



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
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APR 20 2010

Regulatory Branch

SUBJECT: Environmental Impact Statement for the Exelon Victoria County Station's Early Site Permit

Scott Flanders
Director, Division of Site and Environmental Reviews
Office of New Reactors
Mailstop T7J8
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Flanders:

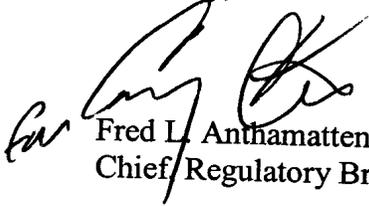
This is in reference to a U.S. Army Corps of Engineers (Corps) permit pre-application jurisdictional determination, SWG-2008-00694, and the U.S. Nuclear Regulatory Commission's (NRC) intent to prepare an Environmental Impact Statement (EIS) for the Exelon Victoria County Station's Early Site Permit (ESP). The proposed project is located 12 miles south of Victoria and situated east of SH 77 and west of the Guadalupe River in Victoria County, Texas.

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1501.6 and 1508.8) define and address agency roles to facilitate cooperation and compliance under NEPA. After assessing the project with these regulations, we believe that the NRC should act as the lead agency for compliance with the National Environmental Policy Act (NEPA) for the proposed action, since the NRC has greater Federal control, responsibility and expertise for evaluating complete project effects and ultimate approval/disapproval authority for the entire proposal.

The Corps is responsible for making decisions pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Based on this responsibility for regulating work for which this site is being selected for in the proposed ESP for Exelon, we request to serve as a cooperating agency, as defined in the CEQ regulations, in the preparation of the EIS for the Exelon ESP. Cooperating agencies are encouraged to participate in the NEPA process early on and provide information and environmental analyses for which they have special expertise to the lead agency, in this case the NRC. The benefits of cooperating agency participation in the preparation of documentation and analyses include avoiding duplication with other Federal, State and local procedures as well as enhancing the ability of the agencies to adopt environmental documents for making decisions. The Corps has the responsibility and authority to regulate portions of the proposal that affect waters of the U.S., including jurisdictional wetlands, and has the expertise necessary to assist the NRC with meeting its statutory requirements.

We would appreciate your inviting us to provide comments during the development of the Early Site Permit EIS, and we look forward to working with you as a cooperating agency. If you have any questions concerning this request, please contact Mr. Jayson M. Hudson at the letterhead address or by telephone at 409-766-3108 or email at jayson.m.hudson@swg.usace.army.mil.

Sincerely,



Fred L. Anthamatten
Chief/Regulatory Branch