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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2010

Ms. Tomeka Terry, Environmental Project Manager
U.S. Nuclear Regulatory Commission
11545 Rockville Pike
Mailstop T7E30
Rockville, MD 20852

Re: 401 Water Quality Certification of Exelon Victoria County Station.

Dear Ms Terry:

The Exelon Generation Company, LLC (Excelon) has filed an application for a Combined License with the Nuclear Regulatory Commission (NRC) seeking authorization to construct and operate a nuclear power plant at the location know as the Victoria County Station (VCS) site. The VCS site is located approximately 13 miles south of the City of Victoria in Victoria County Texas. In conjunction with the license application, Excelon is requesting a Section 401 water quality certification from the Texas Commission on Environmental Quality (TCEQ).

Excelon understands that a Section 401 certification is required for this combined NRC license. Excelon has requested a certification decision from the TCEQ. Staff of the NRC and TCEQ have discussed the Excelon request for a 401 certification for the NRC Combined License, and have not identified any discharges to waters of the U.S. that would not also be subject to regulation under either Section 402 (NPDES Permits) or Section 404 (Fill Permits). The TCEQ would like to satisfy the NRC requirement for a 401 certification decision but avoid a duplicate regulatory review of an activity that will be evaluated under a separate permitting process.

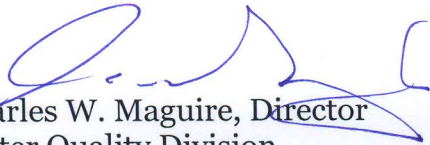
Therefore and in response to Excelon's September 9, 2010 request for a Section 401 certification the TCEQ waives our authority under Title 30, Texas Administrative Code (TAC), Chapter 279.2(b)(4) to act on this request for water quality certification.

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If you have any questions or need additional information regarding this waiver decision please contact Mr. David Galindo at (512) 239-0951 or by email at dgalindo@tceq.state.tx.us.

Sincerely,



Charles W. Maguire, Director
Water Quality Division
Texas Commission on Environmental Quality

CWM/evm

ccs: Ms. Marilyn Kray, Vice-President, Nuclear Project Development, Excelon Nuclear Texas Holdings, LLC, 200 Excelon Way, Kennett Square, PA 19348
Mr. Joshua R. Trembley, P.E., Environmental Engineer, Licensing, Excelon Corporation, 200 Excelon Way, Kennett Square, PA 19348