty silt loam, eroded, rolling phase
Fco	Fullerton cherty silt loam, rolling phase
Fcu	Fullerton cherty silt loam, undulating phase
Fcz	Fullerton cherty silt loam, steep phase
Fse	Fullerton silt loam, eroded, undulating phase
Fsn	Fullerton silt loam, eroded, rolling phase
Fsu	Fullerton silt loam, undulating phase
Ftd	Fullerton cherty silty clay loam, severely eroded, rolling phase
Ftr	Fullerton cherty silty clay loam, severely eroded, hilly phase
Gce	Greendale cherty silt loam, eroded, undulating phase
Gcn	Greendale cherty silt loam, eroded, rolling phase
Gcu	Greendale cherty silt loam, undulating phase
Gcv	Greendale cherty silt loam, level phase
Gl	Guthrie silt loam
Hcu	Hollywood silty clay, undulating phase
Hcv	Hollywood silty clay, level phase
Hfa	Hartsells fine sandy loam, eroded, rolling shallow phase
Hfe	Hartsells fine sandy loam, eroded, undulating phase
Hfg	Hartsells fine sandy loam, rolling, shallow phase
Hfm	Hartsells fine sandy loam, undulating, shallow phase
Hfn	Hartsells fine sandy loam, eroded, rolling phase
Hfo	Hartsells fine sandy loam, rolling phase
Hft	Hartsells fine sandy loam, eroded, undulating shallow phase
Hfu	Hartsells fine sandy loam, undulating phase
Hl	Huntington silt loam
Hne	Hanceville fine sandy loam, eroded, undulating phase
Hnn	Hanceville fine sandy loam, eroded, rolling phase
Hno	Hanceville fine sandy loam, rolling phase

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Hnu	Hanceville fine sandy loam, undulating phase
HsM	Hilly stony land
Hth	Hermitage cherty silty clay loam, eroded, hilly phase
Htr	Hermitage cherty silty clay loam, severely eroded, hilly phase
Huu	Holston loam, undulating phase
Huv	Holston loam, level phase
Hye	Hermitage silty clay loam, eroded, undulating phase
Hyn	Hermitage silty clay loam, eroded, rolling phase
JAh	Jefferson-Allen loams, eroded, hilly phases
JAl	Jefferson-Allen loams, hilly phases
JAn	Jefferson-Allen loams, eroded, rolling phases
JAr	Jefferson-Allen loams, severely eroded, hilly phases
JAs	Jefferson-Allen loams, severely eroded, steep phases
JAz	Jefferson-Allen loams, steep phases
Jfe	Jefferson fine sandy loam, eroded, undulating phase
Jfn	Jefferson fine sandy loam, eroded, rolling phase
Jfo	Jefferson fine sandy loam, rolling phase
Jfu	Jefferson fine sandy loam, undulating phase
Ld	Lindside silty clay loam
Le	Lindside silty clay
Lh	Limestone rockland, hilly
Ll	Lindside silt loam
Lr	Limestone rockland rough
Me	Melvin silty clay
Mfh	Muskingum fine sandy loam, eroded, hilly phase
Mfl	Muskingum fine sandy loam, hilly phase
Ml	Melvin silt loam
Mnu	Monongahela loam, undulating phase
Mnv	Monongahela loam, level phase
Mo	Melvin silty clay loam
Msl	Muskingum stony fine sandy loam, hilly phase
Msz	Muskingum stony fine sandy loam, steep phase
MW	Miscellaneous water
Os	Ooltewah silt loam
PA	Philo-Atkins silt loams
PAF	Palmerdale soils, hilly
Pd	Prader very fine sandy loam
Pf	Pope fine sandy loam
Plh	Pottsville loam, eroded, hilly phase
Pll	Pottsville loam, hilly phase
Qa	Quarry
RgD	Rough gullied land, Dewey, Cumberland, and Colbert soil material
RgM	Rough gullied land, Muskingum soil material
Rl	Robertsville silt loam
RlM	Rolling stony land, Muskingum soil material
RsC	Rolling stony land, Colbert soil material
RsM	Rough stony land, Muskingum soil material
Scd	Swaim silty clay loam, severely eroded, rolling phase
Sce	Swaim silty clay loam, eroded, undulating phase
Scn	Swaim silty clay loam, eroded, rolling phase

Map Unit Legend

Jackson County, Alabama

Map symbol	Map unit name
Sco	Swaim silty clay loam, rolling phase
Scu	Swaim silty clay loam, undulating phase
Sfu	Sequatchie fine sandy loam, undulating phase
Sfv	Sequatchie fine sandy loam, level phase
St	Sturkie fine sandy loam
StM	Stony alluvium
Tbu	Talbott silt loam, undulating phase
Tcd	Talbott silty clay loam, severely eroded rolling phase
Tce	Talbott silty clay loam, eroded, undulating phase
Tcn	Talbott silty clay loam, eroded, rolling phase
Tld	Tellico clay loam, severely eroded, rolling phase
Tln	Tellico clay loam, eroded, rolling phase
Ts	Taft silt loam
Tuu	Tupelo silt loam, undulating phase
Tuv	Tupelo silt loam, level phase
Tv	Tyler very fine sandy loam
W	Water
Wld	Waynesboro loam, severely eroded, rolling phase
Wne	Waynesboro fine sandy loam, eroded, undulating phase
Wnh	Waynesboro fine sandy loam, eroded, hilly phase
Wnn	Waynesboro fine sandy loam, eroded, rolling phase
Wno	Waynesboro fine sandy loam, rolling phase
Wnu	Waynesboro fine sandy loam, undulating phase
Wsu	Wolftever silt loam, undulating phase
Wsv	Wolftever silt loam, level phase

TVA/NuStart Bellefonte Project
Request for Information on Soils and Prime Farmland

Jackson County, Alabama

Legend

Farmland

FrmIndCls

- All areas are prime farmland
- Not prime farmland
- Prime farmland if drained

hydric

HydrcRatng

- All Hydric
- Not Hydric

Meters
0 100 200 400

N
W E
S

TVA/NuStart Bellefonte Project
Request for Information on Soils and Prime Farmland

Meters
0 100 200 400

N
W E
S

Legend

Farmland

FrmIndCls

- All areas are prime farmland
- Not prime farmland
- Prime farmland if drained

hydric

HydrcRatng

- All Hydric
- Not Hydric

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NuStart Energy Development, LLC
200 Exelon Way
M/S KSA 3-N
Kennett Square, PA 19348

Chris Koopp

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
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ATLANTA, GEORGIA 30303-8960

August 31, 2006

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, CO 80465

SUBJ.: Early Coordination
TVA/NuStart Bellefonte Nuclear Power Plant

Dear Dr. Luchsinger:

We received your letter dated July 17, 2006, concerning the proposed new nuclear plant location at the existing Bellefonte site, and we appreciate your early coordination with us. EPA reviewed this project in accordance with Section 309 of the Clean Air Act. The document does not include details of the project; however, based on our experience with similar projects and our telephone conversation with you, we offer the following preliminary comments. These comments pertain to issues to be discussed in National Environmental Policy Act (NEPA) documents. Adverse impacts should be avoided or minimized, while unavoidable impacts should be fully mitigated.

The current Bellefonte site includes existing reactors, cooling towers, and infrastructure. Some of the existing infrastructure could be refurbished and/or retrofitted for use with the new plant. Placement of the new plant location on the existing site will help minimize impacts to the environment. Your map shows that the new plant location would replace an existing paved area and an adjacent undeveloped wooded area.

Project Need -The need for the project should be clearly stated, as well as potential benefits and adverse effects of the proposed project. Project impacts and impact mitigation are evaluated in the context of project need.

Alternatives - The analysis of alternatives is the *core* of the National Environmental Policy Act (NEPA) process. The forthcoming Environmental Impact Statement (EIS) should include a minimum of two feasible action alternatives to be fully considered, as well as the No-Action Alternative.

A rationale for rejecting certain alternatives from further consideration should be provided. These rationales should include environmental reasons, along with other considerations. The selected alternative should avoid/minimize adverse impacts, so that the need for mitigation of impacts will be lessened or eliminated. A critical factor of the alternatives analysis is the avoidance/minimization of adverse impacts.

Radiation – The EIS should discuss monitoring of radiation, prevention of releases, and emergency planning procedures in case of an unintended release. Risks to employees and area residents should be addressed.

Wetlands – You indicated that isolated wetlands would be potentially impacted by the Bellefonte project, and that consultations will take place with the US Army Corps of Engineers (USACE) and the Alabama Department of Environmental Management (ADEM) regarding mitigation for these impacts. You should also coordinate with EPA Region 4 regarding the 404 Permitting process and wetlands mitigation.

The EIS should discuss the location, amount, type, and quality of wetland acreage in the study area, and how wetlands were delineated (i.e., COE, contractor, lead agency, etc.). A draft mitigation plan to compensate for predicted wetland losses should be developed during the NEPA process. Feasible alternatives that avoid wetland impacts should be consistent with the 404(b)(1) guidelines of the Clean Water Act.

Water Quality - The current Bellefonte site has an existing infrastructure, which includes intake and discharge structures. The proposed source of water for the proposed plant is an existing impoundment. Streamflow impacts are not anticipated. Nearby dams are operated by the TVA. You mentioned that the proposed Bellefonte site will be covered by a National Pollutant Discharge Elimination System (NPDES) Permit. Discharges which will be addressed under this permit should be discussed in the DEIS, and coordination should take place with the Alabama Department of Environmental Management (ADEM).

Best Management Practices (BMPs) should be used to reduce erosion during construction. Typical BMPs include the use of staked hay bales, silt fences, mulching and reseeding, and appropriate buffer zones along water bodies. The document should include an erosion control plan or reference the State erosion control regulations and a commitment to compliance. Compliance should include both BMP application and maintenance.

Noise -The document should indicate what noise levels can be expected from the project, and the distance to the closest residence/receptor. Background noise levels should also be included in the document. The NEPA evaluation should estimate the projected incremental increase of noise. Generally, EPA considers all increases over 10 dBA at any given noise level as a significant increase. Comparisons to any noise guidelines (e.g., FHWA, HUD) or city ordinances are also appropriate. EPA has a *target* noise level (not a guideline or standard) of 55 dBA DNL for outdoor areas where people spend a varying amount of time (such as residences). All construction equipment should be equipped with noise attenuation devices, such as mufflers and insulated engine housings. In addition, OSHA regulations apply for all employees affected by job noises.Forms of noise mitigation include, but are not limited to, vegetative screens, vegetated earthen berms, and noise barriers.

Environmental Justice (EJ) -Consistent with Executive Order 12898 (2/11/94), potential EJ impacts should be considered in the NEPA document. An EJ survey is to ensure equitable environmental protection regardless of race, ethnicity, economic status or community, so that no

segment of the population bears a disproportionate share of the consequences of environmental pollution attributable to a proposed project.

The demographics of the affected area should be defined using U.S. Census data (Census blocks) and compared to other nearby Census block, county, and state percentages for minorities and/or low-income populations. If percentages of these populations are elevated within the project area, alternatives should be considered, or coordination with affected populations should be conducted, to determine the affected population's concerns and comments on the project. This coordination should include a clear discussion of the project, project updates or expansions, inclusion of the affected population (or their community leader, pastor, or equivalent) on the NEPA document mailing list, any economic benefits (job opportunities, etc.) of the project to the affected population, and the opportunity for informal and/or formal comments (e.g., EIS scoping meeting and EIS public hearing, or other public meetings). Regardless of the makeup of the affected population, impacts of the project should be controlled so that significant effects on human health are avoided and/or minimized.

Air Quality -All emissions resulting from the project must be in compliance with all applicable air quality regulations, particularly relative to the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (e.g., ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, lead and particulates). All construction equipment should be tuned to manufacturer's specifications to reduce air emissions. We recommend water for fugitive dust control during construction, instead of oils and other chemicals.

Cultural Resources -A cultural resource survey should be coordinated with the State Historic Preservation Officer (SHPO). Besides the consideration of listed historical sites, the NEPA document should discuss procedures for events such as unearthing archaeological sites during prospective construction. Such procedures should include work cessation in the area until SHPO approval of continued construction.

Biodiversity -Biodiversity is defined as the variety of plants and animals (biota) of a site or region, and is typically measured by the number of different species and number of individuals per species. In general, the more diverse an area is (number of habitat types and animal inhabitants) and the better represented these components are (population counts), the more rigorous (resistant, undisturbed, natural, "healthy") the area is considered.

The NEPA document should discuss biodiversity aspects of the proposal as appropriate. For example, will the project increase, restore, or decrease biodiversity of the area or region? Coordination with the U.S. Fish and Wildlife Service (FWS), and your state's fish and game department is recommended regarding the design of any project mitigation areas to enhance or restore biodiversity.

Endangered Species - The FWS is the responsible agency for endangered species compliance, so EPA defers to FWS regarding assessments of Federally-protected endangered species. However, the NEPA document should discuss survey results and adjust the proposed alignment as appropriate. Early coordination with the FWS is recommended.

Cumulative Impacts -The NEPA document should estimate cumulative impacts of resources of concern associated with the proposed project. Cumulative impacts include the additive effects of a given parameter for all contributing projects in the study area and watershed. The document should define what cumulative impacts would result from implementation of the proposed project. Existing or future projects (Federal and non-Federal projects) with attendant pollutants should also be considered.

We appreciate the opportunity to provide these preliminary comments. We look forward to review of the EIS that you will develop for the proposed project. If you have any questions, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,

Heinz Mueller, Chief
NEPA Program Office

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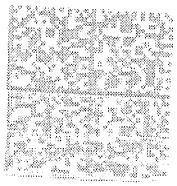

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WILDLIFE AND FRESHWATER FISHERIES DIVISION
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The mission of the Wildlife and Freshwater Fisheries Division is to manage, protect, conserve, and enhance the wildlife and aquatic resources of Alabama for the sustainable benefit of the people of Alabama.

August 18, 2006

Dr. Deborah Luchsinger
Enercon Services, Inc.
6500 Crestbrook Drive
Morrison, CO 80465

Re: TVA/NuStart Bellefonte Project

Dear Dr. Luchsinger:

The Division of Wildlife and Freshwater Fisheries has reviewed your proposal of July 17, 2006 and provides the following comments:

1. Enclosure 4 of the NuSTart proposal indicates there may potential impacts to six wetland areas in the vicinity of the proposed construction. No net loss of stream or wetland functions should occur as a result of the project. Adverse functional impacts may result from physical impacts to a stream or wetland, or from the alteration of a stream's natural flow regime or the impairment of wetland hydrology. Adverse stream impacts requiring mitigation may include accelerated siltation resulting from improper construction or erosion control practices, stream realignment, flow diversion or interruption, the placement of riprap or other fill in the streambed in such a way that habitat functions are impaired or fish movement is impeded under low flow conditions, and other modifications of habitat or hydrology which reduce the density or diversity of aquatic species. If streams, ditches, or wetlands will be impacted by the proposed activity, the Nashville District, Army Corps of Engineers should be contacted at (615) 369-7500 to determine if the activity falls under a Corps regulation requiring mitigation for adverse ecological, morphological, or hydrological impacts. If compensatory mitigation is required, then we request the opportunity to review and comment on the proposed mitigation plan.
2. Cooling water discharge should be within allowable limits in order to minimize impacts on aquatic resources adjacent to and downstream from the site.
3. We encourage the utilization of BMPs in order to minimize erosion along river banks and stream banks. Appropriate siltation barriers such as: green zones, sod strips, silt fences, or a superior means of erosion control should be used to minimize siltation downstream of the project site.
4. The State Lands Division (334-242-3484) should be consulted regarding potential impacts to state-owned water bottoms.
5. State water quality standards (particularly those related to erosion control, water turbidity, and dissolved oxygen) should be strictly adhered to.

Consultation with the Natural Heritage of the State Lands Division resulted in the following comments concerning threatened and endangered species in the vicinity of the project site:

"The Natural Heritage Section office has developed the following information pertaining to state protected, and federally listed candidate, threatened, and endangered species.

The closest sensitive species is recorded in our database as occurring approximately 4.0 miles from the subject site. This endangered cave roosting bat will forage over land and water and occurs throughout the Tennessee River system habitat. This information does not suggest that protected species are not at this location. A survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities. *Paraphrased Information from NatureServe. 2005. NatureServe Explorer: An online encyclopedia of life [web application]. Version 4.5. NatureServe, Arlington, Virginia. Available http://www.natureserve.org/explorer. (Accessed: July 8, 2005)."*

In conclusion, it is also necessary to coordinate with the U. S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally-protected species, but please note that USFWS does not provide information on state-protected species. If protected species are adversely impacted by the project, additional coordination with the DCNR and/or with USFWS (251-441-5181) will be required.

Sincerely yours,

Division of Wildlife and Freshwater Fisheries

James S. Cherry II
Environmental Coordinator

cc: Mr. Dan Catchings, ADCNR, Eastaboga, AL

STATE OF ALABAMA
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AND NATURAL RESOURCES
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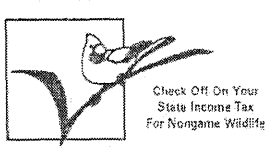

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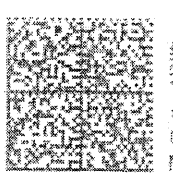

DR DEBORAH LUCHSINGER
ENERCON SERVICES INC
6500 CRESTBROOK DRIVE
MORRISON CO 80465

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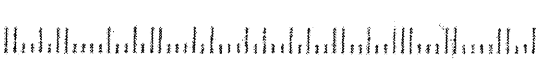

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

IN REPLY REFER TO:

2006-TA-1022

August 17, 2006

Mr. Richard J. Grumbir, AP1000 Project Manager
NuStart Energy Consortium
NuStart Energy Development, LLC
200 Exelon Way, M/S KSA 3-N
Kennett Square, Pennsylvania 19348

Dear Mr. Grumbir:

This responds to your letter dated July 17, 2006, requesting information pertaining to impacts on fish and wildlife resources associated with the proposed use of the Tennessee Valley Authority's (TVA) Bellefonte site -- one of two sites with future applications for an advanced technology nuclear power plant. The Bellefonte site is located approximately 7 miles northeast of the City of Scottsboro, Jackson County, Alabama. Your employer, NuStart Energy Development (NuStart), is conducting preliminary investigative work needed to apply for a combined construction and operating license from the Nuclear Regulatory Commission (NRC) at Bellefonte. We understand that NuStart has contracted with Enercon Service, Inc. to complete much of the environmental and emergency planning work needed in the license application process. As described, the environmental report generated from Enercon Service, Inc. will assess impacts of the construction and operation of the nuclear power generation facility on endangered, threatened, and candidate species (T&E species), and their associated habitats. Your letter included a list of T&E species known to occur in the vicinity of the proposed project. The U.S. Fish and Wildlife Service (Service) reviewed your list and referenced our records and database for the list of federally protected species located at, or in the vicinity, of the project site. Our report is submitted under the provisions of the Endangered Species Act (ESA)(87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Fish & Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661- 66c et seq.), and the Clean Water Act (PL 92-500, as amended; 33 U.S.C. 1251 et seq.).

Threatened & Endangered Species

We have determined that the following federally listed species may occur in the proposed project area:

Gray bat (*Myotis grisescens*) - endangered
Indiana bat (*Myotis sodalis*) – endangered
Bald eagle (*Haliaeetus leucocephalus*) - threatened
Pink mucket pearly mussel (*Lampsilis abrupta*) – endangered
Anthony's riversnail (*Athearnia anthonyi*) - endangered

Price's potato-bean (*Apios priceana*) – threatened
Green pitcher plant (*Sarracenia oreophila*) – endangered
Morefield's leather flower (*Clematis morefieldii*) - endangered
White fringeless orchid (*Platanthera integrilabia*) – candidate

Please see the enclosed species information for brief descriptions of these species and their habitats.

Survey requirements

Because our distributional information on many rare species is incomplete, it is not currently possible to provide definitive distributions for the Price's potato-bean, green pitcher plant, Morefield's leather flower, and/or white fringeless orchid in the proposed project area. In situations such as this, where an endangered, threatened, or candidate species is known to occur in similar habitats nearby, **we recommend that a qualified botanist survey the proposed construction site and any potential future transmission line right-of-way alignments prior to any construction activities.** Prior experience with these particular species is strongly recommended, as is a visit to a known population of these species immediately prior to each survey to familiarize the surveyor with the species, habitat, and condition of plants at that time of year is also strongly recommended. This survey should be conducted during the flowering or fruiting period of these species (further species information provided below). Driving surveys are unacceptable, as are surveys when plants are dormant or not identifiable. Detailed information about the habitat found, survey methodology, qualifications of the biologists conducting surveys and the results of the survey (forbs and shrubs observed) should be provided to this office and our written approval given prior to any clearing or construction activities. The survey reports are a prerequisite to determine potential effects to these species according to Section 7 of the Endangered Species Act.

As indicated in your letter, the Bellefonte site is approximately 1,600 acres in size, with approximately 900 acres having already been developed with buildings and facilities, roads, parking lots or other uses. Approximately 20 acres are currently being used by a local farmer for hay production and about 600 remaining acres are in various stages of grassland or forest succession, or some combination of both. Therefore, we recommend a thorough site investigation for the species listed above and for any unique physical habitat conditions or topographic features on the site (e.g., karst features such as sinkholes, sinking streams, wetlands, caves). We also recommend that surveys be conducted on all perennial streams that flow through the Bellefonte site as well as those that may be crossed by proposed future transmission line rights-of-way. Presence/absence surveys should be conducted for the aquatic species listed as T&E species. The surveys report should account for and include species encountered during the surveys, survey methods, a map of all surveyed areas, and descriptions of the streams, including substrates, turbidity, flow, width/depth dimensions, and water quality. The aquatic surveys should be conducted by a mollusk specialist with State and U.S. Fish and Wildlife Service collecting permits for the Mussel and Snail listed.

Since the proposed nuclear power plant would be located on lands adjacent to the Tennessee River proper/Guntersville Reservoir, and because nuclear power plants utilize large quantities of water in the process of producing nuclear energy, we recommend an intensive aquatic survey effort within the Tennessee River proper, especially in the areas under consideration for the placement and construction of the water intake and outfall/diffuser structures. The aquatic surveys should be conducted within the proposed thermal mixing zone under 7Q1 conditions and downstream from the proposed mixing zone.

General Comments and Recommendations

It is essential that appropriately sized, proper-capacity cooling towers be designed, constructed, and utilized at the Bellefonte site to minimize any adverse effects of elevated water temperatures on the aquatic resources located in the Tennessee River. Additionally, the raw water intake structure should be located a considerable distance upstream from the effluent/outfall structure to minimize intensity of thermal maxim in the mixing and avoid the recirculation of heated water into the intake. Heated water recirculation conditions occur at TVA's Browns Ferry Nuclear Plant located near Athens, Limestone County, Alabama and have created difficulties for TVA to continue power generation at full capacity, especially during the extremely hot, summer months of the year. We request that this condition be fully analyzed to reduce the potential for future water temperature excursions or sustained high-temperature conditions at this proposed nuclear facility. We also strongly encourage the applicant to strive to meet the State's current thermal standards rather than to seek a variance that could affect aquatic species diversity and abundance patterns.

We recommend you contact and discuss the proposed project with Peggy Shute of TVA's Heritage staff, a group of TVA biologists who survey for and track Federal and State sensitive and/or listed species located both on and off of TVA properties (Peggy's work number is 865/632-2418).

As with any ground or waterway disturbing activity, strict adherence to best management practices (BMPs) that minimize sedimentation and erosion are of utmost importance to protect the federally listed aquatic species known to occur in the vicinity of the proposed project. The project should be designed and implemented to reduce impacts to fish and wildlife in general, as well, including migratory bird species located near, or in, the project area.

Fish and Wildlife Coordination Act

Since the proposed project has the potential to directly impact the Tennessee River proper/ Guntersville Reservoir and tributary streams and other water bodies thereof, we recommend the project area be evaluated by the U.S. Army Corps of Engineers (COE) to determine extent of impact of the project on these water bodies and to verify presence/absence of wetlands requiring a Section 404 permit. We also recommend strict adherence and implementation of BMPs during and following project construction.

For specific design information on reducing soil loss/erosion, the "Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas" (2003) is available from the Alabama Soil and Water Conservation Committee and on-line at:
http://www.swcc.state.al.us/pdf/ASWCC_June_2003_Alabama_Handbook_Construction_E&S_Control.pdf

Specific Concerns

We were not provided a description of the proposed full build-out plans and development activities being considered for the identified project site. Therefore, we are currently unable to determine fully the extent of potential impacts on fish and wildlife resources from the proposed action or the environmental impacts that may occur beyond the indicated project site boundaries from the proposed action. To provide adequate review of the project, we request the following information:

- Detailed project description and maps, including new transmission line right-of-ways (ROWs) and any planned ground disturbance.
- Any potential changes to surface and/or groundwater discharges and any anticipated changes in flow or water quality.
- Data on water quality parameters such as chlorine, ammonia, nutrient loading, other typical water quality measures (pH, temperature, conductivity, dissolved oxygen) on any discharges.
- Analysis of the size of the mixing zone (width, length) of discharges and any changes to the parameters listed above.
- Level of water use and treatment planned.
- Stormwater management.
- Any settling/detention basins that may be created in/adjacent to intermittent or perennial surface waters or wetlands.
- Chemical treatments that may occur to maintain ROWs or power plant components including intake and outfall structures.

Discharges and effluents resulting from the proposed action could affect fish species serving as hosts in the mussel life cycle. Freshwater mussels are benthic animals that usually remain buried in the substrate with only the most posterior margin of the shell and siphons exposed to the water column. They are filter feeders and their tissues can accumulate toxins at rates higher than most other aquatic taxa. Reproduction in these species requires a specific fish host for their parasitic larval stage. Rarer mussel species can probably only utilize a single species as a fish host. Therefore, to protect these mussels, their host fish must also be considered and protected.

Chlorine disinfection can have detrimental effects on fish. Freshwater chronic tests have been conducted with two invertebrate and one fish species and the chronic values of chlorine for these three species ranged from less than 0.0034 mg/l to 0.026 mg/L (USEPA 1986). We recommend use of a site-specific chronic chlorine limitation of 0.011 mg/l and a disinfection method other than chlorination or that a dechlorination system be added to the project to protect aquatic life.

Without protective criteria for mollusks, we believe there may be adverse effects or take of listed species from this and other sources.

Ammonia is acutely toxic to most aquatic life. Recent studies of southeastern mollusks indicate a potentially greater sensitivity of mollusks to ammonia than most aquatic species used by EPA to develop their current ammonia criteria (Augspurger et al. 2003; USGS 2005). We recommend ammonia limitations be based on mollusk sensitivity, with an acute and chronic aquatic life water quality limitation of 1.75 mg/L CMC and 0.30 mg/L CCC total ammonia as N, normalized to pH 8 and 25° C, respectively, in accordance with Alabama Department of Environmental Management's (ADEM) authority to set site-specific limits. We recommend achieving these limitations as end-of-mixing-zone limitations, assuming no listed species are found in the modeled mixing zone. The assigned mixing zone should also be as small as possible using water-quality based calculations.

Urban runoff, including leaking sewage lines and sedimentation, should be completely diverted away from karst ecosystems (especially in critical recharge areas) to avoid contamination of groundwater. Placement of sewer pipelines around karst drainage basins, rather than through them, will help protect the karst ecosystem from alteration of hydrology and contaminants (USFWS 2001).

We request that we be kept informed of the proposed development and be allowed to review the development plans once they become available. Upon receipt and review of project details, the Service will provide you with a final review regarding the project, including possible recommendations for protection of any listed species present. If you have any questions or need additional information, please contact Mr. Rob Hurt at (256) 353-7243, ext. 29. Please refer to the reference number located at the top of this letter.

Sincerely,

Elaine Snyder-Conn

Elaine Snyder-Conn
Acting Field Supervisor

cc: Mr. James Cherry, ADCNR, Montgomery, AL
Ms. Andrea Wade, EPA, Atlanta, GA
Ms. Kyla Gatlin, ADEM, Montgomery, AL
Ms. Peggy Shute, TVA, Knoxville, TN
Ms. Harriet Nash, NRC, Washington D.C.
Mr. Rob Hurt, USFWS, Decatur, AL

References

Augspurger T, A.E. Keller, M.C. Black, W.G. Cope and F.J. Dwyer. 2003. Water quality guidance for protection of freshwater mussels (Unionidae) from ammonia exposure. *Environmental Toxicology and Chemistry* 22: 2569-2575.

USEPA. 1986. Quality criteria for water 1986. (Gold Book). EPA 440/5-86-001. 477 pp.

U.S. Fish and Wildlife Service. 2001. Draft U.S. Fish & Wildlife Service recommendations for karst preserve design. March 6, 2001 version. Austin, Texas. 48 pp.

U.S. Fish and Wildlife Service. 1982. Gray bat recovery plan. 121 pp.

U.S. Fish and Wildlife Service. 1987. Habitat management guidelines for the bald eagle in the southeast region. Third revision. 9 pp.

U.S. Fish and Wildlife Service. 1999. Endangered and threatened wildlife and plants; proposed rule to remove the bald eagle in the lower 48 states from the list of endangered and threatened wildlife. 64 FR 36454-36464.

U.S. Fish and Wildlife Service. 1993. Recovery Plan for *Apios priceana*. Jackson, Mississippi. 43pp.

U.S. Fish and Wildlife Service. 1983. Recovery plan for *Sarracenia oregophila*. Jackson, MS. Revised in 1985 and in 1994. 24 pp.

USGS. 2005. Columbia Environmental Research Center (CERC) Quarterly Project Reports #12 and #13 for the project entitled: "Developing Water Quality Standards for Recovery of Imperiled Freshwater Mussels (Family Unionidae)". 19 pp.

Species Information

Gray Bat and Indiana Bat

Listed in 1967 and 1976, respectively, these species are strongly loyal to their summer and winter caves. Gray bats use warm caves in the summer and relocate and hibernate in smaller cold caves in the winter. Indiana bats hibernate in caves during the winter. In the spring, they leave from their hibernation caves and form separate male, female, and juvenile colonies. Females will form maternal colonies which roost under the loose bark of trees. Little is know about the range of males during the summer. As a consequence of their combined thermoregulatory and other habitat requirements, bats congregate in large numbers in only a few caves, making them highly susceptible to disturbances and declines in population. Gray bat studies have shown that adult bats forage over aquatic and woodland riparian habitats for large distances; juveniles forage more often in woodland riparian habitats. Declines in population have been attributed to pesticide use; siltation on aquatic environments resulting in the loss of prey; deforestation; caves

being flooded from water impoundment; cave entrance closure; and human disturbances. Pictures of the gray bat and Indiana bat can be seen at:

http://media.duc.auburn.edu/media/908934762281.jpg
http://www.auburn.edu/~moosmpr/sodalis.jpg

Bald eagle

The bald eagle is a very large, broad-winged, broad-tailed hawk with rounded wings and a thick, hooked bill. It attains a total length of 32 inches and a wingspan of 80 inches. Adults have a white head and upper neck, white tail, dark brown body plumage, and a yellow bill. Immature bald eagles have a dark bill and dark brown body plumage, including head and tail. Variable amounts of white are present on underwing coverts, belly, and back. Most breeding eagles construct nests within several hundred meters of open water, though these distances may increase in areas occupied by humans. Eagles generally select nest trees that are larger and taller than surrounding trees.

In the Southeast, the bald eagle nesting period is usually from October 1 to May 15. Individual pairs return to their same territories year after year, and often territories are inherited by subsequent generations. Eagles are most vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding (roughly the first 12 weeks of the nesting cycle). Disturbance during this critical period may lead to nest abandonment and/or chilled or overheated eggs or young. Human activity near a nest later in the nesting cycle may cause premature fledging, thereby lessening the chance of survival.

Use of primary and secondary bald eagle management zones effectively avoids disturbance to bald eagle pairs and nests. The primary zone is the most critical area and must be maintained to promote acceptable conditions for eagles. It should encompass an area extending from 750 to 1,500 feet outward from the nest tree.

If the proposed development requires the use of explosives we recommend the following. **The use of explosives should not occur within the primary zone at any time**. Restrictions in the secondary zone are necessary to minimize disturbance that might compromise the integrity of the primary zone and to protect important areas outside the primary zone. The secondary zone should encompass an area extending outward from the boundary of the primary zone, a distance of 750 feet to 1 mile. **The use of explosives may take place in the secondary zone, but only during the non-nesting period.**

A detailed description of bald eagle habitat can be found in the Habitat Management Guidelines for the Bald Eagle (Guidelines) in the Southeast Region located at:

http://verobeach.fws.gov/species/birds/baea/eagle-habitat.pdf

Pink mucket

The pink mucket is a mussel with a round to elliptical, solid, inflated shell. The anterior end is rounded and the posterior end is bluntly pointed in males, but truncated in females. The dorsal margin is straight and the ventral margin is straight to slightly curved. The umbos are turned forward and elevated above the hinge line. The shell is smooth, yellow or yellowish green and

rayless or with faint green rays. The pink mucket was once considered extremely widespread, occurring in 25 river systems. Yet it has also been considered rare, as it has never been collected in large numbers. It is a large river species with habitats ranging from silt to boulders, in moderate to fast-moving water. Reasons for decline are not totally understood. Its sedimentary nature makes this species highly vulnerable to stream alterations such as impoundments, siltation, and pollution. A picture of the pink mucket can be seen at:

http://arkansas-es.fws.gov/images/ES/Mussels/Pink%20Mucket.thumb.jpg

Anthony's Riversnail

Anthony's riversnail is relatively large freshwater snail, which grows to about 2.5 cm in length. It is ovate and olive green to yellowish brown. Anthony's riversnail is primarily a big-river species historically associated with shoal areas in the main stem of the Tennessee River and the lower reaches of some of its tributaries. Many populations were lost when much of the Tennessee River and the lower reaches of its tributaries were impounded. The general water quality deterioration that has resulted from siltation and other pollutants contributed by coal mining, poor land use practices, and waste discharges was likely responsible for the species' further decline. These factors continue to impact Anthony's riversnail.

Price's potato-bean

Price's potato-bean is a climbing herbaceous perennial vine in the pea family that grows from a stout, thick, roundish tuber often 18 centimeters (cm) in diameter. It is threatened due to the small number of known populations, low reproductive potential, and habitat destruction (e.g. logging). The stem is round in cross section, somewhat twisted and slightly ridged. It is finely hairy early in its growth, but later becomes smooth and glabrous. Leaves of the main stem are 20 to 30 cm long, alternate, and pinnately compound with 5 - 9 leaflets. Racemes are 5 - 15 cm long, dense with flowers (50-70) and are usually in clusters of two and three in the axils of the leaves. The greenish-white or brownish pink flowers are 1 cm long and tinged with magenta at the apex. Pods are 12-15 cm long, 1 cm wide, and tapering at both ends. There are usually 4-10 seeds per pod.

Apios americana and *A. priceana* are most clearly distinguished by their tuber morphology. *A. americana* grows from a string of small tubers, while *A. priceana* grows from one large spheroidal tuber, 18 cm in diameter. *A. priceana* also has a larger flower with a distinctive thick appendage at the apex of its standard, a longer pod, larger leaves, and more leaflets than *A. americana*.

Several above-ground characteristics can differentiate these species when they are not in flower. Leaves of *A. priceana* have 3-5 prominent, secondary veins whereas *A. americana* leaves have 5-7, rarely 9. The veins of *A. priceana* are more raised above the lower leaflet surface than the veins of *A. americana*. *A. priceana* has 4 secondary veins (excepting the marginal vein) and *A. americana* has 5 secondary veins (excepting the marginal vein). In *A. priceana*, the secondary vein closest to the base of a leaflet (excepting the marginal vein) is curved, meets the main vein 1 mm or more from the base of the leaflet, and forms a 60° angle with the main vein. *A. americana* often has a reddish color at the point on the rachis (axis of compound leaf) where the leaflets emerge, and the hairs on the pulvinus (swelling at the base of the leaf stalk) are also a

reddish-orange color. In contrast, the rachis of *A. priceana* is not reported to have any reddish color, and the hairs on the pulvinus are buff.

It is **very likely** that undiscovered populations of A. priceana exist in open woods, forest edges, road edges (in low areas near a creek) and streambanks within its known range. The species does not flower every year and is difficult to identify without flowers; therefore, populations have probably been overlooked in their vegetative state. In years when Price's potato bean flowers, it does so from late mid-July through mid-August and produces fruit in August and September.

Price's potato-bean thrives in open, wooded areas, often in forest gaps or along forest edges. The species seems to prefer mesic areas and is **often found in open, low areas near a stream or along the banks or streams and rivers**. The species is sometimes found near the base of small limestone bluffs. **Most populations are located in cleared areas associated with powerline or roadside rights-of-way.** Price's potato bean often grows in well drained loams or old alluvium over limestone on rocky, sloping terrains. The species can survive a broad range of pH concentrations, from less than five to greater than eight.

Common associates, present at least half of the sites where information is available, include: *Acer saccharum* (sugar maple), *Amphicarpa bracteata* (hog peanut), *Campanula americana* (bluebell), *Cercis canadensis* (redbud), *Lindera benzoin* (spicebush), *Quercus muhlenbergii* (chestnut oak), *Tilia americana* (basswood), *Toxicodendron radicans* (poison ivy) and *Ulmus rubra* (slippery elm). Pictures of Price's potato-bean can be found at:

http://midwest.fws.gov/endangered/plants/pricesp.html and
http://www.biology.eku.edu/T&ESpecies/Pricespotatobean.html

Green pitcher plant

The green pitcher plant is a perennial herb which predominantly lives on decaying insects that have fallen into the pitcher-like leaves. Its rhizomes are 1 to 1.5 cm thick. The leaves are 20 to 75 cm long, and 6 to 10 cm in circumference at the orifice. These leaves, which are rarely conspicuously winged, usually appear with green to yellow flowers. The leaves gradually narrow from the orifice to the base, and are externally smooth. Flowering reaches its peak from Mid-April to early June. The habitat of the green pitcher plant varies from moist upland areas to boggy, sandy stream edges. Soils are generally acidic, highly saturated and derived from sandstone or shale. Populations have been lost and others have suffered declines in association with agricultural conversion, increases in rural residential development, woody plant encroachment due to fire suppression, changes in drainage patterns and commercial and amateur collecting. A picture of the green pitcher plant can be seen at:

www.pfmt.org/wildlife/endangered/ images/green_pitcher.jpg

Morefield's leather flower

Morefield's leather flower is a hairy, perennial vine which grows up to 16 ft in height. It occurs in patches near seeps and springs in rocky limestone woods on south and southwest facing slopes of mountains. This species is extremely vulnerable because of its limited range, few sites and low numbers of plants at several sites. It is only known from five sites in Madison County,

Alabama. Populations are threatened by residential development, road building, clearing and herbicide use. A picture of Morefield's leather flower can be seen at:
http://www.pfmt.org/wildlife/endangered/images/morefields.jpg

Additional species information can be found on our website http://daphne.fws.gov/ under "Alabama's Threatened and Endangered Species" on the Endangered Species page.

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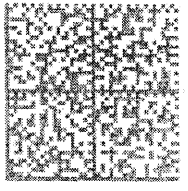

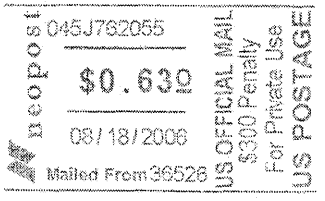

CHOCTAW NATION OF OKLAHOMA

Cultural Resources
P.O. Drawer 1210 • Durant, OK 74702-1210
1-580-924-8280 • 1-800-522-6170 • Fax: 580-920-3102

September 15, 2006

Richard J. Grumbir
NuStart Energy Development, LLC
200 Exelon Way
Kennett Square, PA 19348

Dear Richard J. Grumbir:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Entity Requesting Service: TVA/NuStart Bellefonte Project

Site Location: Situated on the peninsula of the Tennessee River, on the shore of Guntersville Reservoir, northeast of Scottsboro, Alabama

County: Jackson County, Alabama

Comments: After further review of the above mentioned project (s), to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: Caren A. Johnson
Caren A. Johnson
Administrative Assistant

CAJ: cp

Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74702-1210

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THE GREAT SEAL OF THE CHOCTAW NATION

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200 Exelon Way
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