



DEPARTMENT OF THE ARMY  
NASHVILLE DISTRICT, CORPS OF ENGINEERS  
3701 Bell Road  
NASHVILLE, TENNESSEE 37214

REPLY TO  
ATTENTION OF:

September 19, 2008

Regulatory Branch

SUBJECT: Environmental Impact Statement for the Bellefonte  
Nuclear Plant, Units 3 and 4, in Jackson County, Alabama

Scott Flanders  
Director, Division of Site and Environmental Reviews  
Office of New Reactors  
Mailstop T7J8  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555-0001

Dear Mr. Flanders:

This is in reference to the U.S. Nuclear Regulatory Commission's (NRC) intent to prepare an Environmental Impact Statement (EIS) for the Bellefonte Nuclear Site Combined License Application. The Tennessee Valley Authority (TVA) is proposing two new reactors, known as Unit 3 and Unit 4.

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1501.6 and 1508.8) define and address agency roles to facilitate cooperation and compliance under NEPA. After assessing the project with these regulations, we believe that the NRC should act as the lead agency for compliance with the National Environmental Policy Act (NEPA) for the proposed action, since the NRC has greater Federal Control, responsibility and expertise for evaluating complete project effects and ultimate approval/disapproval authority for the entire proposal.

The Corps is responsible for making decisions pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Based on this responsibility for regulating work which is proposed for the Limited Work Authorization and/or license for TVA, we request to serve as a cooperating agency, as defined in the CEQ regulations, in the preparation of the EIS for the Bellefonte Unit 3 and Unit 4 project. Cooperating agencies are encouraged to participate in the NEPA process early on and provide information and environmental analysis for which they have special expertise to the lead agency, in this case, the NRC. The benefits of the cooperating agency participation in the preparation of the documentation and analyses include avoiding duplication with other Federal, State and local procedures as well enhancing the

ability of the agencies to adopt environmental documents for making decisions. The Corps has the responsibility and authority to regulate portions of the proposal that affect waters of the U.S., including jurisdictional wetlands, and has the expertise necessary to assist the NRC with meeting its statutory requirements.

We would appreciate your inviting us to provide comments during the development of the EIS, and we look forward to working with you as a cooperating agency. If you have any questions concerning this request, please contact me at the letterhead address or by telephone at 615-369-7502 or email me at [bradley.n.bishop@usace.army.mil](mailto:bradley.n.bishop@usace.army.mil).

Sincerely,



Bradley N. Bishop  
Chief, Western Regulatory Section  
Operations Division