



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
200 Barkley Dam Overlook
PO BOX 218
GRAND RIVERS, KY 42055
February 20, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch

Ms. Mallecia Hood
Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Dear Ms. Hood:

This is in response to a preliminary review of the Draft Environmental Impact Statement (EIS) for the proposed Bellefonte Nuclear Plant, Units 3 and 4 in Jackson County, Alabama and a recent project status meeting in Nashville, Tennessee. As you are aware, the U.S. Army Corps of Engineers, Nashville District (Corps) is a cooperating agency in the preparation of the EIS for the project following the Memorandum of Understanding Between the U.S. Army Corps of Engineers and U.S. Nuclear Regulatory Commission on Environmental Reviews Related to the Issuance of Authorizations to construct and Operate Nuclear Power Plants so that a Corps permit decision can be rendered at the conclusion of the NEPA process. In this regard, we look forward to working with your agency to ensure the information presented in the NEPA document is adequate to fulfill the requirements of Corps regulations, the Clean Water Act Section 404(b)(1) Guidelines, and the Corps public interest review process.

The Corps requests the following topics be comprehensively evaluated in the DEIS/FEIS.

1. Purpose and need for the project. Please define a regional area where additional base-load electrical generation capacity is needed.
2. Delineation of all waters of the U.S., including jurisdictional wetlands, in the project area. Please indicate the areas of the site that have been investigated for waters of the United States. Preliminary wetland information was documented in a report titled *Request # 10389 – Bellefonte NP – Wetlands Site Visit: Wetland Input* dated May 2006. Wetland investigations were limited to the area between the Bellefonte Nuclear Plant parking lot and the perimeter road around the north side of the site. This information indicates 11.15 acres of high quality forested wetland were identified in this area. The report also includes recommendations to avoid and minimize impacts to wetlands. These recommendations should be further investigated and included in the on-site alternatives analysis for avoidance and minimization.
3. Alternatives analysis/Clean Water Act Section 404(b)(1) Guidelines. The alternatives analysis should compare the practicability and environmental impacts of the identified alternatives with the ultimate goal of identifying the least environmentally damaging,

practicable alternative. Practicable alternatives that do not involve a discharge into waters of the U.S. are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. Section 230.10(a) of the Guidelines indicates no discharge shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact to the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. Under the Guidelines, the least environmentally damaging practicable alternative must be chosen. Documentation of the practicability of each of alternative should be included in the alternative analysis. All practicable alternatives that are available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes must be examined [40 CFR 230.3(q)]. Based on the project purpose, the Corps will need to concur on the range of alternatives retained for detailed study in the EIS.

4. Techniques to avoid and minimize impacts to waters of the U.S. on the selected site.
 - a. A complete description of the criteria used to identify, evaluate, and screen on-site project alternatives regarding structure placement, temporary work areas, haul roads, etc.
 - b. Considerations to reduce project footprint
 - c. Considerations to reuse/upgrade existing infrastructure
 - d. Plans for dredging, if necessary, including alternative dredge methods, plan configurations and depths and frequency
 - e. Alternative dredge material disposal sites, recycle options, and treatment/reuse alternatives
 - f. Methods to minimize dredging and construction related turbidity
 - g. Methods to minimize adverse effects to water quality
 - h. Methods to minimize adverse effects to natural and cultural resources

5. Corps public interest review factors. The decision to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Among the factors that must be evaluated as part of the Corps public interest review include: conservation, economics, aesthetics, general environmental concerns, wetlands and streams, historic and cultural resources, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, water quality, considerations of property ownership, air and noise impacts, and, in general, the needs and welfare of the people. Each of the Corps public interest factors that are relevant to this project must be evaluated comprehensively in the EIS.

6. Impacts to waters of the U.S. (both temporary and permanent) to all waters of the U.S., including jurisdictional wetlands, for each project alternative. For waterways, include both the linear feet of waterway impacts (measured along the centerline of the waterway) and square feet of impact; for wetlands, include both square foot and acreage impacts; and for temporary wetland impacts, quantify any change in wetland classification (e.g., palustrine

forested to palustrine emergent, etc.) and method of work to accomplish this change. Please include the temporary and permanent impacts associated with the following activities.

- a. Barge slip maintenance
 - b. Dredging (Please describe any dredging performed during construction of Units 1 and 2) including mussels and aquatic organisms
 - c. Temporary work areas and staging
 - d. Construction access and permanent access roads
 - e. Site grading and permanent structures, parking areas, etc.
7. Compensatory mitigation plans for impacts to waters of the United States, including wetlands.
 8. Environmental justice, including compliance with the Executive Order 12898 on environmental justice.
 9. Analysis of the project's compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act and Section 401 of the Clean Water Act.
 10. Air quality impacts (i.e., Section 176(c) of the Clean Air Act General Conformity Rule Review).
 11. Compliance with the Executive order on floodplains.

We look forward to working with your agency as the EIS is developed and the review of the project proceeds. Should you have any questions concerning this letter, please contact me at (270) 362-7523.

Sincerely,



Tammy R. Fudge
Regulatory Project Manager
Nashville District Corps of Engineers