



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

REPLY TO
ATTENTION OF:

November 23, 2009

Regulatory Division

Action ID No. SAW-2008-00188

Ms. Andrea Kock
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs
11545 Rockville Pike
Rockville Pike, Maryland 20852

Dear Ms. Kock:

Our Office received a copy of the document titled "GLE Environmental Report: Section 4.4 – Water Resource Impacts, December 2008" with a cover letter from you dated August 13, 2009 requesting comments regarding aquatic features within the proposed General Electric-Hitachi uranium enrichment facility project site in New Hanover County. The 265-acre project area is located at 3901 Castle Hayne Road, Wilmington, North Carolina bordering the Northeast Cape Fear River.

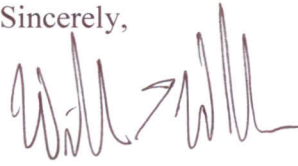
Our file records indicate that all jurisdictional features within the project area were delineated by RTI International and verified by Ms. Jennifer Frye of this office on October 16, 2007. A Notice of Jurisdictional Determination with corresponding signed plat was issued on January 22, 2008. A copy of this has been made available to General Electric-Hitachi Nuclear Energy Americas, LLC.

Based upon our review of the approved delineation and the information that you submitted, this office has determined that your project as proposed, will impact jurisdictional waters and/or wetlands regulated pursuant to Section 404 of the Clean Water Act and therefore, will require Department of the Army (DA) authorization. Proposed impacts include the discharge of fill material into an unnamed tributary to Prince George Creek and an unnamed tributary to the Northeast Cape Fear River. Both are tributaries to the Northeast Cape Fear River, a Traditionally Navigable Water of the United States. As you are aware, the issuance of Department of the Army (DA) authorization must precede any placement of excavated or fill material within any wetlands or waters of the United States. Unauthorized activity would be a violation of Federal law.

As this proposed project is located in one of the 20 coastal counties of North Carolina, a permit may be required by the North Carolina Division of Coastal Management. We recommend that you contact them at (910) 796-7215. For concerns and questions regarding biological resources and endangered species, please contact the U.S. Fish and Wildlife Service at (919) 856-4520.

If you should have any questions or comments or would like to schedule a pre-application meeting, please contact Emily Hughes at the Wilmington Field Office, Regulatory Division, telephone (910) 251-4635.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William T. Walker', with a stylized flourish at the end.

William T. Walker, Chief
Wilmington Regulatory Field Office

Copies Furnished:

Ms. Christianne Ridge
Environmental Project Manager
Division of Waste Management
and Environmental Protection
U.S. Nuclear Regulatory Commission
Mail Stop: T7J8
Washington, DC 20555