

NP-11-0005
January 25, 2011

10 CFR 52, Subpart A

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Subject: Exelon Nuclear Texas Holdings, LLC
Victoria County Station
Early Site Permit Application
Transmittal of Texas Coastal Management Program Consistency
Statement and Determination Request
Docket No. 52-042

- References: (1) Exelon Nuclear Texas Holdings, LLC letter to USNRC, Application for Early Site Permit for Victoria County Station, dated March 25, 2010
- (2) Exelon Nuclear Texas Holdings, LLC letter to Texas General Land Office, Exelon Victoria County Station Site - Request for Coastal Zone Management Act Consistency Review Applicability Determination, dated December 21, 2009

Exelon Nuclear Texas Holdings, LLC (Exelon) submitted an application for an early site permit (ESP) in Reference 1 for the Victoria County Station (VCS) site. That submittal consisted of six parts as described in the referenced letter.

In support of nuclear licensing activities for the VCS site, Exelon met with the Texas General Land Office (GLO) on April 15, 2008. Recognizing that an ESP (if issued) would not authorize any activities within the jurisdiction of the NRC, Exelon subsequently requested (in Reference 2) a determination from the GLO regarding the applicability of the Coastal Management Program (CMP) consistency determination requirements at 31 TAC 506 to the NRC action of issuing an ESP. The letter in Reference 2 was provided to the NRC in Appendix A of the ESP application (ESPA) Environmental Report (ER).

Although the GLO did not formally respond to Exelon's applicability request, follow-on discussions with GLO staff indicated that it is unclear as to whether a consistency determination is required in conjunction with the issuance of an ESP. However, given that an ESP constitutes a Nuclear Regulatory Commission License under Section 103 of the Atomic Energy Act of 1954 and is therefore a "listed" federal action under 31 TAC 506.12, GLO staff recommended in December 2010 that Exelon submit a consistency determination request for the proposed VCS project.

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Accordingly, Exelon submitted its signed affirmation to the Texas GLO that the VCS project would comply with the goals and policies of the Texas CMP and requested a CMP consistency determination for the VCS project. Exelon is providing a copy of our GLO submittal to the NRC as Enclosure 1, consistent with the requirements at 15 CFR 930.57(a).

ER Appendix A will be revised to include the Texas CMP consistency statement and determination request letter provided in Enclosure 1. This ER revision will be included in the next periodic ESPA update.

Regulatory commitments established in this submittal are identified in Enclosure 2. If additional information is required, please contact Joshua Trembley at (610) 765-5345.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of January, 2011.

Respectfully,



Marilyn C. Kray
Vice President, Nuclear Project Development

Enclosures: (1) Exelon Letter to the Texas General Land Office, Exelon Victoria County Station Site – Statement of Coastal Management Program Consistency and Request for Consistency Determination, dated January 25, 2011.

(2) Summary of Regulatory Commitments

cc: USNRC, Director, Office of New Reactors/NRLPO (w/enclosures except Enclosure 1, Attachment 4)
USNRC, Project Manager, VCS, Division of New Reactor Licensing (w/enclosures except Enclosure 1, Attachment 4)
USNRC, Environmental Project Manager, VCS, Division of New Reactor Licensing (w/enclosures except Enclosure 1, Attachment 4)
USNRC Region IV, Regional Administrator (w/enclosures except Enclosure 1, Attachment 4)

ENCLOSURE 1

**Exelon Letter to the Texas General Land Office, Exelon Victoria County Station Site -
Statement of Coastal Management Program Consistency and Request for
Consistency Determination, dated January 25, 2011**

NP-11-0005
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10 CFR 52, Subpart A

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Exelon Nuclear Texas Holdings, LLC (Exelon) submitted an application for an early site permit (ESP) in Reference 1 for the Victoria County Station (VCS) site. That submittal consisted of six parts as described in the referenced letter.

In support of nuclear licensing activities for the VCS site, Exelon met with the Texas General Land Office (GLO) on April 15, 2008. Recognizing that an ESP (if issued) would not authorize any activities within the jurisdiction of the NRC, Exelon subsequently requested (in Reference 2) a determination from the GLO regarding the applicability of the Coastal Management Program (CMP) consistency determination requirements at 31 TAC 506 to the NRC action of issuing an ESP. The letter in Reference 2 was provided to the NRC in Appendix A of the ESP application (ESPA) Environmental Report (ER).

Although the GLO did not formally respond to Exelon's applicability request, follow-on discussions with GLO staff indicated that it is unclear as to whether a consistency determination is required in conjunction with the issuance of an ESP. However, given that an ESP constitutes a Nuclear Regulatory Commission License under Section 103 of the Atomic Energy Act of 1954 and is therefore a "listed" federal action under 31 TAC 506.12, GLO staff recommended in December 2010 that Exelon submit a consistency determination request for the proposed VCS project.

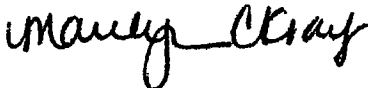
Accordingly, Exelon submitted its signed affirmation to the Texas GLO that the VCS project would comply with the goals and policies of the Texas CMP and requested a CMP consistency determination for the VCS project. Exelon is providing a copy of our GLO submittal to the NRC as Enclosure 1, consistent with the requirements at 15 CFR 930.57(a).

ER Appendix A will be revised to include the Texas CMP consistency statement and determination request letter provided in Enclosure 1. This ER revision will be included in the next periodic ESPA update.

Regulatory commitments established in this submittal are identified in Enclosure 2. If additional information is required, please contact Joshua Trembley at (610) 765-5345.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of January, 2011.

Respectfully,



Marilyn C. Kray
Vice President, Nuclear Project Development

Enclosures: (1) Exelon Letter to the Texas General Land Office, Exelon Victoria County Station Site – Statement of Coastal Management Program Consistency and Request for Consistency Determination, dated January 25, 2011.

(2) Summary of Regulatory Commitments

cc: USNRC, Director, Office of New Reactors/NRLPO (w/enclosures except Enclosure 1, Attachment 4)
USNRC, Project Manager, VCS, Division of New Reactor Licensing (w/enclosures except Enclosure 1, Attachment 4)
USNRC, Environmental Project Manager, VCS, Division of New Reactor Licensing (w/enclosures except Enclosure 1, Attachment 4)
USNRC Region IV, Regional Administrator (w/enclosures except Enclosure 1, Attachment 4)

ENCLOSURE 1

**Exelon Letter to the Texas General Land Office, Exelon Victoria County Station Site --
Statement of Coastal Management Program Consistency and Request for
Consistency Determination, dated January 25, 2011**

NP-11-0002

January 25, 2011

Ms. Kate Zultner
Texas General Land Office
Coastal Resources Division
1700 North Congress Avenue, Room 620
Austin, Texas 78701-1495

Subject: Exelon Victoria County Station Site – Statement of Coastal Management Program Consistency and Request for Consistency Determination

- References:** (1) Exelon Nuclear Texas Holdings, LLC letter to USNRC, Application for Early Site Permit for Victoria County Station, dated March 25, 2010
- (2) Exelon Nuclear Texas Holdings, LLC letter to Texas General Land Office, Exelon Victoria County Station Site - Request for Coastal Zone Management Act Consistency Review Applicability Determination, dated December 21, 2009

Dear Ms. Zultner:

Exelon Generation Company, LLC (Exelon), met with the General Land Office (GLO) on April 15, 2008, regarding nuclear licensing activities associated with a site in Victoria County. On September 2, 2008, Exelon submitted a Combined License (COL) application to the U.S. Nuclear Regulatory Commission (NRC) seeking authorization to construct and operate a nuclear power plant at the referenced site (known as the Victoria County Station (VCS) site). Exelon subsequently withdrew the COL and informed the NRC of our intent to seek an Early Site Permit (ESP) in lieu of a COL, citing the need to take a longer term approach to new nuclear development.

Exelon submitted the ESP application to the NRC on March 25, 2010. The site referenced in the application, the VCS site, is located approximately 13 miles south of the City of Victoria in Victoria County. If the ESP application were to be approved, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. As described in 10 CFR 52, Subpart A, the ESP could later be used to support an application for a construction permit or COL to construct and operate such a plant. An ESP is valid for 10 to 20 years from the date of issuance and can be renewed for an additional 10 to 20 years.

Recognizing that an ESP (if issued) would not authorize any activities within the jurisdiction of the NRC, Exelon requested (in Reference 2) a determination from the GLO regarding the applicability of the Coastal Management Program (CMP)

consistency determination requirements at 31 TAC 506 to the NRC action of issuing an ESP. Subsequent discussions with GLO staff indicated that it is unclear as to whether a consistency determination is required in conjunction with the issuance of an ESP. However, given that an ESP constitutes a Nuclear Regulatory Commission License under Section 103 of the Atomic Energy Act of 1954 and is therefore a "listed" federal action under 31 TAC 506.12, GLO staff recommended that Exelon submit a consistency determination request for the proposed VCS project.

The purpose of this correspondence is to provide Exelon's signed affirmation that the VCS project would comply with the goals and policies of the Texas CMP and request a CMP consistency determination from the GLO. Consistent with 31 TAC 506.30(b)(1), Exelon is providing the ESP application (Reference 1) as the basis for the consistency determination request. Enclosure 1 provides the ESP application (Enclosure 1, Attachment 4) and additional supporting information, as follows:

Enclosure 1: Completed and signed form titled "Consistency with the Texas Coastal Management Program", including the following attachments:

Attachment 1 – Supporting Notes

Attachment 2 – Project Description

Attachment 3 – Annotated Figure, Bloomington SW, CMP Atlas (Middle Texas Coast)

Attachment 4 – Two compact discs containing four of the six parts of the VCS ESP application submitted to the NRC on March 25, 2010. Disc 1 contains Part 1 – Administrative Information and Part 2 – Site Safety Analysis Report (SSAR). Disc 2 contains Part 3 – Environmental Report (ER) and Part 4 – Emergency Plan (NRC public version). The VCS ESP application is being provided consistent with the requirements at 31 TAC 506.30(b)(1).

Two portions of the VCS ESP application are not being transmitted as part of this request. Part 5, Enclosures, contains field logs from the site subsurface geotechnical investigation. Although Part 5 is not included, the information therein is publicly available on the NRC website (<http://www.nrc.gov/reactors/new-reactors/esp/victoria.html>) or upon request. Part 6 – Proprietary Information, has also been withheld, consistent with the public version of the application available on the NRC website.

The enclosed version of the application does not contain sensitive information with respect to nuclear safety or security.

Attachment 5 – ESP application ER Table of Contents

Attachment 6 – Explanation of Consistency with Enforceable Policies at
31 TAC 501

Additional Authorizations Applicable to the Texas CMP

The NRC regulations at 10 CFR 50.10(c) define the requirements for a person wishing to conduct nuclear construction:

No person may begin the construction of a production or utilization facility on a site on which the facility is to be operated until that person has been issued either a construction permit under this part, a combined license under part 52 of this chapter, an early site permit authorizing the activities under paragraph (d) of this section, or a limited work authorization under paragraph (d) of this section.

At this time, Exelon does not intend to seek authorization (i.e., via a limited work authorization or ESP authorizing the activities described at 10 CFR 50.10(d), as referenced in the above citation) to initiate nuclear construction activities at the VCS site prior to the issuance of a COL or construction permit (CP). Accordingly, if an ESP is approved for the VCS site, a CP or COL would later be required from the NRC prior to the initiation of nuclear construction activities. In addition to the CP or COL, numerous Federal, Texas, and local permits could be required to support the construction and operation of VCS¹, as summarized in Tables 1.2-1 and 1.2-2 of the ESP application ER (see Enclosure 1, Attachment 4).

A CP or COL, like an ESP, would constitute an NRC license issued under Section 103 of the Atomic Energy Act. As a result, it is apparent that a second NRC action listed at 31 TAC 506.12 would be required to authorize the construction of nuclear facilities at VCS. Additionally, several of the non-NRC authorizations anticipated to be required to support facility construction and / or operation are included in either the list of federal actions requiring CMP consistency determinations located at 31 TAC 506.12 (e.g., U.S. Army Corps of Engineers (USACE) dredge / fill permit) or the list of applicable state agency actions found at 31 TAC 505.11 (e.g., Texas Commission on Environmental Quality (TCEQ) wastewater discharge permit).

Given the likely redundancy in the need for CMP consistency determinations, and consistent with the regulations at 31 TAC 505.11(e)(1) and (2) and 506.30(c), Exelon requests that the GLO consolidate its CMP consistency determination reviews for the applicable permits / authorizations associated with the VCS project to the extent practicable. Since Exelon is not currently seeking Federal, Texas, or local authorizations beyond the ESP, Exelon believes that it would be appropriate to

¹ Note that the reactor technology selected for the site, the regulations in place at the time of application, and other factors could affect which of the authorizations summarized in the referenced tables are ultimately required in conjunction with the VCS project.

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Ms. Kate Zultner
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generally recognize the need for additional authorizations, as well the likely requirement for one or more additional Texas CMP consistency determinations, in any statement of CMP consistency for the currently proposed federal action (i.e., NRC issuance of an ESP for the VCS site).

It should be noted that the NRC does not have authority to regulate all of the activities that could be required to develop the VCS site. The NRC regulations at 10 CFR 50.10(a)(2) identify activities (informally known as "pre-construction" activities) that are not related to nuclear safety and, therefore, fall beyond the scope of NRC jurisdiction. Examples of "preconstruction" activities include site grading, monitoring well installation, and the erection of support structures. Such activities may be undertaken by an applicant prior to issuance of an NRC license or permit, subject to compliance with other applicable laws and regulations. Should Exelon choose to initiate pre-construction activities at the VCS site prior to pursuing an NRC CP or COL, we would coordinate with the GLO to determine the need for an additional or updated consistency determination in conjunction with the permits required for the applicable activities.

Please address correspondence regarding this matter to:

Exelon Generation Company, LLC
Attn: Mr. Joshua Trembley
200 Exelon Way, KSA1-E
Kennett Square, PA 19348

If you have questions or require additional information, please contact Mr. Joshua Trembley at 610-765-5345.

Note that this correspondence is concurrently being transmitted to the NRC under a separate cover letter. The NRC's Environmental Project Manager for VCS is Tomeka Terry. Ms. Terry can be reached at 301-415-1488.

Respectfully,



Marilyn Kray
Vice-President, Nuclear Project Development

Enclosures: (1) Completed and signed form titled "Consistency with the Texas Coastal Management Program", with six attachments

cc: Mr. Tony Williams, Texas General Land Office (w/enclosures)

Enclosure 1

**Completed and signed form titled
"Consistency with the Texas Coastal Management Program"**

NP-11-0002 - ENCLOSURE 1 - CONSISTENCY WITH THE TEXAS COASTAL MANAGEMENT PROGRAM

THE APPLICANT SHOULD SIGN THIS STATEMENT AND RETURN WITH APPLICATION PACKET TO:

COASTAL PERMIT SERVICE CENTER
TAMU-GALVESTON
P.O. BOX 1675
GALVESTON, TX 77553-1675
FAX: (409) 741-4010

FOR USACE USE ONLY:
PERMIT #: _____
PROJECT MGR. _____

APPLICANT'S NAME AND ADDRESS (PLEASE PRINT):

Exelon Generation Company, LLC
c/o Mr. Joshua Trembley
200 Exelon Way, KSA1-E
Kennett Square, PA 19348

The Texas Coastal Management Program (CMP) coordinates state, local, and federal programs for the management of Texas coastal resources. Activities within the CMP boundary must comply with the enforceable policies of the Texas Coastal Management Program and be conducted in a manner consistent with those policies. The boundary definition is contained in the CMP rules (31 TAC §503.1).

- To determine whether your proposed activity lies within the CMP boundary, please find the project location using the following link: <http://www.glo.state.tx.us/coastal/maps/cmp/index.html>.

PROJECT DESCRIPTION:

Is the proposed activity at a waterfront site or within coastal, tidal, or navigable waters? Yes

(Note that the NRC's issuance of an Early Site Permit (ESP) would not authorize nuclear construction activities at the VCS Site. See Attachment 1, Note 1 for additional detail)

If Yes, name affected coastal, tidal, or navigable waters: Guadalupe River

Is the proposed activity water dependent? (31 TAC §501.3(a)(14)) Yes No

http://info.sos.state.tx.us/pls/pub/readtacSext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=16&ch=501&rl=3

If yes, please describe how project is water dependent: NA

Please briefly describe the project and all possible effects on coastal resources:

Please see Attachment 2.

Indicate area of impact:

The Nuclear Regulatory Commission's (NRC) decision on whether to grant an Early Site Permit (ESP) for the proposed Victoria County Station (VCS) site constitutes an NRC License, as identified at TAC 506.12(a)(2)(F). Although the ESP, if issued, could later be used to support an application for a construction permit or Combined License (COL) to construct and operate one or more nuclear facilities, the ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

Attachment 1, Notes 2 and 3, provide estimates of the potential land disturbances within the CMP boundary that could be realized if Exelon were to pursue the project in the future, after obtaining the applicable Federal, Texas, and local authorizations. Note that several of the potentially needed permits would require CMP consistency determinations.

ADDITIONAL PERMITS/AUTHORIZATIONS REQUIRED:

Coastal Easement – Date application submitted _____

Coastal Lease – Date application submitted _____

Stormwater Permit – Date application submitted See Attachment 1, Note 4

Water Quality Certification – Date application submitted: See Attachment 1, Note 5

Other state/federal/local permits/authorizations required: ER Section 1.2 discusses the Federal, Texas, and local authorizations that are anticipated to be required to support construction and operation of the proposed VCS. See Attachment 1, Note 4.

The proposed activity must not adversely affect coastal natural resource areas (CNRAs).

PLEASE CHECK ALL COASTAL NATURAL RESOURCE AREAS THAT MAY BE AFFECTED:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Coastal Barriers | <input type="checkbox"/> Coastal Historic Areas | <input type="checkbox"/> Coastal Preserves | <input type="checkbox"/> Coastal Shore Areas |
| <input type="checkbox"/> Coastal Wetlands | <input type="checkbox"/> Critical Dune Areas | <input type="checkbox"/> Critical Erosion Areas | <input type="checkbox"/> Gulf Beaches |
| <input type="checkbox"/> Hard Substrate Reefs | <input type="checkbox"/> Oyster Reefs | <input type="checkbox"/> Special Hazard Areas | |
| <input type="checkbox"/> Submerged Lands | <input type="checkbox"/> Submerged Aquatic Vegetation | | |
| <input type="checkbox"/> Tidal Sand Or Mud Flats | <input type="checkbox"/> Waters of Gulf of Mexico | | |
- ✓ Waters Under Tidal Influence. (See Attachment 1, Note 6)

The applicant affirms that the proposed activity, its associated facilities, and their probable effects comply with the relevant enforceable policies of the CMP, and that the proposed activity will be conducted in a manner consistent with such policies.

PLEASE CHECK ALL APPLICABLE ENFORCEABLE POLICIES:

AFFECTED	ENFORCEABLE POLICY
x	§501.15 Policy for Major Actions
x	§501.16 Policies for Construction of Electric Generating and Transmission Facilities
	§501.17 Policies for Construction, Operation, and Maintenance of Oil and Gas Exploration and Production Facilities
	§501.18 Policies for Discharges of Wastewater and Disposal of Waste from Oil and Gas Exploration and Production Activities
	§501.19 Policies for Construction and Operation of Solid Waste Treatment, Storage, and Disposal Facilities
	§501.20 Policies for Prevention, Response and Remediation of Oil Spills
	§501.21 Policies for Discharge of Municipal and Industrial Wastewater to Coastal Waters
x	§501.22 Policies for Nonpoint Source (NPS) Water Pollution
	§501.23 Policies for Development in Critical Areas
x	§501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands
x	§501.25 Policies for Dredging and Dredged Material Disposal and Placement
	§501.26 Policies for Construction in the Beach/Dune System
	§501.27 Policies for Development in Coastal Hazard Areas
	§501.28 Policies for Development Within Coastal Barrier Resource System Units and Otherwise Protected Areas on Coastal Barriers
	§501.29 Policies for Development in State Parks, Wildlife Management Areas or Preserves
	§501.30 Policies for Alteration of Coastal Historic Areas
	§501.31 Policies for Transportation Projects
	§501.32 Policies for Emission of Air Pollutants
x	§501.33 Policies for Appropriations of Water
	§501.34 Policies for Levee and Flood Control Projects

Please explain how the proposed project is consistent with the applicable enforceable policies identified above. Please use additional sheets if necessary. *For example: If you are constructing a pier with a covered boathouse, then the applicable enforceable policy is: §501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands. The project is consistent because it will not interfere with navigation, natural coastal processes, and avoids/minimizes shading.*

Please see Attachment 6:

BY SIGNING THIS STATEMENT, THE APPLICANT IS STATING THAT THE PROPOSED ACTIVITY COMPLIES WITH THE TEXAS COASTAL MANAGEMENT PROGRAM AND WILL BE CONDUCTED IN A MANNER CONSISTENT WITH SUCH PROGRAM

DATE: 1/25/11

SIGNATURE: Marilyn Clary

Any questions regarding the Texas Coastal Management Program should be referred to:

Jesse Solis
Permitting Assistance Coordinator
6300 Ocean Drive
TAMU-CC Natural Resource Center Ste. 2800
Corpus Christi, Texas 78412-5599
Phone: (361) 825-3050
Fax: (361) 825-3465
Toll Free: 1-866-894-3578
permitting.assistance@glo.state.tx.us

Kate Zultner
Texas General Land Office
Coastal Resources Division
1700 North Congress Avenue, Room 620
Austin, Texas 78701-1495
Phone: (512) 936-9581
Fax: (512) 463-5233
Toll Free: 1-800-998-4GLO
kate.zultner@glo.state.tx.us

Enclosure 1, Attachment 1

Supporting Notes

ATTACHMENT 1**Supporting Notes**

1. Note 1: The Nuclear Regulatory Commission's (NRC) decision on whether to grant an Early Site Permit (ESP) for the proposed Victoria County Station (VCS) site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a construction permit (CP) or Combined License (COL) to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The proposed Victoria County Station (VCS) site is located outside of the Coastal Management Program (CMP) boundary. However, the facility's raw water makeup (RWMU) system intake canal and pumphouse, as well as a portion of the associated pipeline that would convey water to a cooling basin on the VCS site, would be located adjacent to the Guadalupe River within the coastal zone (see the figure provided as Attachment 3). Three potential routes for the RWMU system conveyance pipeline are evaluated in Environmental Report (ER) Subsection 2.2.2.4 and presented in ER Figure 2.2-5.

Additionally, as discussed in ER Section 3.7, several new transmission lines would be required in conjunction with the proposed VCS. The regional transmission service provider (TSP) would be expected to plan, permit, construct, and operate the new transmission lines, a portion of which are anticipated to be located within the coastal zone (see the ER Figure 3.7-1 for a general depiction of the required routes). As discussed in greater detail in the ER and in Note 3 below, the final routes of the transmission lines would likely not be known until the Combined License (COL) stage of the project. The TSP's obligation to obtain a certificate of convenience and necessity from the Public Utility Commission of Texas (PUCT) prior to constructing the new transmission lines is described in ER Subsection 2.2.2.1.

2. Note 2: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The total disturbed area associated with construction of the proposed VCS is presented in Subsection 4.1.1.1. The disturbed area resulting from construction of the makeup water conveyance pipeline is discussed in ER Subsections 2.2.2.4 and 4.1.2.4.

The potential land disturbance within the CMP boundary that could be realized if Exelon were to pursue construction of VCS in the future (after obtaining the applicable Federal, Texas, and local authorizations) was not summarized in the ESP application ER. Accordingly, the following general estimate of potential impacts associated with constructing the proposed VCS RWMU system infrastructure is provided in support of the CMP consistency determination request:

Temporarily disturbed area within the CMP boundary (intake canal, fish return sluiceway, intake basin, pumphouse): approximately 39 acres (ER Subsection 2.2.2.5). The permanent CMP disturbance associated with the RWMU system infrastructure would be less than or equal to 39 acres.

Temporary disturbance associated with the installation of the raw water conveyance pipeline within the CMP boundary: approximately 14.5 acres. The permanent pipeline easement within the CMP boundary would total approximately 6 acres.

Thus, the total temporarily disturbed area within the CMP boundary associated with RWMU system infrastructure construction is estimated to be approximately 53.5 acres. A portion of the disturbance associated with pipeline construction would be temporary, resulting in a total permanent disturbance of less than or equal to 45 acres.

Additionally, there would be linear bed and bank disturbance to the western shore of the Guadalupe River, immediately upstream of the existing Guadalupe Blanco River Authority (GBRA) saltwater barrier. The temporary and permanent disturbances are estimated to be approximately 400 and 350 linear feet, respectively.

3. Note 3: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The total disturbed area associated with construction of the proposed VCS is presented in ER Subsection 4.1.1.1. Transmission infrastructure anticipated to be required in conjunction with VCS is described in ER Section 3.7. Although the final locations of the proposed transmission lines will likely not be determined by the TSP until the COL stage of the project, Exelon used a macro-corridor methodology that considered land use and sensitive areas to identify a preferable corridor for transmission line construction (ER Subsection 2.2.2.1). Land uses and acreages associated with the identified 2-3 mile wide macro-corridor and a 200-ft wide representative corridor are discussed ER Subsections 2.2.2.4 and 4.1.2.4 and summarized in ER Table 2.2-2.

The potential land disturbance within the CMP boundary that could be realized if Exelon were to pursue construction of VCS in the future (after obtaining the applicable Federal, Texas, and local authorizations) was not summarized in the ESP application ER. Accordingly, the following paragraphs provide a general estimate of potential impacts associated with constructing the proposed transmission system infrastructure.

ER Figure 3.7-1 provides a general depiction of the new transmission infrastructure that is anticipated to be required to support VCS. ER Figure 2.2-3 presents the aforementioned 2-3 mile wide macro-corridor identified by Exelon as preferable for transmission line construction. From inspection of Figure 2.2-3 and the Texas Coastal Management Program Atlas (Middle Texas Coast), it can be seen that a portion of the identified macro-corridor overlaps the CMP boundary. Conservatively assuming that the final transmission line route would fall within the portion of the macro-corridor overlapping the CMP boundary, the following estimates are made for disturbed area within coastal zone:

VCS Site "WHY" Substation to Existing Blessing Substation / "WHY" Substation to Existing Hillje Substation: Approximately 1,820 acres over roughly 51 miles (assumes a 250-ft wide corridor shared by the referenced transmission lines);

VCS Site "WHY" Substation to Existing Whitepoint Substation: Approximately 75 acres over about 3 miles (assumes a 200-ft wide corridor).

Thus, the total disturbed area within the CMP boundary associated with transmission line construction is conservatively estimated to be approximately 1,900 acres. Recognizing that the land uses for the corridors would likely consist primarily of pasture and cropland (ER Table 2.2-2), which would be permanently affected mainly within the footprint of the transmission tower foundations, it is anticipated that

the permanent land disturbance associated with new transmission line construction would be considerably less than 1,900 acres. Additionally, as discussed earlier under Note 3, it is possible that the all or a portion of the transmission lines assumed to be constructed in the coastal zone to be conservative herein would be constructed beyond the CMP boundary.

4. Note 4: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

Exelon has not made a decision to initiate construction activities at the VCS site, and is therefore not seeking Federal, Texas, or local authorizations beyond the ESP at this time. As indicated in ER Section 1.2, Table 1.2-1, Note "a", authorizations would be sought at the appropriate time to support the applicable work, which might not be until Exelon pursues a COL from the NRC to construct and operate nuclear facilities at the VCS site.

5. Note 5: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

Exelon submitted an application to the TCEQ for a Clean Water Act (CWA) Section 401 Water Quality Certification on September 9, 2010. The TCEQ responded via letter dated October 20, 2010, waiving their authority under Title 30, Texas Administrative Code (TAC), Chapter 279.2(b)(4) to act on Exelon's request for a water quality certification in conjunction with the NRC's proposed federal action (i.e., the decision to grant Exelon an ESP for the VCS site).

6. Note 6: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be

used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

As discussed in Note 1, the facility's RWMU system intake canal and pumphouse, as well as a portion of the associated pipeline that would convey water to the cooling basin on the VCS site, would be located adjacent to the Guadalupe River within the coastal zone (see the figure provided as Attachment 3). Although the Guadalupe River is subject to tidal influence, note that the proposed VCS intake canal would be located upstream of the Guadalupe Blanco River Authority (GBRA) Guadalupe River saltwater barrier, which affects the extent of tidal influence when inflated.

Enclosure 1, Attachment 2

Project Description

ATTACHMENT 2**Project Description**

Exelon submitted an Early Site Permit (ESP) application to the U.S. Nuclear Regulatory Commission (NRC) on March 25, 2010. The site referenced in the application, the Victoria County Station (VCS) site, is located approximately 13 miles south of the City of Victoria in Victoria County. If the ESP application were to be approved, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. As described in 10 CFR 52, Subpart A, the ESP could later be used to support an application for a construction permit (CP) or Combined License (COL) to construct and operate such a plant. An ESP is valid for 10 to 20 years from the date of issuance and can be renewed for up to an additional 20 years. Note that an ESP alone does not authorize the commencement of nuclear construction activities at the site.

The proposed VCS site is located outside of the CMP boundary. However, the facility's makeup water intake canal and pumphouse, as well as a portion of the associated conveyance pipeline, would be located within the coastal zone, as indicated in Attachment 3. Additionally, several new transmission lines would be required in conjunction with the proposed VCS. The regional transmission service provider (TSP) would be expected to plan, permit, construct, and operate the new transmission lines, a portion of which could be located within the coastal zone (see Attachment 1, Note 1). The final routes of the proposed new transmission lines would likely not be determined by the TSP until the COL stage of the project (see Attachment 1, Note 3).

In accordance with 31 TAC 506.30(b)(1), the ESP application (ESPA) submitted to the NRC is being provided (Enclosure 1, Attachment 4) in support of Exelon's CMP consistency determination request for the proposed VCS project. Part 3 of the VCS ESP application, the Environmental Report (ER), is of primary interest to the CMP consistency determination request. ER Chapter 1 provides a brief description of the proposed VCS project and the likely authorizations required to construct and operate the plant, satisfying the requirement at 31 TAC 506.30(b)(2). The remainder of the document describes the existing environment and the proposed project in detail and evaluates the potential impacts associated with the construction and operation of VCS, taking into account available alternatives and measures to avoid and / or mitigate reasonably foreseeable impacts. Attachment 5, the ER Table of Contents, has been included to facilitate the GLO's review. Attachment 6 directs the reviewer to the ER evaluations applicable to the CMP enforceable policies and demonstrates consistency with the those policies (31 TAC 506.30(b)(3) and (4)).

Authorizations Applicable to the Texas CMP

The Nuclear Regulatory Commission's (NRC) decision on whether to grant an Early Site Permit (ESP) for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). Accordingly, the current application seeks a consistency

determination in association with NRC action of issuing the ESP; however, an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

As noted above, the ESP (if issued), could later be used to support an application for a CP or COL to construct and operate one or more nuclear facilities at the VCS site. A CP or COL, like an ESP, would constitute an NRC license issued under Section 103 of the Atomic Energy Act. As a result, it is apparent that a second NRC action listed at 31 TAC 506.12 would be required to authorize the construction of nuclear facilities at VCS, necessitating additional coordination with the GLO prior to commencing the applicable activities.

In addition to a future NRC approval, several of the non-NRC authorizations anticipated to be required to support facility construction and / or operation are included in either the list of federal actions requiring CMP consistency determinations located at 31 TAC 506.12 (e.g., U.S. Army Corps of Engineers (USACE) dredge / fill permit) or the list of applicable state agency actions found at 31 TAC 505.11 (e.g., Texas Commission on Environmental Quality (TCEQ) wastewater discharge permit). Note that Exelon is not currently seeking Federal, Texas, or local authorizations beyond the ESP.

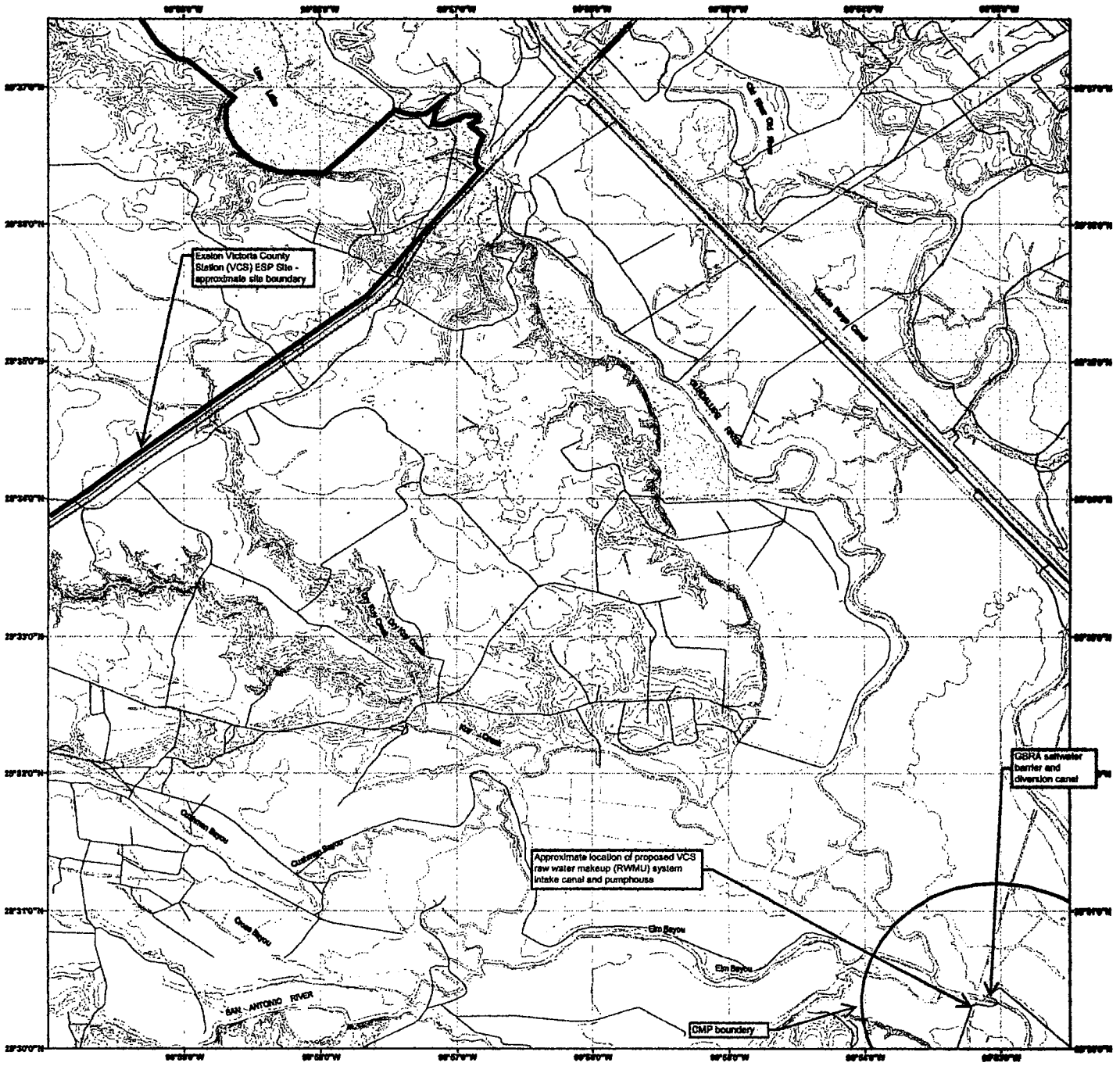
Although a CP or COL would be required to initiate nuclear construction activities, the NRC does not have authority to regulate all of the activities that could be required to develop the VCS site. The NRC regulations at 10 CFR 50.10(a)(2) identify activities (informally known as "preconstruction" activities) that are not related to nuclear safety and, therefore, fall beyond the scope of NRC jurisdiction. Examples of "pre-construction" activities include site grading, monitoring well installation, and the erection of support structures. While such activities may be undertaken by an applicant prior to issuance of an NRC license or permit, they are subject to compliance with other applicable laws and regulations. Thus, if Exelon were to choose to initiate "preconstruction" activities, Exelon would be required to obtain Federal, Texas, and / or local authorizations for applicable "preconstruction" activities. As discussed above, one or more of the non-NRC authorizations could require additional coordination with the GLO.

Enclosure 1, Attachment 3

Annotated Figure
Bloomington SW, CMP Atlas (Middle Texas Coast)

BLOOMINGTON SW

CMP Atlas

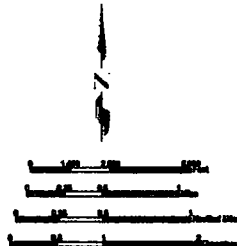


BLOOMINGTON	FLACEDO	DANEY
BLOOMINGTON SW	OREGH LAKE	
THOU	AUTWELL	



Created by GIS Lab
 Financial & Technical Services
 Coastal Resource Program
 Texas General Land Office
 Jul 05, 2003

The Texas General Land Office makes no representation or warranty regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is NOT suitable for navigational purposes and should not be used to dispute or establish boundaries between public and private land.



<ul style="list-style-type: none"> ◻ Irrigated Area ▨ Wetland ▤ Reservoir ▥ Pond ▦ River ▧ Brook ▨ Drain ▩ Subterranean Water Body ▪ Reservoir ◊ CMP Project (Exclusion Only) ◻ Other Project ○ Fieldport ⊙ Best Pump ⊙ Node 	<ul style="list-style-type: none"> ▨ Designated Wetland/Preserved Area ▩ Jurisdiction Boundary ▤ Wildlife Refuge ▥ State Park ▦ County Park ▧ National Park ▨ State Park ▩ State Park ▪ State Park ▫ State Park ▬ Coastal Management Program Boundary ▬ Suburbia ▬ Highway ▬ High Ground / Elevation Waterway ▬ Shipping Facility
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Enclosure 1, Attachment 4

Parts 1 – 4 of the publicly available version of the
VCS ESP application, as submitted to the NRC on March 25, 2010:

Disc 1

PART 1 – Administrative Information
PART 2 – Site Safety Analysis Report

Disc 2

PART 3 – Environmental Report
PART 4 – Emergency Plan (NRC Public Version)

Enclosure 1, Attachment 5

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ESP Application Part 3 – Environmental Report

(See Enclosure 1, Attachment 4, Disc 2, for the full ESP Application ER)

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Enclosure 1, Attachment 6

**Explanation of Consistency with the Enforceable Policies at
31 TAC 501**

ATTACHMENT 6**Explanation of Consistency with Enforceable Policies at 31 TAC 501**

- Notes:
- (1) Attachment 6, in concert with the ESPA ER, is provided to address the requirements at 31 TAC 506.30(b)(3) and (4).
 - (2) Only those policies identified as applicable to the proposed VCS project on the form titled "Consistency with the Texas Coastal Management Program" are discussed below.

§501.15 Policy for Major Actions

Applicability: The Nuclear Regulatory Commission's (NRC) decision on whether to grant an Early Site Permit (ESP) for the proposed Victoria County Station (VCS) site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a construction permit (CP) or Combined License (COL) to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

Consistency: In accordance with 31 TAC 506.30(b)(1), the ESP application (ESPA) submitted to the NRC is being provided (Enclosure 1, Attachment 4) in support of Exelon's Coastal Management Program (CMP) consistency determination request for the proposed VCS project. Part 3 of the ESP application (ESPA), the Environmental Report (ER), describes the existing environment and the proposed project in detail and evaluates the potential impacts associated with the construction and operation of VCS, taking into account available alternatives and measures to avoid and / or mitigate reasonably foreseeable impacts.

As summarized in ER Section 9.3, Tables 9.3-2 and 9.3-3, with the exception of potential construction impacts to terrestrial ecosystems, the evaluations presented in the ER conclude that the reasonably foreseeable VCS construction and operation impacts would result in SMALL impacts in the areas of land use, water-related impacts, and terrestrial and aquatic ecology. The MODERATE determination for potential construction impacts to terrestrial ecosystems is associated with construction of the proposed 4,900-acre onsite cooling basin, which is located approximately 6 miles outside of the CMP boundary. Accordingly, based on the results of the referenced ER evaluations, the proposed VCS project would be

consistent with the CMP policy at 31 TAC 501.15 and the other applicable enforceable policies of the CMP.

The potential for the proposed project to affect coastal natural resource areas (CNRAs) is discussed in greater detail the following paragraphs. The discussion identifies relevant ESPA ER impact evaluations (31 TAC 506.30(b)(3)), the results of which demonstrate that the VCS project would be consistent with the applicable CMP policies (31 TAC 506.30(b)(4)). In general, the ER impact evaluations adequately discuss impacts that could be realized both within and beyond the CMP boundary; however, where applicable, additional detail has been provided to address potential impacts specific to the coastal zone.

§501.16 Policies for Construction of Electric Generating and Transmission Facilities

Applicability: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The proposed VCS site is located outside of the CMP boundary; however, the facility's raw water makeup (RWMU) system intake canal, the intake pumphouse, and a portion of the conveyance pipeline would be located within the coastal zone, as indicated on the figure provided as Attachment 3. Additionally, new transmission lines are anticipated to be required in conjunction with VCS, a portion of which could potentially be located within the coastal zone.

Consistency: (a)(1): A detailed discussion of the site selection process is presented in ESPA ER Section 9.3. The evaluation presented in ER Section 9.3.3 concludes that none of the identified alternative sites would be environmentally preferable to the VCS site.

(a)(2) and (3): The proposed facility cooling system is described in ER Subsection 3.4.2. Potential impacts to aquatic species and habitats associated with construction and operation of the proposed intake infrastructure are discussed in ER Subsections 4.3.2.3 and 5.3.1, respectively.

The potential land disturbance within the CMP boundary was not summarized in the ER. As described in additional detail in Attachment 1, Note 2, it is estimated that approximately 53.5 acres within the CMP

boundary would be disturbed to accommodate the construction of the cooling water intake canal, pumphouse, and conveyance pipeline. A portion of the disturbance associated with pipeline construction would be temporary, resulting in permanent impacts estimated to be equal or less than 45 acres. Additionally, there would be linear bed and bank disturbance to the western shore of the Guadalupe River, immediately upstream of the Guadalupe Blanco River Authority (GBRA) Guadalupe River saltwater barrier. The temporary and permanent disturbances are estimated to be approximately 400 and 350 linear feet, respectively (i.e., the estimated 350 linear feet of permanent disturbance is a subset of the potential 400 linear feet of temporary impacts).

Considering the best management practices (BMP) for impact avoidance and mitigation described in ER Subsections 4.3.2.3 and 5.3.1, and consistent with the results of the impact evaluations presented in those sections, potential impacts associated with constructing cooling system intake and conveyance infrastructure within the CMP boundary would be **SMALL**.

(a)(4): Transmission lines are described in ER Subsection 2.2.2.1 and Section 3.7. As noted therein, the final locations of transmission corridors will be determined by the regional transmission service provider (TSP) in coordination with the Public Utility Commission of Texas (PUCT) at the COL stage of the project. Accordingly, Exelon utilized a macro-corridor approach to identify and evaluate likely transmission corridors. Potential impacts to terrestrial and aquatic species / habitats associated with construction of transmission infrastructure are discussed in ER Subsections 4.3.1.3 and 4.3.2.4, respectively. Potential impacts associated with transmission line operation are described in ER Section 5.6.

The potential land disturbance within the CMP boundary was not summarized in the ER. As described in additional detail in Attachment 1, Note 3, it is estimated that approximately 1,900 acres could be temporarily impacted within the coastal zone for new transmission line construction. Recognizing that the land uses for the corridors would likely consist primarily of pasture and cropland (ER Table 2.2-2), which would be permanently affected mainly within the footprint of the transmission tower foundations, it is anticipated that the permanent land disturbance associated with new transmission line construction would be significantly less than 1,900 acres. Additionally, as discussed under Attachment 1, Note 3, it is possible that the all or a portion of the transmission lines assumed to be constructed in the coastal zone to be conservative herein would be constructed beyond the CMP boundary. Considering the best management practices (BMP) for impact avoidance and mitigation described in ER Subsections 4.3.1.3, 4.3.2.4, and 5.6, and consistent with the results of the impact evaluations presented in those sections, potential

impacts from new transmission line construction within the CMP boundary would be SMALL.

Based on the results of the referenced ER evaluations and the additional information provided above, the proposed VCS project would be consistent with the CMP policy at 31 TAC 501.16.

§501.22 Policies for Nonpoint Source (NPS) Water Pollution

Applicability: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

Stormwater runoff and / or potential leaks or spills from construction activities within and beyond the CMP boundary could potentially affect water quality and ecosystems within the coastal zone.

Consistency: Potential impacts to water quality and aquatic / terrestrial ecosystems resulting from facility construction are evaluated in ER Sections 4.2 and 4.3, respectively. Potential water-related impacts derived from facility operation are discussed in ER Section 5.2. Environmental controls and measures to limit the adverse impacts of construction are discussed in Subsection 3.9.5 and Section 4.6, respectively.

As presented in ER Section 1.2, Table 1.2-1, Item 1.17, it is anticipated that a Texas Pollutant Discharge Elimination System (TPDES) General Permit for Stormwater Discharges Associated with Construction Activities would be required prior to the initiation of earth disturbing project activities. Additionally, coverage would be sought under the TPDES multi-sector general permit for stormwater discharges associated with industrial activity (Table 1.2-2, Item 2.10). Note that Exelon is not currently pursuing Federal, Texas, or local authorizations beyond the ESP; such approvals would be sought prior to initiating the applicable activities, potentially not until the COL stage of the project.

Based on the results of the referenced ER evaluations and the additional information provided above, the proposed VCS project would be consistent with the CMP policy at 31 TAC 501.22.

§501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands

Applicability: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The proposed VCS site is located outside of the CMP boundary; however, the facility's RWMU system intake canal, the intake pumphouse, and a portion of the conveyance pipeline would be located adjacent to the Guadalupe River within the coastal zone, as indicated on the figure provided as Attachment 3. Additionally, new transmission lines are anticipated to be required in conjunction with VCS, a portion of which could potentially be located within the coastal zone.

Consistency: (a)(7) and (8): The proposed RWMU intake canal, pumphouse, and conveyance pipeline and the associated construction activities are described in ER Subsections 3.4.2.1, 3.9.1.11, 4.2.3.1, 4.3.1.2, and 4.3.2.3. Environmental controls and measures to limit the adverse impacts of construction are discussed in ER Subsection 3.9.5 and Section 4.6, respectively.

As discussed previously, the potential land disturbance within the CMP boundary was not summarized in the ER. As described in additional detail in Attachment 1, Note 2, it is estimated that approximately 53.5 acres within the CMP boundary would be disturbed to accommodate the construction of the cooling water intake canal, pumphouse, and conveyance pipeline. A portion of the disturbance associated with pipeline construction would be temporary, resulting in permanent impacts estimated to be equal or less than 45 acres. Additionally, there would be linear bed and bank disturbance to the western shore of the Guadalupe River, immediately upstream of the Guadalupe Blanco River Authority (GBRA) Guadalupe River saltwater barrier. The temporary and permanent disturbances are estimated to be approximately 400 and 350 linear feet, respectively (i.e., the estimated 350 linear feet of permanent disturbance is a subset of the potential 400 linear feet of temporary impacts).

Considering the best management practices (BMP) for impact avoidance and mitigation described in ER Subsections 4.3.2.3 and 5.3.1, and consistent with the results of the impact evaluations presented in those

sections, potential impacts associated with constructing cooling system intake and conveyance infrastructure within the CMP boundary would be SMALL.

Based on the results of the referenced ER evaluations and the additional information provided above, the proposed VCS project would be consistent with the CMP policy at 31 TAC 501.24.

§501.25 Policies for Dredging and Dredged Material Disposal and Placement

Applicability: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

The proposed VCS site is located outside of the CMP boundary; however, the facility's RWMU system intake canal, the intake pumphouse, and a portion of the conveyance pipeline would be located within the coastal zone, as indicated on the figure provided as Attachment 3. Minor Guadalupe River bed and bank impacts would result during construction of the proposed intake canal.

Consistency: The proposed RWMU intake canal, pumphouse, and conveyance pipeline and the associated construction activities are described in ER Subsections 3.4.2.1, 3.9.1.11, 4.2.3.1, 4.3.1.2, and 4.3.2.3. Environmental controls and measures to limit the adverse impacts of construction are discussed in ER Subsection 3.9.5 and Section 4.6, respectively.

Additionally, as presented in ER Section 1.2, Table 1.2-1, Item 1.7, it is anticipated that a Department of Army permit (Clean Water Act Section 404 / Rivers and Harbors Act Section 10) would be required from the US Army Corps of Engineers to authorize applicable activities, including the potential Guadalupe River bed / bank impacts and dredge spoils disposal associated with construction of the proposed RWMU intake canal.

Based on the results of the referenced ER evaluations and the additional information provided above, the proposed VCS project would be consistent with the CMP policy at 31 TAC 501.25.

§501.33 Policies for Appropriations of Water

Applicability: The NRC's decision on whether to grant an ESP for the proposed VCS site constitutes an NRC License, as identified at 31 TAC 506.12(a)(2)(F). By issuing an ESP for the VCS site, the NRC would be concluding that the VCS site satisfies its criteria for certain site safety considerations, environmental impacts, and emergency planning. The ESP could later be used to support an application for a CP or COL to construct and operate such a plant. Note that an ESP alone would not authorize nuclear construction activities at the VCS site or within the CMP boundary.

As discussed in ER Subsection 5.2.2, the Guadalupe River would be the source of makeup cooling water to an approximately 4,900-acre onsite cooling water reservoir (a closed-cycle cooling system). Up to 75,000 acre-feet would be withdrawn from the river annually to makeup for water lost to evaporation, seepage, and blowdown. The water would be withdrawn under new or existing water rights, which would be obtained via acquisition or contract.

Consistency: Evaluations of the potential individual and cumulative impacts associated with the proposed VCS water withdrawals are presented in ER Sections 4.2, 5.2, and 5.11.

Based on the results of the referenced ER evaluations, the proposed VCS project would be consistent with the CMP policy at 31 TAC 501.33.

ENCLOSURE 2

SUMMARY OF REGULATORY COMMITMENTS

(Exelon Letter to USNRC No. NP-11-0005, dated January 25, 2011)

The following table identifies commitments made in this document. (Any other actions discussed in the submittal represent intended or planned actions. They are described to the NRC for the NRC's information and are not regulatory commitments.)

COMMITMENT	COMMITTED DATE	COMMITMENT TYPE	
		ONE-TIME ACTION (Yes/No)	Programmatic (Yes/No)
ER Appendix A will be revised to include the Texas CMP consistency statement and determination request letter provided in Enclosure 1. This ER revision will be included in the next periodic ESPA update.	Revision 1 of the ESPA Environmental Report planned for no later than March 31, 2012	Yes	No

ENCLOSURE 2

SUMMARY OF REGULATORY COMMITMENTS

(Exelon Letter to USNRC No. NP-11-0005, dated January 25, 2011)

The following table identifies commitments made in this document. (Any other actions discussed in the submittal represent intended or planned actions. They are described to the NRC for the NRC's information and are not regulatory commitments.)

COMMITMENT	COMMITTED DATE	COMMITMENT TYPE	
		ONE-TIME ACTION (Yes/No)	Programmatic (Yes/No)
ER Appendix A will be revised to include the Texas CMP consistency statement and determination request letter provided in Enclosure 1. This ER revision will be included in the next periodic ESPA update.	Revision 1 of the ESPA Environmental Report planned for no later than March 31, 2012	Yes	No