November 9, 2010

Mr. Michael Burgess, Chairman
Comanche Nation
P.O. BOX 908
Lawton, OK 73502

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

Dear Mr. Burgess:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Exelon Nuclear Texas Holdings, LLC (Exelon) for an early site permit (ESP) for the Victoria County Station (VCS) site which is located near Victoria, Texas. 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 U.S. Army Corps of Engineers (Corps) is a cooperating agency for preparation of the EIS. 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 VCS 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.

Exelon submitted the application for an ESP on March 25, 2010, pursuant to NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on June 7, 2010, and it is available through the web-based version of the NRC Agencywide Documents Access and Management System (ADAMS) which can be found at http://www.nrc.gov/reading-rm/adams.html. The Environmental Report (ER) portion of the application is listed under accession number ML101120186. The VCS ESP application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/esp/victoria.html.

The proposed VCS site is located on approximately 11,532 acres in a rural area of Victoria County, Texas, approximately 13.3 miles south of the city of Victoria, Texas. Linn Lake is located along a portion of the site's eastern boundary, while further east, the Guadalupe River angles toward the site (approximately 3 miles east of the northern tip of the site, but less than 0.25 miles east of the southeastern corner of the site). Exelon estimates that 7,129 acres of this site will be disturbed during the preparation and construction phase of the project. Of this total, about 6,345 acres will be permanently dedicated to the rectors and their supporting facilities including a 5,785-acre cooling water basin.

Exelon has identified the need for new transmission line corridors. The siting area for new transmission lines will include Victoria and Jackson County, Texas. The exact routes of the new corridors are currently unknown; however, Exelon has provided probable route characteristics using a macro-corridor approach that outlines options for transmission line routes.

The NRC environmental review process includes an opportunity for public and inter-governmental participation. The VCS site is in close proximity to lands that may be of interest to the Comanche Nation. 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 Comanche Nation to provide input to the scoping process relating to NRC's environmental review of the ESP application.

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. The NRC staff plans to hold two public scoping meetings on December 2, 2010, at the Community Center Dome, 2905 E. North Street, Victoria, Texas 77901. The first meeting will convene at 1:00 p.m., and will continue until approximately 4:00 p.m. 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. The meetings will be preceded by an open house from 12:00p.m. to 1:00 p.m., and 6:00 p.m. to 7:00 p.m., during which members of the public may meet and talk with NRC staff members on an informal basis. You and your staff are invited to attend the public meetings.

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, NRC staff is identifying parties who may wish to consult on the proposed action and is inviting them to consult with NRC staff on this matter. Consultation will include participation in the scoping process; identification of historic properties on the VCS 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. The anticipated publication date for the draft EIS is August 2012.

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. If approved, the ESP would not authorize the applicant to begin construction of the unit(s). However, site preparation activities, such as clearing and grading the site and building transmission lines, are not part of the NRC authorized construction and can be performed by the applicant without NRC approval. In its review, the NRC staff will evaluate the environmental impacts of construction and operation and will also consider alternatives, including alternative sites.

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 January 03, 2011. 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 via e-mail to Victoria.ESPEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this ESP application, please contact Ms. Tomeka Terry, NRC Environmental Project Manager at 301-415-1488 or via e-mail to Tomeka.Terry@nrc.gov, or Ms. Alicia Williamson at 301-415-1878 or via email to Alicia.Williamson@nrc.gov.

Sincerely,

/RA/

Ryan Whited, Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-042

cc: Mr. Jimmy Arterberry
See next page

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 January 03, 2011. 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 via e-mail to Victoria.ESPEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this ESP application, please contact Ms. Tomeka Terry, NRC Environmental Project Manager at 301-415-1488 or via e-mail to Tomeka.Terry@nrc.gov, or Ms. Alicia Williamson at 301-415-1878 or via email to Alicia.Williamson@nrc.gov.

Sincerely,

/RA/

Ryan Whited, Chief
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-042

cc: Mr. Jimmy Arterberry
See next page

DISTRIBUTION:
Public

TTerry, NRO	AWilliamson, NRO	JJessie, NRO
RWhited, NRO	AWilson, OGC	ARedden, NRO
MTonnacci, NRO	RidsNroDserRap2	JCushing, NRO
RidsOgcMailCenter	RidsOcaMailCenter	RidsNroDserRenv
Rap 2 R/F	RidsRgn#MailCenter	RidsNroDser
RidsOpaMail	DO'Rourke, ANLdanorourke@anl.gov	
HAvci, ANL avci@anl.gov	KWescott, ANL wescott@anl.gov	

ADAM Accession No.: ML102980606 **NRO-002**

OFFICE	NRO:DSER:PM	NRO:RAP2:LA	NRO:RENV:PM	OGC	NRO:DSER:BC
NAME	TTerry	ARedden	JCushing	AWilson	RWhited
DATE	10/ 25 /2010	10/20/2010	10/25/2010	10/27/2010	11/09/2010

OFFICIAL RECORD COPY

Victoria Mailing List
cc:

Ms. Sharon H. Barnard
Office Manager
Victoria Economic Development
Corporation
700 N Main Ste 104
Victoria, TX 77901

Mr. Moni Belton
U.S. Fish and Wildlife Service
17629 El Camino Real, Ste. 211
Houston, TX 77058-3051

Ms. Kathy Boydston, Leader
Texas Parks and Wildlife Department
Wildlife Habitat Assessment Program
4200 Smith School Rd.
Austin, TX 78744

Ms. Eliza Brown
Sustainable Energy & Economic
Development (SEED) Coalition
1303 San Antonio #100
Austin, TX 78701

Ms. Mary Carter
Whooping Crane Advocate
Blackburn Carter, PC
4709 Austin
Houston, TX 77004

Mr. Ruben Cortez
Texas Department of State Health Services
Inspection Unit MC 1986
P.O. Box 149347
Austin, TX 78714-9347

Mr. Mark Fisher, Manager, Water Quality
Assessment Section
Water Quality Division
Mail Code 150
12100 Park 35 Circle
P.O. Box 13087
Austin, TX 78711-3087

Ms. Cathy Gilmore
Coordinator
US EPA Region 6
1445 Ross Ave., 12th flr. Ste. 1200
Dallas, TX 75202-2733

Ms. Karen Hadden
Sustainable Energy & Economic
Development (SEED) Coalition
1303 San Antonio #100
Austin, TX 78701

Mr. Troy Hill, Chief
U.S. Environmental Protection Agency,
Region 6
Marine and Wetlands Section (6WQ-EM)
1445 Ross Ave.
Dallas, TX 75202

Mr. Jayson Hudson, Project Manager
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77554

Ms. Marilyn C. Kray, Vice President
New Plant Development
Exelon Nuclear Texas Holdings, LLC
200 Exelon Way
Kennett Square, PA 19348

Mr. Rollin MacRae
Wetland Program Leader
Texas Parks and Wildlife Department
Resource Protection Division
4200 Smith School Rd.
Austin, TX 78744

Mr. Carlos Mendoza, Supervisor
Houston Field Office
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Houston, TX 77058

Victoria Mailing List
cc:

Mr. Hector Pena
U.S. Environmental Protection Agency
1445 Ross Avenue Suite 1200
Mailstop 6EN
Dallas, TX 75202

Rusty Swafford
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, TX 77551-5997

Ms. Liz Thompson
Public Services Librarian
Victoria Public Library
302 N. Main
Victoria, TX 77901

Mr. Joshua R. Trembley, P.E. (JT)
Environmental Engineer, Licensing
Exelon Corporation
200 Exelon Way
Kennett Square, PA 19348

Ms. Amy Turner
Texas Parks and Wildlife Department
Habitat Assessment Program
2805 N. Navarro, 600-B
Victoria, TX 77901

Mr. Mark Wolfe
Chief Deputy Executive Officer
State Historic Preservation Officer
Division of Antiquities Protection Texas
Historical Commission
P.O. Box 12276
Austin, TX 78711

Victoria Mailing List
cc:

sharonbarnard@victoriaedc.com (Sharon Barnard)
david.distel@exeloncorp.com (David Distel)
jffiger@comcast.net (John Figer)
rcfritz@suddenlink.net (Richard Fritz)
amy.hanna@tpwd.state.tx.us (Amy Hanna)
herrington.jim@epa.gov (Jim Herrington)
bill361@sbcglobal.net (Bill Jones)
marilyn.kray@exeloncorp.com (Marilyn Kray)

Victoria Mailing List
cc:

ESP - Exelon - Victoria Mailing List (Revised 08/24/2010)
cc:

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Victoria Mailing List
cc:
ESP - Exelon - Victoria Mailing List

Email

annie@ieer.org (Annie Makhijani)
APH@NEI.org (Adrian Heymer)
Arjun@ieer.org (Arjun Makhijani)
awc@nei.org (Anne W. Cottingham)
BrinkmCB@westinghouse.com (Charles Brinkman)
charles@blackburncarter.com (Charles Irvine)
chris.maslak@ge.com (Chris Maslak)
cwaltman@roe.com (C. Waltman)
david.distel@exeloncorp.com (David Distel)
david.lewis@pillsburylaw.com (David Lewis)
dcurran@harmoncurran.com (Diane Curran)
Derlinda.Bailey@chguernsey.com (Derinda Bailey)
donald.woodlan@luminant.com (Donald Woodlan)
ed.burns@earthlink.net (Ed Burns)
gcesare@enercon.com (Guy Cesare)
jbb@blackburncarter.com (Jim Blackburn)
jerald.head@ge.com (Jerald G. Head)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
joseph.bauer@exeloncorp.com (Joe Bauer)
Joseph_Hegner@dom.com (Joseph Hegner)
karen@seedcoalition.org (Karen Hadden)
kenneth.ainger@exeloncorp.com (Kenneth Ainger)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
ldblaylock@cpsenergy.com (Larry Blaylock)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
marilyn.kray@exeloncorp.com
mark.beaumont@wsms.com (Mark Beaumont)
Mark.Crisp@chguernsey.com (Mark Crisp)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mfraser@harmoncurran.com (Matthew Fraser)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
sabinski@suddenlink.net (Steve A. Bennett)

Victoria Mailing List
cc:

sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
stephan.moen@ge.com (Stephan Moen)
thomas.mundy@exeloncorp.com (Thomas Mundy)
Vanessa.quinn@dhs.gov (Vanessa Quinn)
Wanda.K.Marshall@dom.com (Wanda K. Marshall)