



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

AUG 27 2010

Operations Division

U.S. Nuclear Regulatory Commission
Ms. Stacey Imboden
11555 Rockville Pike
MS T – 7E30
Rockville, Maryland 20852

Dear Ms. Imboden:

This is written in response to the information that was presented at the Nuclear Regulatory Commission (NRC) June 15 through June 18, 2010 site audit for the Bell Bend project. The Bell Bend Nuclear Power Plant site is located in Salem Township, Luzerne County, Pennsylvania and has been identified as CENAB-OP-RPA-2008-01401-P13 (Bell Bend Nuclear Power Plant). This site audit was attended by NRC, Pennsylvania Power and Light (PPL) and several Federal and State regulatory agencies, including the U.S. Army Corps of Engineers. The purpose of this audit was to gather information not only on the Bell Bend site, but information pertaining to the three highest ranking alternatives sites identified in the *Bell Bend Nuclear Power Plant (BBNPP) Alternative Site Analysis* developed by UniStar; these selected alternative sites are identified as Humboldt, Montour, and Seedco.

The Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material ("Guidelines"), stipulate that no discharge of dredged or fill material into a waters of the United States, including jurisdictional wetlands, shall be permitted if there is a practicable alternative which would have less adverse impact on the aquatic environment, so long as the alternative does not have other significant adverse environmental consequences. Even if an applicant's preferred alternative is determined to be the Least Environmentally Damaging Practicable Alternative (LEDPA), the Corps must still determine whether the LEDPA is in the public interest. The Corps Public Interest Review (PIR), described at 33 CFR 320.4, directs the Corps to consider a number of factors in a balancing process. A permit will not be issued for an alternative that is not the LEDPA, nor will a permit be issued for an activity that is determined to be contrary to the public interest. In considering both the LEDPA and the PIR the Corps must consider compliance with other applicable substantive laws such as the Endangered Species Act and the National Historic Preservation Act, as well as, consult with other Federal Agencies. The Corps also must follow procedural laws such as National Environmental Policy Act and other applicable laws described in 33 C.F.R. Section 320.3.

Section 230.10(a) of the Guidelines requires that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge

which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” Section 230.10(a)(2) of the Guidelines states that “an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity may be considered”. Thus, this analysis is necessary to determine which alternative is the LEDPA that meets the project purpose and need. Where the activity associated with a discharge is proposed for a special aquatic site (as defined in 40 CFR Part 230, Subpart E), and does not require access or proximity to or siting within these types of areas to fulfill its basic project purpose (i.e., the project is not “water dependent”), practicable alternatives that avoid special aquatic sites are presumed to be available, unless clearly demonstrated otherwise (40 CFR 230.10(a)(3)).

While the Corps agrees with the results of the site selection process for the nine candidate sites developed under the NUREG-1555 guidance, the NRC process is not consistent with the Corps alternatives analysis evaluation; as such we cannot accept the weighting and scoring methods used to determine the final sites that are currently proposed to be further evaluated as the alternative sites in the draft Environmental Impact Assessment (DEIS). Therefore, in order to clearly demonstrate compliance with the Guidelines, and to ensure adequate review for the Corps 404(b)(1) alternatives analysis, we are requesting that the suite of alternatives for the DEIS include all nine candidate sites along with the applicants’ preferred alternative, Bell Bend. The nine candidate sites are identified as Humboldt, Montour, Seedco, Martins Creek, Peach Bottom, Wallenpaupack, Conowingo, Bainbridge, and Indian River. The applicant must document their consideration of each of these alternative sites and demonstrate why they have or have not been deemed practicable. The analysis needs to provide the Corps with site specific information for each alternative that includes, but is not limited to, water use, including consumptive use; water availability; wetlands; endangered species; historic and archeological resources; floodplains; and transmission and water line corridors. The alternatives analysis should also include a comparison table(s) that identifies impacts to waters and wetlands, on the site itself as well as off-site impacts required for water line and transmission line construction. It is required that avoidance and minimization measures be included on all of the alternatives considered. Summary tables of wetland type, as defined by Cowardin classification and impact type (temporary vs. permanent vs. conversion), including acreages, are needed for an accurate comparison. As previously requested by the Corps through requests for additional information (RAI’s) submitted to the NRC, it is an important part of the 404(b)(1) alternatives analysis to provide accurate and consistent values for impacts to waters and wetlands for all sites.

In addition to the Guidelines, the Corps must still review each alternative in accordance with the PIR, described at 33 CFR 320.4. Under the PIR review, the following factors are considered: conservation; economics; aesthetics; general environmental concerns; wetlands; historic and cultural resources; fish and wildlife values; flood hazards; floodplain values; land use; navigation; shore erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; and consideration of property ownership. The applicants’ information and comparison of the above referenced PIR factors are required for each of the alternative sites. This information, in addition to the

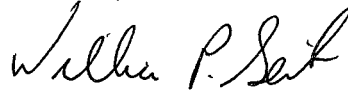
comments received through the Corps' public notice, will be utilized to make our PIR determination.

As stated in our April 9, 2009 letter to the NRC, the purpose and need of the project, as defined by the Corps, is to provide 1,600 MWe of additional base load electrical power to the northeast portion of the Pennsylvania, Jersey, Maryland Regional Transmission Organization (PJM) grid".

The applicant has provided information to our office contending that the proposed project is an expansion of the existing Susquehanna Steam Electric Station (SSES) plant. It is the Corps' understanding that Bell Bend, a greenfield site, will be sited adjacent to, but separate from, the existing SSES plant. While site ownership is the same, the Bell Bend plant will have separate and independent utility from the SSES plant, and operation of the Bell Bend plant will not be dependent on the operation of the SSES plant. The only shared use component between the existing and proposed facilities would be the existing 500 kV switchyard located on the SSES site, approximately 4,000 feet east of the Bell Bend power block. While a switchyard is necessary for generated power to enter the power grid, use of an existing switchyard is not a requirement for the siting of a proposed power plant, as new switchyard could be constructed. Therefore, the sharing of the existing switchyard associated with the SSES does not in itself make the Bell Bend project an expansion of the existing SSES plant. Further, in previous pre-application meetings, the applicant has stated that no shared work force will exist between these two plants and each facility will have its own emergency and security plans. Based on the information received by this office, the Bell Bend plant is a separate "stand alone" project with independent utility. Consequently, we do not consider the Bell Bend project to be an expansion of the existing SSES facilities. Therefore, potential off site alternatives must be considered in meeting the requirements of the Guidelines, and as long as the alternative is deemed practicable and feasible and meets the project purpose, the alternative must be considered by the Corps.

This office appreciates the continued opportunity to comment and we look forward to working with the NRC in preparation of the draft EIS. A copy of this letter is being forwarded to PPL Bell Bend, LLC and to UniStar Nuclear Energy for informational purposes. If you have any questions concerning this matter or if you wish to meet with the Corps to discuss this correspondence, please call Mrs. Amy Elliott, at this office at (814) 235-0573.

Sincerely,



William P. Seib
Chief, Regulatory Branch