November 09, 2010

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 700
Whiteriver, AZ 85941

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. Lupe:

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 White Mountain Apache Tribe. 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 White Mountain Apache Tribe 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©, 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©, 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: See next page

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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
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Office of New Reactors

Docket No.: 52-042

cc: See next page

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