October 26, 2010

C.W. Longbow, Principal Chief
Cherokee Nation of New Jersey
182 Ellery Avenue
Newark, NJ 07106

SUBJECT: NOTIFICATION AND REQUEST FOR CONSULTATION AND PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE PSEG EARLY SITE PERMIT APPLICATION

Dear Chief Longbow:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by PSEG Power, LLC and PSEG Nuclear, LLC (PSEG) for an Early Site Permit (ESP) for a new nuclear power plant site, which is located on the southern part of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey. As part of the review of this ESP application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC regulations that implement the National Environmental Policy Act (NEPA) of 1969, as amended. The NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area to identify issues relating to the proposed undertaking's potential effects on cultural resources and historic properties. The area of potential effect for this ESP review is the area at the PSEG ESP Site and its immediate environs which may be impacted by land-disturbing activities associated with the construction and operation of a new nuclear unit or units.

PSEG submitted the application for an ESP on May 25, 2010, pursuant to NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on August 13, 2010 and it is available through the web-based version of the NRC Agency-wide Documents Access and Management System (ADAMS) which can be found at http://www.nrc.gov/reading-rm/adams.html. Persons who do not have access to ADAMS or who encounter problems accessing the documents located in ADAMS should contact the PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail at pdr@nrc.gov. The Environmental Report portion of the application is listed under accession number ML101480763. The PSEG ESP application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/esp/pseg.html.

The proposed PSEG ESP Site encompasses approximately 819 acres and is located immediately adjacent to the Salem and Hope Creek Nuclear Power Plants. Salem, Units 1 and 2 use Westinghouse four-loop pressurized water reactors having the capacity to generate 2300 megawatts of electricity combined. Hope Creek, Unit 1 employs a General Electric Type 4 boiling water reactor capable of 1060 megawatts electric. PSEG proposes to obtain an early site permit for the area immediately north of the existing site in areas of previous construction activity (such as laydown yards and parking) along with previously undisturbed areas of land.

The NRC hereby provides notice that in accordance with 36 CFR 800.8(c), NRC staff is using the process required by NEPA for the preparation of the EIS to comply with the obligations imposed under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying parties who may wish to consult with our staff on the proposed action and is inviting them to consult with the staff on this matter. Consultation will include participation in the scoping process; identification of historic properties on the PSEG ESP Site; assessment of the effects of the proposed action on any historic properties identified; and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. The EIS will include analyses of potential impacts to historic properties that reflect consultation and will document the NRC staff's determination regarding the suitability of the proposed site for the construction and operation of one or more new nuclear units. If approved, the ESP would not authorize the applicant to begin construction of the unit(s). However, in its review, the NRC staff will evaluate the environmental impacts of construction and operation and will also consider alternatives, including alternative sites. An ESP allows an applicant to set aside a site for potential future construction of one or more new nuclear power plants and provides the opportunity to resolve site safety and environmental issues before construction begins.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The PSEG ESP Site is in close proximity to lands that may be of interest to the Cherokee Nation of New Jersey. The NRC staff wants to ensure that you are aware of our efforts and pursuant to 10 CFR 51.28(a), the NRC invites the Cherokee Nation of New Jersey to provide input to the scoping process relating to NRC's environmental review of the ESP application.

Through this letter, the NRC staff is initiating consultation under Section 106 of the NHPA with the Cherokee Nation of New Jersey regarding the PSEG Site ESP application. To complete consultation under 36 CFR 800.8(c), the NRC staff will forward the draft EIS to consulting parties for review and comment and will address the comments in the final EIS. Your office will receive a copy of the draft EIS along with a request for comments after it is issued. This draft EIS will include identification of historic properties and cultural resources, assessment of impacts, and our preliminary determination.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Native American Tribes that might have an interest in any potential historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious, and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties or resources.

The NRC plans to hold two public scoping meetings on November 4, 2010, at the Salem Community College Performing Arts Theater (Davidow Hall) located at 460 Hollywood Avenue, Carneys Point, New Jersey. The first meeting will convene at 1:00 p.m., and will continue until approximately 4:00 p.m. (as necessary). The second meeting will convene at 7:00 p.m., with a repeat of the overview portions of the first meeting and will continue until approximately

10:00 p.m. (as necessary). The NRC will present an overview of the environmental review process and will describe how the process will be implemented for the review of the PSEG ESP application. A separate NRC meeting notice with a more detailed agenda will be forthcoming. Each meeting will be preceded by a one hour open house during which members of the public may meet and talk with NRC staff members on an informal basis. In addition, NRC staff and contractors are planning an onsite visit in early spring for a site audit to discuss with PSEG the detailed information that is the basis for the preparation of the Environmental Report to perform a tour of the site and its environs, and to review documentation.

Please provide any information, comments, or concerns you feel are appropriate on the scope of the proposed action during the scoping comment period which ends on December 14, 2010. Comments should be submitted either by mail to the Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Mail Stop TWB-5B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or by e-mail to PSEG.ESPEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this ESP application, please contact Mr. Allen Fetter, NRC Environmental Project Manager at (301) 415-8556 or via e-mail to Allen.Fetter@nrc.gov, or Ms. Alicia Williamson at (301) 415-1878 or via email to Alicia.Williamson@nrc.gov.

Sincerely,

/RA/By Mark Notich Acting For/

Gregory Hatchett, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-043

cc: See next page

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Sincerely,

/RA/By Mark Notich Acting For/

Gregory Hatchett, Branch Chief
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Office of New Reactors

Docket No.: 52-043

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