

November 5, 2010

Mr. William Jenkins
U.S. Army Corps of Engineers
Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S ENVIRONMENTAL IMPACT STATEMENT FOR THE PSEG POWER, LLC AND PSEG NUCLEAR, LLC (PSEG) EARLY SITE PERMIT APPLICATION ON THE BUILDING AND OPERATION OF ONE OR MORE REACTORS AT THE PSEG SITE SALEM COUNTY, NEW JERSEY

Dear Mr. Jenkins:

The purpose of this letter is to invite the Philadelphia District, Army Corps of Engineers (Corps) participation as a cooperating agency in the Nuclear Regulatory Commission staff's preparation of an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA), as amended 1969. The NRC staff is developing an EIS to address the environmental impacts associated with the PSEG Power, LLC and PSEG Nuclear, LLC (PSEG) request for an early site permit (ESP) for the siting and operation of one or more nuclear reactors at the PSEG Site in Salem County, New Jersey. On October 15, 2010, NRC published in the *Federal Register* its Notice of Intent (NOI) to prepare an EIS for PSEG's request to obtain an ESP for a suitable location to potentially construct a nuclear power facility. (Enclosure 1).

Section 1501.6 of the Council on Environmental Quality implements the regulations for the NEPA and outlines processes for inviting participation of other Federal agencies as cooperating agencies in the NEPA process. Such involvement is based on another Federal agency having either jurisdiction by law or possessing special expertise regarding any environmental issue to be addressed in the NEPA document. Because of the Philadelphia District's regulatory authority over the discharge of dredged or fill material (e.g., soil, rock, debris) into all waters of the United States including jurisdictional wetlands, we are requesting the Philadelphia District ("District") to be a cooperating agency. In addition, the District has a special expertise in evaluating whether aspects of a project complies with the Clean Water Act § 404(b)(1) guidelines.

On September 12, 2008, the NRC and the Corps signed a Memorandum of Understanding (MOU) on Environmental Reviews Related to Requests to Construct and Operate New Nuclear Power Plants (Enclosure 2). The purpose of the MOU is to establish a framework for early coordination and participation between the two agencies to ensure the timely review of proposed nuclear power plant applications. Cooperation between the NRC and the Corps on the PSEG application will ensure that each agency's review responsibilities under NEPA and other related statutes are met in connection with their respective jurisdictions. The general roles and responsibilities of the NRC (as lead agency) and the Corps (as cooperating agency) in developing an EIS for the PSEG project are provided in the above-referenced MOU.

W. Jenkins

- 2 -

Our goal is to complete the development of the EIS in 30 months from the issuance of the NOI. If you have any questions or would like to discuss this project in more detail, please contact Allen Fetter, Project Manager for the environmental review of PSEG's application at 301-415-8556 and via e-mail to Allen.Fetter@nrc.gov or myself at 301-415-2164 and via e-mail to Gregory.Hatchett@nrc.gov.

Sincerely,

/RA/

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

Docket No. 52-043

Enclosures:

- 1) FRN – ML102670686
- 2) ACE-NRC MOU – ML082540354

cc: See next page

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