

NP-10-0023

September 9, 2010

Mr. John Wong
US Army Corps of Engineers
Corpus Christi Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411

Subject: Exelon Nuclear Texas Holdings, LLC
Victoria County Station Site
Request for Preliminary Jurisdictional Determination
File No. SWG-2008-00694

Dear Mr. Wong,

Exelon Nuclear Texas Holdings, LLC (Exelon) submitted an application to the Nuclear Regulatory Commission (NRC) for an early site permit (ESP) for the Victoria County Station (VCS) site under 10 CFR 52, Subpart A, in March 2010. As part of its review of the ESP application (ESPA), the NRC will prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended.

Exelon's understanding is that the US Army Corps of Engineers (USACE) will likely participate in the preparation of the NRC's EIS as a cooperating agency. In order to facilitate the USACE's development of input to the NRC's Draft EIS, Exelon is requesting a preliminary jurisdictional determination (PJD) for aquatic resources on the VCS site.

Exelon is providing the USACE with the following information to support completion of the PJD:

Enclosure 1: Two binders containing a hard copy of the site wetland delineation report that documents the results of field work completed in May 2009 (prepared by Exelon's contractor, Tetra Tech, NUS). One binder contains the report body and figures, while the other provides the accompanying field data forms.

Enclosure 2: Eight compact discs containing sheets 1 – 398 of the VCS site 1-foot resolution topographical survey. A key map combining the topographic survey key (398 sheets) and the wetland report sheet key (13 sheets) has also been provided for your convenience.

While it is recognized that the USACE and the Environmental Protection Agency (EPA) have the ultimate authority to make determinations on jurisdictional resources, please note that the wetland delineation report included as Enclosure 1 provides a preliminary assessment of whether wetland resources identified at the VCS site are "isolated" or "adjacent". Similarly, linear water features have been preliminarily designated as

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"Perennial", "Intermittent", "Intermittent / Ephemeral", or "Ephemeral". Wetland delineation report Tables 2 and 3 summarize the results of the wetland and linear water feature identification activities, respectively, and provide the designations described above, as applicable. The bases for the preliminary designations are provided throughout the wetland delineation report and are supported by the topographic information included as Enclosure 2. Additionally, information regarding site groundwater elevations is available in subsection 2.3.1.2 of the previously provided VCS ESP Environmental Report (ER).

Per our recent discussions, Exelon understands that a PJD is not binding, and that additional information could be submitted in conjunction with a future jurisdictional determination request and / or Department of Army permit application that yields a different level of jurisdictional resources being documented on the property.

Exelon holds an option to purchase the ESP site, but it does not currently own the property. The current property owner has been informed of this PJD request and does not object; however, the owner is not responsible for the information provided herein.

Please address correspondence regarding this matter to:

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

Please contact Joshua Trembley at (610) 765-5345 if you have questions regarding the request or if you require additional information.

Respectfully,



Marilyn C. Kray
Vice-President, Nuclear Project Development

- Enclosures:
- (1) Two binders containing a hard copy of site-wide wetland delineation report, dated May 2009
 - (2) Eight compact discs containing sheets 1 – 398 of the site topographical survey

cc: USACE, Mr. Jayson Hudson (without enclosures)
USNRC, Project Manager, VCS, Division of New Reactor Licensing
(without enclosures)
USNRC, Environmental Project Manager, VCS, Division of New Reactor
Licensing (without enclosures)

ENCLOSURE 1

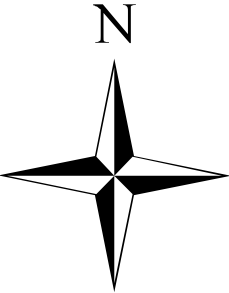
Site-wide Wetland Delineation Report
(2 binders)

ENCLOSURE 2

VCS Site 1-ft Contour Topographic Survey
(Eight CDs Containing Sheets 1-398)

and

Combined Wetland Survey and Topographic Sheet Key



Legend

-  Victoria County Station Boundary
-  Topo Index Key
-  Wetlands Key
-  Wetlands

