

**Environmental Impact Statement
Scoping Process**

Summary Report

**Victoria County Station
Early Site Permit
Victoria County, Texas**

July 2011



**U.S. Nuclear Regulatory Commission
Rockville, Maryland**

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1. Introduction and Summary

By letter dated March 25, 2010, Exelon Nuclear Texas Holdings, LLC (Exelon), submitted to the U.S. Nuclear Regulatory Commission (NRC) an application for an early site permit (ESP) for the Victoria County Station (VCS) site. The site is located in Victoria County, Texas, just west of the Guadalupe River, approximately 13 miles south of the city of Victoria, Texas. An ESP is an approval of a location for the siting of one or more nuclear power facilities, separate from the filing of an application for a construction permit or combined license for such a facility. An ESP application may refer to a reactor's (or reactors') characteristics rather than a detailed reactor design.

As part of the application, Exelon submitted an environmental report (ER) prepared in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (CFR) Part 51 (*Environmental Protections Regulations for Domestic Licensing and Related Regulatory Functions*) and 10 CFR Part 52 (Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear power Plants). 10 CFR part 51, Subpart A, contains the NRC requirements for implementing the National Environmental Policy Act (NEPA) of 1969, as amended, and the implementing regulations promulgated by the Council on Environmental Quality (CEQ). 10 CFR Part 52, Subpart, contains NRC regulations related to ESPs. The ER focuses on potential environmental effects from the construction and operation of a new nuclear power plant, which have characteristics that fall either within the postulated site parameters or proposed certified design. It also includes an evaluation of alternative sites to determine if there is an obviously superior alternative to the proposed site. The NRC staff is preparing an environmental impact statement (EIS) that will include an evaluation of the environmental impacts of the proposed action, the environmental impacts of alternatives to the proposed action, and alternatives available for reducing or avoiding adverse environmental effects. In addition, if an ESP application contains a site redress plan, the permit holder may perform certain activities described in 10 CFR 50.10(e)(1), "Domestic Licensing of Production and Utilization Facilities," without further authorization if the NRC staff concludes in its EIS that there is reasonable assurance that the activities would not result in any significant environmental impact that cannot be redressed. The potential environmental impacts of the activities described in 10 CFR 50.10(e) for the VCS ESP site are addressed in the VCS ESP application and will be considered during the staff's review.

In accordance with 10 CFR 51.50(b)(2), an environmental report prepared at the early site permit stage is not required to consider economic, technical, and other benefits and costs of the proposed action, nor is it required to consider other energy alternatives. Exelon elected to not include analyses of the need for power, costs and benefits, and energy alternatives in its environmental report for the VCS ESP application. Therefore, the staff will not evaluate these topics in the ER.

The staff is conducting its review of the VCS ESP application in accordance with review standard RS-002, *Processing Applications for Early Site Permits*. The review standard draws from NUREG-0800, *Standard Review Plans for the Review of Safety Analysis for Nuclear Power Plants*, and NUREG-1555, *Standard Review Plans for Environmental Reviews for Nuclear Power Plants*.

On November 2, 2010, in accordance with 10 CFR 51.26, the NRC initiated the scoping process by publishing a Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process in the *Federal Register* (75 FR 67406). The notice of intent (NOI) notified the

public of the staff's intent to prepare an EIS and conduct scoping for the VCS ESP application. Through the notice, the NRC also invited the applicant, Federal, Tribal, State, local government agencies, local organizations, and individuals, to participate in the scoping process by providing oral comments at two public scoping meetings and/or by submitting written comments no later than January 3, 2011.

The scoping process provides an opportunity for public participation to identify issues to be addressed in the EIS. The NOI identified the following objectives of the scoping process:

- Define the proposed action that is to be the subject of the EIS.
- Determine the scope of the EIS and identify the significant issues to be analyzed in depth.
- Identify and eliminate from detailed study those issues that are peripheral or that are not significant.
- Identify any environmental assessments and other EISs that are being or will be prepared that are related to but not part of the scope of the EIS being considered.
- Identify other environmental review and consultation requirements related to the proposed action.
- Identify parties NRC must consult with under the National Historic Preservation Act, as set forth in 36 CFR 800.8(c)(1)(i).
- Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.
- Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS.
- Describe how the EIS will be prepared, including any contractor assistance to be used.

Two public scoping meetings were held at the Victoria Community Center Dome located at 2905 East North Street, Victoria, Texas, on Thursday, December 2, 2010. The NRC announced the meetings in local and regional newspaper (Victoria Advocate), issued press releases, and distributed flyers locally. Approximately 75 to 85 members of the public attended each scoping meeting session. The scoping meetings began with NRC staff members providing a brief overview of the NRC's review process for ESP applications and the NEPA process. After NRC's prepared statements, the meetings were opened for public comments. Fifteen afternoon scoping meeting attendees and 20 evening attendees provided either written statements or oral comments that were recorded and transcribed by a certified court reporter. The meeting summary was issued on December 22, 2010. The meeting summary and supporting materials, including the meeting transcripts, are available electronically through the NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room) (note that the URL identified above is case-sensitive) under accession number ML103280224. In addition to the oral and written statements provided at the public scoping meetings, two letters and 12 e-mails were received during the scoping period. A review of those documents identified letters and e-mails with unique (not duplicate) comments which have been addressed in this report.

At the conclusion of the scoping period, the NRC staff and its contractor reviewed the transcripts and all written material received and identified individual comments. Two letters and 12 e-mails containing comments were received during the scoping period and are also in ADAMS (see below). All comments and suggestions received orally during the scoping meetings or in writing

were considered by the NRC staff. Each set of comments from a given commenter was given a unique alpha identifier (commenter identification [ID] letter), allowing each set of comments from a commenter to be traced back to the transcript, letter, or e-mail in which the comments were submitted.

Comments were consolidated and categorized according to the topic within the proposed EIS or according to the general topic if outside the scope of the EIS. Comments with similar specific objectives were combined to capture the common essential issues that had been raised in the source comments. Once comments were grouped according to subject area, the staff and contractor determined the appropriate response for the comment.

Table 1 identifies in alphabetical order the individuals providing comments, their affiliation (if given), and the accession number that can be used to locate the correspondence in ADAMS. The Correspondence ID provided in Table 1 is used in Table 2 to identify individual comments by comment ID number and commenters by topic (category). The comment ID number consists of the 4-digit correspondence ID number (also shown in Table 1) followed by a hyphen and the number of the comment within the correspondence. The comment categories are listed in Table 3 in the order that they are presented in this document. Following Table 3 in this report are numbered sections for each comment category, which contain the comment or group of comments followed by a response.

Table 1. Individuals Who Provided Comments During the Comment Period

Commenter	Affiliation (if stated)	Comment Source and ADAMS Accession #	Correspondence ID
Allen, Miranda	Tonkawa Tribe of Oklahoma	Email (ML103630570)	0008
Armstrong, Will	Self	Meeting Transcript (ML103500329)	0019-3
Blackburn, Jim	Texans for a Sound Energy Policy	Meeting Transcript (ML103500336)	0017-5
Bland, Joe	Self	Meeting Transcript (ML103500336)	0017-11
Brown, David	Self	Meeting Transcript (ML103500336)	0017-7
Calhoun, Elton	Port of Victoria	Meeting Transcript (ML103500329)	0019-13
Cannady, Adrian	Self	Meeting Transcript (ML103500336)	0017-4
Crews, John	Self	Email (ML103490246)	0001
Day, Donald	Victoria Economic Development Corporation	Meeting Transcript (ML103500329)	0019-5
Dolezal, Harold	Self	Meeting Transcript (ML103500329)	0019-17
Figer, John	Self	Meeting Transcript (ML103500329)	0019-7
Forbes, Bill	Self	Email (ML103550364)	0007
Forbes, Tom	Nuclear Energy for Texans	Meeting Transcript (ML103500329)	0019-18
Fowler, Dale	Victoria Economic Development Corporation	Meeting Transcript (ML103500329)	0019-8
Fox, Stan	Self	Meeting Transcript (ML103500336)	0017-12
French, Johnny	Self	Email (ML103500431)	0005
Garriott, C.J.	Self	Meeting Transcript (ML103500329)	0019-14
Gibbs, Sue	Self	Meeting Transcript (ML103500329)	0019-19
Gonin, Paul G.	Self	Email (ML103550363)	0006
Guisse, Paul	Self	Meeting Transcript (ML103500329)	0019-21
Hadden, Karen	Self	Meeting Transcript (ML103500336)	0017-15
Hill, Janice	Self	Email (ML110030118)	0009
Huber, David	Self	Meeting Transcript (ML103500329)	0019-15
Irvine, Charles	Blackburn & Carter, P.C.	Email (ML110040096)	0012
James, Jerry	City of Victoria	Meeting Transcript (ML103500336)	0017-13

Table 1. (cont'd)

Commenter	Affiliation (if stated)	Comment Source and ADAMS Accession #	Correspondence ID
Knebel, Helen	Self	Meeting Transcript (ML103500329)	0019-16
Kray, Marilyn	Exelon	Meeting Transcript (ML103500329)	0019-4
Kray, Marilyn	Exelon	Meeting Transcript (ML103500336)	0017-3
Kubesch, Fred	Self	Email (ML103490248)	0003
Lacey, Jeb	Victoria County	Meeting Transcript (ML103500336)	0017-6
Landsberger, Dr. Sheldon	University of Texas	Meeting Transcript (ML103500329)	0019-6
Lyon, Jeff	Self	Meeting Transcript (ML103500329)	0019-11
Manning, Fred	Self	Meeting Transcript (ML103500336)	0017-10
McDonald, Will	Self	Meeting Transcript (ML103500336)	0017-14
McKenzie, Sandra	Hardy McKenzie	Email (ML110040458)	0013
McMaster, Connie	Self	Meeting Transcript (ML103500329)	0019-9
McMaster, Dan	Self	Meeting Transcript (ML103500329)	0019-10
Melinchuk, Ross	Texas Parks and Wildlife	Email (ML110040092)	0011
Moore, Tommy	Self	Email (ML103490249)	0004
Morrison, Geanie	State Representative, District 30	Meeting Transcript (ML103500336)	0017-2
Murphy, James Lee	Guadalupe Blanco River Authority	Meeting Transcript (ML103500336)	0017-9
Nicholopoulos, Joy E.	Fish and Wildlife Service	Letter (ML103470079)	0014
Outen, Ron	Aransas Project	Meeting Transcript (ML103500336)	0017-8
Pozzi, Donald	Self	Meeting Transcript (ML103500329)	0019-2
Riesz, Peter B.	Self	Email (ML103490247)	0002
Scott, Janice	Self	Meeting Transcript (ML103500329)	0019-12
Singleton, Robert	Self	Meeting Transcript (ML103500336)	0017-16
Smith, Rhonda M.	Environmental Protection Agency	Letter (ML103560021)	0015
Yendrey, Rose	Self	Meeting Transcript (ML103500329)	0019-20

Table 2. Comment Categories, Commenters, and Comment ID Numbers

Comment Category	Commenter (Comment ID)
Accidents – Design Basis (2.14)	<ul style="list-style-type: none">• Hadden, Karen (0017-15-10)• Huber, David (0019-15-3) (0019-15-8)• McMaster, Connie (0019-9-5)
Alternatives – Energy (2.18)	<ul style="list-style-type: none">• Hadden, Karen (0017-15-9)• Irvine, Charles (0012-6) (0012-7)• Knebel, Helen (0019-16-2)• Singleton, Robert (0017-16-4)
Alternatives – Sites (2.20)	<ul style="list-style-type: none">• Blackburn, Jim (0017-5-7)• Fox, Stan (0017-12-4)• Irvine, Charles (0012-5)
Alternatives – System Design (2.19)	<ul style="list-style-type: none">• Hadden, Karen (0017-15-16)• McKenzie, Sandra (0013-5)
Benefit-Cost Balance (2.21)	<ul style="list-style-type: none">• Hadden, Karen (0017-15-2) (0017-15-5)• Kray, Marilyn (0017-3-1) (0019-4-1)• McKenzie, Sandra (0013-16)• Singleton, Robert (0017-16-3)
Cumulative Impacts (2.16)	<ul style="list-style-type: none">• Melinchuk, Ross (0011-22) (0011-25)
Ecology – Aquatic (2.9)	<ul style="list-style-type: none">• Blackburn, Jim (0017-5-2)• Gibbs, Sue (0019-19-4)• Gonin, Paul G. (0006-1) (0006-2)• Melinchuk, Ross (0011-2) (0011-7) (0011-14) (0011-20) (0011-23) (0011-24)• Moore, Tommy (0004-1)• Nicholopoulos, Joy E. (0014-6)
Ecology –Terrestrial (2.8)	<ul style="list-style-type: none">• Blackburn, Jim (0017-5-4) (0017-5-5) (0017-5-6)• Dolezal, Harold (0019-17-1)• Forbes, Bill (0007-2)• French, Johnny (0005-1) (0005-3)• Gibbs, Sue (0019-19-2)• Gonin, Paul G. (0006-5)• Hill, Janice (0009-1) (0009-3) (0009-7)• Huber, David (0019-15-5)• Irvine, Charles (0012-4)• McMaster, Connie (0019-9-7)• McMaster, Dan (0019-10-1)• Melinchuk, Ross (0011-5) (0011-6) (0011-11) (0011-15) (0011-16) (0011-17) (0011-18) (0011-19) (0011-26) (0011-27) (0011-28)• Nicholopoulos, Joy E. (0014-1) (0014-3) (0014-5) (0014-8) (0014-9) (0014-10) (0014-11) (0014-12)• Outen, Ron (0017-8-1) (0017-8-3)• Pozzi, Donald (0019-2-4)• Riesz, Peter B. (0002-2)

Table 2. (contd)

Comment Category	Commenter (Comment ID)
Geology (2.5)	<ul style="list-style-type: none">• Hill, Janice (0009-4) (0009-8)• McKenzie, Sandra (0013-12)• Nicholopoulos, Joy E. (0014-14)
Health – Radiological (2.13)	<ul style="list-style-type: none">• Blackburn, Jim (0017-5-8)• Gibbs, Sue (0019-19-5) (0019-19-7)• Hadden, Karen (0017-15-3) (0017-15-8)• McKenzie, Sandra (0013-4) (0013-6) (0013-9)• Yendrey, Rose (0019-20-2)
Historic and Cultural Resources (2.11)	<ul style="list-style-type: none">• Allen, Miranda (0008-1)• Gibbs, Sue (0019-19-1)• Hill, Janice (0009-2)
Hydrology – Groundwater (2.7)	<ul style="list-style-type: none">• Guisse, Paul (0019-21-2)• McMaster, Connie (0019-9-2)
Hydrology – Surface Water (2.6)	<ul style="list-style-type: none">• Armstrong, Will (0019-3-2)• Blackburn, Jim (0017-5-1) (0017-5-3)• Bland, Joe (0017-11-1)• Dolezal, Harold (0019-17-2)• Forbes, Bill (0007-1)• Forbes, Tom (0019-18-6)• Fox, Stan (0017-12-2)• French, Johnny (0005-2)• Garriott, C.J. (0019-14-1)• Gibbs, Sue (0019-19-3) (0019-19-6)• Guisse, Paul (0019-21-2)• Hadden, Karen (0017-15-4)• Hill, Janice (0009-6)• Huber, David (0019-15-1) (0019-15-7)• Irvine, Charles (0012-2)• Lyon, Jeff (0019-11-3)• McKenzie, Sandra (0013-2) (0013-3) (0013-11)• McMaster, Connie (0019-9-2)• Melinchuk, Ross (0011-3) (0011-4) (0011-13)• Murphy, James Lee (0017-9-1)• Nicholopoulos, Joy E. (0014-2) (0014-4) (0014-13)• Pozzi, Donald (0019-2-2)• Scott, Janice (0019-12-4)• Yendrey, Rose (0019-20-1)
Land Use – Site and Vicinity (2.3)	<ul style="list-style-type: none">• Figer, John (0019-7-1)• Fox, Stan (0017-12-1) (0017-12-3)• Knebel, Helen (0019-16-1)• McMaster, Connie (0019-9-1)• Melinchuk, Ross (0011-9) (0011-12)

Table 2. (contd)

Comment Category	Commenter (Comment ID)
Land Use – Transmission Lines (2.4)	<ul style="list-style-type: none">• Melinchuk, Ross (0011-10)
Meteorology and Air Quality (2.12)	<ul style="list-style-type: none">• Guisse, Paul (0019-21-1)• Huber, David (0019-15-6)• Irvine, Charles (0012-8)• Kray, Marilyn (0017-3-3) (0019-4-3)• McKenzie, Sandra (0013-7) (0013-13)• Nicholopoulos, Joy E. (0014-7)• Hill, Janice (0009-5)
Need for Power (2.17)	<ul style="list-style-type: none">• Armstrong, Will (0019-3-5)• Cannady, Adrian (0017-4-2)• Crews, John (0001-3)• Day, Donald (0019-5-2)• Hadden, Karen (0017-15-1)• Huber, David (0019-15-2)• Lacey, Jeb (0017-6-1)• Landsberger, Dr. Sheldon (0019-6-1)• Morrison, Geanie (0017-2-1)
Opposition – Licensing Action (2.25)	<ul style="list-style-type: none">• Bland, Joe (0017-11-2)• Dolezal, Harold (0019-17-5)• Fox, Stan (0017-12-5)• Hadden, Karen (0017-15-11)• McMaster, Connie (0019-9-3) (0019-9-6) (0019-9-8)• Singleton, Robert (0017-16-5)• Hill, Janice (0009-9)
Opposition – Nuclear Power (2.26)	<ul style="list-style-type: none">• Singleton, Robert (0017-16-2)
Outside Scope – Emergency Preparedness (2.27)	<ul style="list-style-type: none">• Lacey, Jeb (0017-6-3)• Lyon, Jeff (0019-11-5)• McKenzie, Sandra (0013-8)• McMaster, Connie (0019-9-4)
Outside Scope – Safety (2.28)	<ul style="list-style-type: none">• Brown, David (0017-7-2)• Dolezal, Harold (0019-17-4)• Figer, John (0019-7-2)• Forbes, Tom (0019-18-3)• Kray, Marilyn (0017-3-2) (0019-4-2)• Lyon, Jeff (0019-11-6)• McKenzie, Sandra (0013-10)• Riesz, Peter B. (0002-3)
Outside Scope – Security and Terrorism (2.29)	<ul style="list-style-type: none">• Dolezal, Harold (0019-17-3)
Process – ESP (2.1)	<ul style="list-style-type: none">• McKenzie, Sandra (0013-1)

Table 2. (contd)

Comment Category	Commenter (Comment ID)
Process – NEPA (2.2)	<ul style="list-style-type: none">• Blackburn, Jim (0017-5-9)• Fox, Stan (0017-12-6)• Guisse, Paul (0019-21-3)• Irvine, Charles (0012-1)• Manning, Fred (0017-10-1)• McDonald, Will (0017-14-1)• Melinchuk, Ross (0011-1)• Pozzi, Donald (0019-2-3)• Smith, Rhonda M. (0015-1)
Socioeconomics (2.10)	<ul style="list-style-type: none">• Calhoun, Elton (0019-13-2)• Fowler, Dale (0019-8-1)• Gonin, Paul G. (0006-3)• Hadden, Karen (0017-15-7)• Huber, David (0019-15-4)• Irvine, Charles (0012-3)• Kray, Marilyn (0017-3-4) (0019-4-4)• Lyon, Jeff (0019-11-2)• McKenzie, Sandra (0013-14)• Outen, Ron (0017-8-2)
Support – Licensing Action (2.22)	<ul style="list-style-type: none">• Armstrong, Will (0019-3-1) (0019-3-4)• Brown, David (0017-7-1)• Calhoun, Elton (0019-13-1)• Cannady, Adrian (0017-4-1) (0017-4-3)• Crews, John (0001-2)• Day, Donald (0019-5-1)• Forbes, Tom (0019-18-1) (0019-18-7)• Fowler, Dale (0019-8-2)• James, Jerry (0017-13-1) (0017-13-2)• Kray, Marilyn (0017-3-5)• Kubesch, Fred (0003-1)• Lacey, Jeb (0017-6-2)• Lyon, Jeff (0019-11-1) (0019-11-7)• McDonald, Will (0017-14-2)• Morrison, Geanie (0017-2-2)• Murphy, James Lee (0017-9-2)• Pozzi, Donald (0019-2-1) (0019-2-5) (0019-2-7)• Riesz, Peter B. (0002-1) (0002-4)• Scott, Janice (0019-12-1) (0019-12-5)
Support – Licensing Process (2.23)	<ul style="list-style-type: none">• Scott, Janice (0019-12-3)

Table 2. (contd)

Comment Category	Commenter (Comment ID)
Support – Nuclear Power (2.24)	<ul style="list-style-type: none">• Armstrong, Will (0019-3-3) (0019-3-6)• Calhoun, Elton (0019-13-3)• Crews, John (0001-1)• Forbes, Tom (0019-18-5)• Landsberger, Dr. Sheldon (0019-6-2)• Lyon, Jeff (0019-11-4)• Pozzi, Donald (0019-2-6)
Uranium Fuel Cycle (2.15)	<ul style="list-style-type: none">• Forbes, Tom (0019-18-2)• Huber, David (0019-15-9) (0019-15-10)• McKenzie, Sandra (0013-15)• Melinchuk, Ross (0011-8)

Table 3. Comment Categories in the Order in Which They Are Presented in this Report

2.1	Comments Concerning Process – ESP
2.2	Comments Concerning Process – NEPA
2.3	Comments Concerning Land Use – Site and Vicinity
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2.24	General Comments in Support of Nuclear Power
2.25	General Comments in Opposition to the Licensing Action
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2.27	Comments Concerning Issues Outside Scope – Emergency Preparedness
2.28	Comments Concerning Issues Outside Scope – Safety
2.29	Comments Concerning Issues Outside Scope – Security and Terrorism

Victoria County Early Site Permit Public Scoping Comments and Responses

The comments and suggestions received as part of the scoping process are summarized and discussed below. Parenthetical numbers after each comment refer to the comment ID number (document number-comment number). Comments are grouped by category.

The draft EIS will take into account the relevant issues raised during the scoping process, and will be made available for public comment.

The comment period for the draft EIS will offer the next opportunity for the applicant; interested Federal, Tribal, State, local government agencies; local organizations; and members of the public, to provide input to the NRC's environmental review process. The comments received on the draft EIS will be considered in the preparation of the final EIS. The final EIS, along with the staff's Safety Evaluation Report, will be considered in the NRC's decision on Exelon's ESP application for the Victoria County site.

2.1 Comments Concerning Process – ESP

Comment: We believe that there is a fundamental flaw in the permit process which allows for early site evaluation without requiring the company to first provide detailed information as to the type of facility that is proposed and detailed information as to the type of pollution that will be emitted, discharged, handled and stored. (0013-1 [McKenzie, Sandra])

Response: *With respect to environmental matters, the NRC's ESP process is as follows: The NRC regulations governing an ESP application require that an applicant for an ESP must provide the NRC with an ER that meets the requirements of 10 CFR 51.45 and 51.50. As described in 10 CFR 52.17, the contents of an application must focus on the environmental effects of construction and operation of a reactor or reactors that might be built at the proposed site, even though an ESP does not authorize such construction and operation. In addition, Section 52.18 requires that the staff prepare an EIS based on the application that focuses on the same matters. Both the ER and the EIS must include an evaluation of alternative sites to determine whether there is any obviously superior site to the site proposed. Certain issues, however, such as the benefits of the action and alternative energy sources, may be deferred until such time as the applicant submits a COL or CP application. For the ESP, the NRC prepares an EIS that resolves numerous issues on the basis of existing environmental site characteristics, as well as values of power plant design parameters set forth in the application. These issues are candidates for issue preclusion in a proceeding on an application referencing the ESP (i.e., such an issue would not be subject to litigation in a later licensing proceeding). If an applicant chooses the plant parameter envelope (PPE) approach, as Exelon has done here, the application postulates bounding values for these plant design parameters. NRC regulations allow an ESP applicant to defer an issue (e.g., the benefits assessment), as Exelon elected here, but also require that a COL applicant referencing such an ESP address the issue in its application. An application for a CP or COL referencing an ESP must also demonstrate that the design of the proposed facility falls within the parameters specified in the ESP. In addition, an application referencing an ESP should indicate whether the site is suitable for construction and operation of one or more nuclear power plants. Such an application should also identify whether there is new and significant information related to any issue resolved in the ESP*

proceeding. The EIS prepared for the COL will build upon the ESP EIS, should one be issued. If there is no new and significant information on an issue, the COL EIS will bring forward the conclusion reached in the ESP EIS. If there is new and significant information, then a conclusion will be reached on the basis of the analysis of the new and significant information.

2.2 Comments Concerning Process – NEPA

Comment: The National Environmental Policy Act of 1969 ("NEPA") "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action," and "ensures that the agency will inform the public that it has indeed considered environmental concerns in its decision-making process." *Baltimore Gas & Elec. Co. v. Natural Res. Def. Counsel, Inc.*, 462 U.S. 87, 97 (1983). NEPA requires that federal agencies take a "hard look" at the environmental impacts of proposed actions, specifically:

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved if the proposed action should be implemented.

42 U.S.C. 4332. Federal agencies must prepare an Environmental Impact Statement ("EIS") for "all major Federal actions significantly affecting the . . . environment." 42 U.S.C. 4332(2)(C). The requirements of NEPA are mandatory and apply to the NRC. *Calvert Cliffs Coordinating Comm., Inc. v. U.S. Atomic Energy Comm'n*, 449 F.2d 1109 (D.C. Cir. 1971) (holding that NEPA applies to NRC's predecessor).

The President's Council on Environmental Quality ("CEQ") describes an EIS as-an "action forcing device, "whose purposes are to provide "full and fair discussion of significant environmental impacts" and to "inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment." 40 C.F.R. 1502.1. These impacts and alternatives must be addressed before the action is taken, "rather than justifying decisions already made." 40 C.F.R. 1502.2(g).
(0012-1 [Irvine, Charles])

Comment: We have completed our review of the brief project description and would like to take this opportunity to submit basic recommendations on the scope of the EIS you are preparing. EPA has prepared guidance for new nuclear power plants and Environmental Impact Statement contents and environmental analysis and suggests it be considered in the development of the Draft EIS. This guidance can be found at: <http://www.epa.gov/compliance/resouce/policies/nepa/309review-guidance-for-new-nuclear-power-plant-eis-pg.pdf>. We have enclosed environmental analysis and information from our NEPAAssist database to assist you in the scoping and EIS preparation process. For a clearer understanding of the project being proposed, we request a meeting with your staff soon after the scoping process is completed to discuss any issues identified and to afford EPA regional staff an opportunity to be briefed on the action proposed and the potential environmental impacts. **(0015-1 [Smith, Rhonda M.]**

Comment: The property is directly next door. We, probably more than anybody, will be impacted by this power plant. To my understanding, the heavy trucking road is going to go right

through our property. We have a lot of rivers and water flowing through there and a lot of wildlife. One thing I'd like to say is for Exelon to keep us in the loop of what's going on. (0017-10-1 [Manning, Fred])

Comment: And for whatever reason it would be best that that impact on the community – and it's not just one or two people, there's about 19 or 20 of them out there – be a concern when the NRC does their EIS, and I'd appreciate it if they would do that. (0017-12-6 [Fox, Stan])

Comment: I know the history of Victoria and Victoria County and the surrounding area. I know that we must look toward that history and project it into the future when we bring in any kind of business or other outside activities that will affect the history, the future history of Victoria, Texas, not discounting the past. I also know the pride of ownership in land. This goes way back in Victoria County and the surrounding areas. Many families have had this land under their deed for many, many years, and I know they have a great sense of pride in that and they want to continue to look into the future and hold on to that pride without a lot of outside interference. I appreciate all of that.

I've fished in many of these waters, I've hunted this area. I spent the last eight years as Rockport-Fulton High School principal where I had access to the great fishing waters. I saw all those beautiful birds that were talked about and I love them all and I would want them protected. I think the NRC, the Nuclear Regulatory Commission, will do a good job with that. I trust it and turn that over to them. (0017-14-1 [McDonald, Will])

Comment: I want to thank you for letting us have the opportunity to come and speak. This scoping is an important part of the NEPA process. We need to get the environmental impacts of this plant right. TSEP does intend to file contentions and to fully participate in the process. (0017-5-9 [Blackburn, Jim])

Comment: I believe we've satisfied the environmental concern. We know there are a lot of them out there. When the NRC looks at the environmental process they look at much more than what we would sometimes think is environmental. It goes way beyond what a person may initially believe and it goes to the makeup of the community itself and the effect of many, many things in the community. (0019-2-3 [Pozzi, Donald])

Comment: And like I said, location, location, location. My wife was riding on a jet plane with one of the guys that came over here for environmental study and he said, Oh, it's a good place. But you know, I think that you need to review your statistics and all of the things that you have on paper and check some of this stuff out. I feel sorry for you. (0019-21-3 [Guisse, Paul])

Response: *Section 102 of the National Environmental Policy Act (NEPA) directs that an EIS be prepared for major Federal actions that significantly affect the quality of the human environment. The NRC has implemented Section 102 of NEPA in 10 CFR Part 51. Subpart A of 10 CFR Part 52 contains the NRC regulations related to Early Site Permits (ESPs). It is the NRC EIS rather than the applicant's environmental report (ER) that is used as the basis for the Commission's decision on the ESP application. As set forth in 10 CFR 52.17, the ESP applicant must submit a complete ER focusing on the environmental effects of construction and operation of a reactor or reactors. The ER is intended to assist the Commission in complying with Section 102 of NEPA. The ER may be used extensively by the NRC staff as a starting point in its review. However, the staff independently evaluates information contained in the ER and develops its own bases and analyses. Ultimately, the NRC staff is responsible for the reliability of any information used. As set forth in 10 CFR 52.18, the Commission has determined that an*

EIS will be prepared during the review of an application for an ESP. An applicant for a CP or COL for a nuclear power plant or plants to be located at the site for which an ESP was issued can reference the ESP. A CP or COL to construct and operate a nuclear power plant is a major Federal action that requires its own environmental review in accordance with 10 CFR Part 51. To guide its assessment of environmental impacts for a proposed action or alternative actions, the NRC has established a standard of significance for impacts using Council on Environmental Quality (CEQ) guidance (40 CFR 1508.27). Using this approach, NRC has established three significance levels – SMALL, MODERATE, or LARGE – which are defined below: SMALL environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. MODERATE environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource. LARGE environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource. Among the areas included in the EIS, the NRC staff will consider the No-Action Alternative or denial of the ESP, mitigation measures to further reduce environmental impacts, alternative sites, unavoidable adverse environmental impacts, irreversible and irretrievable commitments of resources, the relationship between short-term uses and long-term productivity, cumulative impacts, construction impacts, and the impacts of operation. In summary, the staff will comply with the requirements of NEPA by following the NRC's implementing regulations (10 CFR Parts 51 and 52) and related review guidance.

2.3 Comments Concerning Land Use – Site and Vicinity

Comment: According to the DEIS the onsite disturbance associated with the blowdown piping is included with the VCS heavy haul road disturbance of 22 acres (Table 4.1-1). The proposed disturbed areas for the blowdown pipeline corridor would be 80-feet wide and would parallel the transportation corridor for approximately 3 miles, resulting in an offsite disturbed area of approximately 28 acres. The offsite portion of the blowdown line would traverse Black Bayou and its tributaries, a small unnamed stream east of San Bayou, mapped wetlands, and the Guadalupe River floodplain prior to turning south and terminating at the Guadalupe River. According to the ER, these impacts are addressed in Section 4.7 Cumulative Impacts.

Recommendation: As previously stated, this project is a federal action, and would therefore be subject to NEPA requirements. Although transportation processes are not always subject to NEPA, the infrastructure associated with the VCS would be associated with a federally regulated project and would therefore have a federal nexus.

TPWD recommends that the NRC fully address all direct impacts of the proposed infrastructure onsite and offsite in the DEIS; by not doing so it could appear to be segmenting by attempting to address these impacts through other review processes. An analysis of proposed routes, alternatives, and proposed mitigation should be identified for the DEIS. **(0011-12**
[Melinchuk, Ross])

Comment: An additional 775 acres, not accounted for in Table 4.1-1, would be disturbed for temporary construction facilities, laydown areas, construction parking areas, and borrow/spoils storage.

Recommendation: Texas Park and Wildlife Department (TPWD) does not concur with Exelon's conclusion that the land use impacts to the proposed 11,532 acres of the VCR site are SMALL and would not require mitigation. TPWD recommends that the NRC reevaluate the conclusions

made by Exelon and that Exelon mitigate for the loss of available habitat. (0011-9 [Melinchuk, Ross])

Comment: I also have an undivided interest in a tract of land that's out there that's adjacent to where they're planning on putting this facility, and I'm sensitive toward the fact that I know that the Victoria economics would be greatly enhanced by having this in the City of Victoria. The State of Texas does need the energy. I know the jobs, taxes, all of the business income and the business around the vendors that would be created by this would be a great boon to the economy around here, but at the same time I have to be a little bit selfish, having this undivided interest in this tract of land out there for about 20 years. And we have gotten, I guess, the idea that we use this as recreational activity. Some people actually do live out there, there are parties that do that. It's been there for a while and we were hoping to be able to probably pass it down on to the generations later on that would be able to not only use it possibly to live there but also to recreate there and be able to take care of hunting. It's a slew area and we were informed or we were hinted at that there would be the possibility of a large I would call it kind of the Great Wall of Exelon which would be kind of a large road that would impact our tract of land, and they would need that in order to be able to get some of the larger equipment in there. I haven't heard too much from them lately. I think it probably ended in an adversarial type relationship, and so obviously we're not going to hear that much, but we did see the Register when it was published and so we were aware that this thing was going on now that apparently they could again get their funding. (0017-12-1 [Fox, Stan])

Comment: And with this heavy haul road coming in, basically that would impact the side of this tract, a large portion of it. (0017-12-3 [Fox, Stan])

Comment: I have a right of way right now going to our ranch and will I be able to maintain that right of way? It's just over a railroad track. And if there's any prospects of drilling for oil, gas or water, will that be possible or will it hurt us? And hunting, that's one of our big incomes and the story that's going around right now is they're saying we will not be able to use guns within five miles of this plant. (0019-16-1 [Knebel, Helen])

Comment: This nuclear plant that is proposed is in my backyard. I will be able to throw a baseball from my front door and hit the pond. I also have had a lot of concerns about the proposed heavy haul road. The proposed heavy haul road is also our ingress/egress to our property and Exelon has not discussed any of those issues with us, how we will continue to ingress/egress our property while the heavy haul road is under construction. (0019-7-1 [Figer, John])

Comment: When Exelon did start all of this and I was talking with one of the representatives of Exelon, they told me at that particular time Paradise Ranch would not be involved at all. Well, we come to find out four months later Paradise Ranch is definitely involved. They want to put a heavy haul road right through the middle of our property. That would cut off, like Mr. Figer said, our ingress and egress to our ranch; we would have no way to get in there. They're asking for four years for this Well, they were trying to lease or buy – I guess lease a 60-acre tract which would be about 200 feet wide and they are saying they would have the exclusive right to use that heavy haul road to get to the barge canal across the Guadalupe, and that would, like I say, cut off all access that we have at all. So far I've not heard anything or anyone from Exelon telling us how we're supposed to get in and out of our subdivision which we are now a recorded subdivision. (0019-9-1 [McMaster, Connie])

Response: *The impacts on land use resulting from construction and operation of a facility on the proposed site will be discussed in Chapters 4 and 5 of the EIS.*

2.4 Comments Concerning Land Use – Transmission Lines

Based on TPWD staff review of the information provided, TPWDA offers specific recommendations regarding the preparation of the DEIS and concerns regarding the project that can be found in Attachment A to this letter. Listed below are TPWD's principal concerns, which are more fully addressed in Attachment A:

Comment: Proposed new location 345-kV transmission line routes have not been fully assessed through a routing and alternatives evaluation, thus impacts associated with the proposed new lines are not fully articulated. Without an assessment of routes and their alternatives for inclusion in the DEIS, the NRC may be segmenting project impacts under Section 1508.27 (7) of NEPA. This section states, "Significance [of impacts] cannot be avoided by terming an action temporary or by breaking it down into small component parts."
(0011-1 [Melinchuk, Ross])

Comment: According to the ER, the proposed transmission corridors would require approximately 2,809 acres. The land use is comprised of agricultural, forests, wetlands, scrub/shrub/herbaceous vegetation, and urban areas. Exelon states that AEP would be responsible for the routing and application process through the Public Utilities Commission.

Recommendation: This project is a federal action, and would therefore be subject to NEPA requirements. Although the CCN process is not always subject to NEPA, the transmission lines associated with the VCS would be associated with a federally regulated project and would therefore have a federal nexus.

TPWD recommends that the NRC fully address the direct impacts of the proposed transmission line corridors in the DEIS; by not doing so it could appear to be segmenting by attempting to address the impacts of these transmission corridors under the CCN process. An analysis of alternative routes and a preferred route for each new transmission line should be identified for the DEIS.

In addition, TPWD does not concur that the approximately 2,809 acre impact from the construction of the proposed transmission lines could be considered SMALL and asks that the NRC address this assessment in the DEIS. (0011-10 [Melinchuk, Ross])

Response: *If an ESP is granted, Exelon would initiate the process for obtaining access to the grid, which will be discussed in Section 3.3 of the EIS. Transmission lines would be upgraded by the Regional Transmission Operator (RTO), if needed. The full extent of potential land-use impacts in the transmission line rights-of-way can be estimated only after following the Federal Energy Regulatory Commission's (FERC) process for connecting new large-generation facilities to the grid. The possible need for any additional land for transmission will be addressed in Chapters 4 and 5 of the EIS. Cumulative impacts will be presented in Chapter 7.*

2.5 Comments Concerning Geology

Comment: What about terrain and the possibility of subsidence? (0009-4 [Hill, Janice])

Comment: The educated engineers don't know everything about the shifting ground here in this part of the world as do the landowners in this site area. (0009-8 [Hill, Janice])

Comment: The proposed location is flawed, not just because there is not enough water, but because the site is geologically unstable (on a fault); is a heavily explored oil and gas well field (with well bores, possibly uncased allowing for surface pollution into the water table); and, would require the relocation of gathering lines and gas transmission pipe lines. (0013-12 [McKenzie, Sandra])

Comment: The location of the plant is noted as being downstream of the Vicksburg Fault Zone. We recommend Exelon include guidance or requirements on the distance of a nuclear reactor facility from a fault zone and any potential impacts that could occur if the facility is constructed near a fault zone. (0014-14 [Nicholopoulos, Joy E.]

Response: *As part of the NRC's site safety review, the staff will consider whether the site is suitable on the basis of seismic considerations. The results of this review will be found in the site SER. This issue is not within the scope of the environmental review.*

2.6 Comments Concerning Hydrology – Surface Water

Comment: The proposed heavy haul road will likely block and/or change normal water flow within the floodplain. This will not only impact the duration of floods but it will most likely impact the plant communities and the wildlife dependent on them, not to mention the upstream flooding possibilities. This floodplain is almost 3.5 miles across and floods the entire basin for months at a time during some events. Any infrastructure, including a haul road, built over this floodplain must have a minimal impact during these (mostly annual) events. Upstream flooding could occur if the hydrology is altered. (0011-13 [Melinchuk, Ross])

Response: *The NRC staff will evaluate the impacts on the surface water resources associated with the construction and operation of the facility at the proposed site. The results will be presented in Chapters 4 and 5 of the EIS. Cumulative impacts will be provided in Chapter 7 of the EIS. As part of the NRC's site safety review, the staff will consider floods and hydrologic features in Section 2.4 of the SER.*

Comment: As for the inflows reductions, the EIS should include and thoroughly discuss the cumulative consequences of past, current and future water diversions resulting from not only the applicant's proposed actions, but also from those that have occurred or are likely to occur within the watersheds of the Guadalupe, San Antonio, Navidad, Lavaca and Colorado Rivers. Information about the human demands on these watersheds and proposals to divert water from them are available from the Corps, several state agencies and state water planning Regions K, L, N, and P. Be sure the EIS's cumulative impacts analyses include the worst scientifically credible scenario where the maximum withdrawals coincide with droughts of record severity and duration. (0005-2 [French, Johnny])

Comment: I am very concerned about the proposed location of this particular plant in terms of its effect on freshwater inflows from the Guadalupe River to San Antonio Bay and the Refuge.

Please have Exelon detail how it will secure the massive volumes of water required to operate the proposed nuclear plant. (0007-1 [Forbes, Bill])

Comment: We have cattle and experience frequent droughts. Exelon will be using our river water in droughts. (0009-6 [Hill, Janice])

Comment: Hydrological changes to the Guadalupe River ecosystem that will result from increased withdrawals and consumptive water losses and impacts to this system from blowdown discharge. (0011-3 [Melinchuk, Ross])

Comment: From 2007–2009 Texas experienced one of the severest droughts in Central Texas since the 1950's. Victoria County specifically had the 5th driest year on record since 1900. The one year sampling performed for the ER is not adequate nor representative of normal conditions at this site. (0011-4 [Melinchuk, Ross])

Comment: The range of impacts that must be considered in an EIS include "reasonably foreseeable" impacts which have "catastrophic consequences, even if their probability of occurrence is low." 40 C.F.R. 1502.22(b)(1). The NRC may only avoid discussion of those environmental impacts that are "remote and speculative." Limerick Ecology Action v. NRC, 869 F.2d 719, 745 (3d Cir. 1989), citing Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519, 551 (1978).

The EIS for the Victoria County Station site is therefore required to address all of the following environmental impacts, including but not limited to:

All impacts on regional water availability arising from the consumption of 75,000 ac-ft/yr of water from the Guadalupe River under the Exelon-GBRA Reservation Agreement.

The Guadalupe and San Antonio River basin is one of the most drought-prone areas of Texas. It suffers from frequent and prolonged droughts. Water, both groundwater and surface water, is therefore a precious resource and a highly valued commodity. To make matters worse, the basin is also one of the fastest growing parts of Texas, placing relentlessly increasing demands on water resources. The 2011 Regional Water Plan predicts additional demand in the basin of 420,000 ac-ft/yr by 2060. The majority of this demand is driven by population growth.

For reasons known only to itself, Exelon chose to locate its VCS plant in this river basin, along with its massive demands for precious water. Exelon submitted the initial COL Application relying on a Reservation Agreement with GBRA for 75,000 ac-ft/yr. The ESPA is silent about the Reservation Agreement, but the ESPA does not identify or analyze any other source of cooling water. The ESPA identifies the exact same diversion location and diversion rate as the GBRA water right. Therefore the NRC must base its analysis on the use of this water right.

The ESPA states that the VCS cooling basin would contain enough water to support the operation of the plant "for several months during potential low flow periods." The most recent basin-wide drought was in 2008–09 and lasted twenty months. Other recent prolonged droughts occurred in 2006, 1999–2000, 1996–97, 1988–90, 1984 with many more before.

The EIS must accurately describe the current water diversions because the Exelon application is both erroneous and misleading on its representations of current water use. The EIS must accurately describe the proposed new water rights permits that GBRA has already pending with TCEQ, because the ESPA does not. The EIS must evaluate water availability impacts

assuming that neither groundwater nor new water rights are available to Exelon today, let alone in twenty or forty years hence.

The EIS must evaluate the impacts of Exelon holding onto their Reservation Agreement with GBRA, thus forcing GBRA to satisfy regional demands by obtaining new groundwater, new surface water, new reservoirs and new pipelines. All these projects are pending or proposed, and are the regional impacts of the Exelon-GBRA Reservation Agreement.

The EIS must look at the water impacts fully and honestly because it is the critical impact that will affect all citizens, municipalities, farmers and other industries for many years to come. (0012-2 [Irvine, Charles])

Comment: We believe that there is not sufficient water in the Guadalupe River to support a nuclear power plant. Further the nuclear power plant, by consuming the underground and surface water, will damage the river system. There will not be sufficient water for human consumption and for the maintenance of the river and bay system. Besides the fact that a number of communities get drinking water from the Guadalupe River, a number of industries downstream depend upon the Guadalupe River (sports fishing, commercial fishing and some petro-chemical facilities). The bay system, which supports the endangered Whooping Crane, depends on the water from the Guadalupe and this bay system supports a host of tourist and real estate industries. Even if there is a desalinization of ground water, the introduction of this treated water, if not checked, could have damaging effects on the ecosystem. Further, the other issues addressed in this letter (regarding release and discharges of pollution) would still occur. (0013-11 [McKenzie, Sandra])

Comment: Water Quantity and Quality Page 4.2-1

Exelon states 39,968 acre-feet of groundwater could be extracted per year without violating TCEQ specified constraints, and that supplies from surface water, according to 2006 models, are considered to be dependable during drought. Available surplus surface water rights are only estimated to be 39,000 acre-feet, but Exelon states 75,000 acre-feet per year will be taken from the intake to replenish the cooling basin. The cooling basin will need between 42,250 and 97,396 gallons per minute (gpm), and that two groundwater wells with 600 gpm per well from the Evangeline Aquifer will be necessary. It is believed Victoria County has projected 7,487 acre-feet per year or 4,500 gpm available for the project. It is unclear how much groundwater or surface water will be going in and out of the plant and its destination. We recommend that the effects of water withdrawal be conducted, and that appropriate mitigation based on the effects be incorporated into the project. (0014-13 [Nicholopoulos, Joy E.]

Comment: Since 2002, Guadalupe River flows have been impaired due to high bacterial loads in some segments and are currently heavily allocated or used. Upstream reservoir construction and water diversions reduce freshwater inflows. Human growth and increased pumping from the Edwards Aquifer is also a threat to freshwater inflows to the Guadalupe River. The Edwards Aquifer can provide up to 70 percent of the Guadalupe River water during drought. However, as human growth expands; increased pumping and continued appropriation of water rights amplify threats to freshwater inflows. (0014-2 [Nicholopoulos, Joy E.]

Comment: Additionally, water quality is currently affected in this system. The groundwater has high levels of Total Dissolved Solids. Guadalupe Bay Segment 2462-02 is on the Texas Commission of Environmental Quality's (TCEQ) list of impaired waters due to high levels of bacteria. Discharges, intakes, and blowdown temperatures of approximately 100 degrees Fahrenheit and salt deposition could change the water quality of the Guadalupe River.

Accidental oil discharges or hazardous materials spills are of concern depending on the type, size, and the on-site ability to contain spills. Construction activities from transmission lines and haul roads could also have water quality impacts to streams or rivers in or near the corridors. We recommend a more detailed water quality impact discussion on potential changes in the Guadalupe River. (0014-4 [Nicholopoulos, Joy E.]

Comment: I would like to direct my comments toward the issue of water availability. It doesn't take a scientific study to prove that water availability is a major concern, not only for this proposed nuclear site but for our whole region and our whole state. Water supplies within the State of Texas are shuffled like a shell game. When you pick some of those shells up, nothing exists. Read the papers, Google a search and see for yourselves – marketers and regional water boards are duplicating the proposed uses of the same water sources. Take a look at the Texas Port System which has a growing caseload of water litigation . . . Allow our own great state to develop and implement a sustainable water plan which balances all of our water needs. (0017-11-1 [Bland, Joe])

Comment: I understand that Texas needs the energy and Exelon, I'll let somebody else pass on how good they are or how much water we have. I know it's been flooding like heck down there for about the last years, so it floods when apparently we have downstream people that pull water off. This would be another set of people that are pulling water off of this river, and when that happens it backs up. I can't tell you what that impact that has on the San Antonio Bay or even farther down, but it can't be good. (0017-12-2 [Fox, Stan])

Comment: For Texas, the Comanche Peak reactors that are planned, they'd use 100,000 acre-feet of water a year. Two-thirds of that would evaporate. It's water lost for purposes locally. The South Texas Project, two new reactors would use 23,000 gallons per minute. So picture, if you will, a backyard swimming pool getting filled every single minute, 24-7, that's how much water the two new reactors would require. Now, I've seen a picture of the Guadalupe River in drought and it wasn't much higher than the gentleman's boot that was taking a picture. What happens at those times? You can have senior water rights. Does that mean you have water? A nuclear reactor has to stay cooled, the water has to come from somewhere or you have coolant leaks, you can have a meltdown. You cannot be without water for a nuclear reactor. So what happens to everybody else if it comes crunch time? What happens to the rice farmers, what happens to the ranchers, what happens to recreation when the water gets scarce? I live in Austin. Last year with the drought the lake levels were incredibly low. You might have seen pictures. Every single boat ramp on the lake had to close, businesses were hurting, it was an economic disaster. What happens when the water levels go low again? This year we're doing well but the experts say we're not out of the drought problems by any means, that's it's coming again. What happens then? (0017-15-4 [Hadden, Karen])

Comment: First I'd like to state that we believe critical discrepancies exist between Exelon's ESP application and the environmental documentation submitted by Exelon to the NRC. The ESP application seems to disavow the use of GBRA Guadalupe River water for cooling water, yet a reservation agreement exists between Exelon and GBRA to obtain Guadalupe River water to cool this power plant. As long as that reservation agreement exists, the effects of withdrawing 75,000 acre-feet of water must be evaluated, must be owned by the proposed Exelon plant. (0017-5-1 [Blackburn, Jim])

Comment: Exelon's selective use of data in its application fails to adequately and to accurately represent current diversions of water from the Guadalupe River, and Exelon fails to identify where it will secure the long-term water supply required for the proposed plant. That's just

simply not acceptable. And make no mistake about it, the impacts of this water use will be substantial. When evaluating the impacts of its water plan on San Antonio Bay, Region L – which is the water planning entity for this region – Region L stated that cumulative effects on San Antonio Bay were noted but that those effects are, quote, associated with increasing use of existing water rights than with the regional water plan implementation. It is those existing water rights that Exelon proposes to use. Region L's analysis, in talking about those impacts, is referring to the water that is under option from GBRA, those impacts are important and they are real. (0017-5-3 [Blackburn, Jim])

Comment: When we [Guadalupe Blanco River Authority] looked at this proposal from Exelon, our evaluation criteria consisted of this: first, is there water, is sufficient water quantities available for the project; second, is there sufficient support locally within the community for this particular project. If the answer were no to either one of those criteria, then GBRA would have had nothing more to do with Exelon. On the contrary, there was strong community support for the project for the reasons that have already been enunciated today and at other similar hearings in this regard. As far as GBRA was concerned, that's sufficient to rely on the local officials and the local community, not substituting our own judgment for the judgment of the elected officials here, your representatives. But I want to say something about the evaluation of how GBRA evaluated whether there was sufficient water available. First thing to note is there is water that's permitted for this exercise. That is to say there is water available for this project. If there weren't water available, we wouldn't be in a position to be entering into a reservation agreement or otherwise with Exelon.

Some of the water that's available for Exelon was previously committed to the City of San Antonio, however, due to opposition, quite frankly from a number of perspectives in the basin, that project fell through. But there is water available, that's the important thing to keep in mind, and that said, the water available reflects the needs for bays and estuaries.

It's important to keep in mind when it comes to water Exelon chose to acquire the least senior water rights that GBRA has in this basin. Again, that means when water is not available either due to drought or for the environment or whatever conditions that the state chooses to impose, that water won't be withdrawn. And one of our concerns which we were very pleased to see that Exelon planned to have off-channel storage to supplement for up to three years of prolonged drought. What does that mean? That means that if there's no water available, they will rely on storage that they would build to support this project. I also wanted to mention the reservation agreement. Right now the only contractual arrangement that GBRA has with Exelon is a reservation agreement which gives both parties the right to seek other sources of water, in the case of Exelon or other communities that need water in the case of GBRA. And so obviously if the City of Victoria and the County of Victoria, the folks in the lower basin found other needs for that water, or if Exelon were to find a way to use saline water to meet their needs, then that water would not be sold to Exelon. (0017-9-1 [Murphy, James Lee])

Comment: The Victoria Chamber of Commerce additionally supports the data supplied for the planned water usage that is deemed necessary for the operation of this facility. The fact that the plant would be designed to minimize water use is crucial to this region. (0019-11-3 [Lyon, Jeff])

Comment: I also feel very comfortable that Exelon will make ample preparation for itself, as any prudent business would, as far as any types of water usage. I don't think that a drought happens overnight, I think that everybody can be aware when drought conditions are occurring. Exelon is making ample opportunity to have enough water to help them shut down in an orderly

fashion should there be a water shortage. We have plant shutdowns in this area all the time and they're not really anything of great consequence except to the people involved in the plant, and I envision that should there be a water shortage we would have that Exelon. (0019-12-4 [Scott, Janice])

Comment: It has occurred to me sometime back communities and counties on the lower end of a river system are held hostage to the upriver usage of the water in that river, quite often with no voice in how the river water is used before it gets down to them. I kind of feel like that's the situation here. The plant seems to be good for jobs and economy and prosperity for Victoria but no one seems to be concerned about the agricultural farmers, fishermen, shrimpers, oystermen, people that make their living on the water, on the bays of San Antonio Bay. If not enough freshwater comes down that river in a dry year, damage is done to the whooping cranes, witnessed the die-off of over 20 in the last two years because of lack of freshwater coming down the river. And that's the situation of the river usage right now without the addition of a gigantic plant. One thing I'd like everyone to think about in okaying this project would be the quality, the consumption and the impact of withdrawing water from that river for this plant. Additional withdrawals seems to me at the very least ill-advised. (0019-14-1 [Garriott, C.J.])

Comment: I have land in the neighborhood of where this plant is expected to be built, and I don't understand why we're using a minimal water source which is pretty much spoken for, such as the Guadalupe River, to supply a nuclear plant that's going to deliver power to other places. (0019-15-1 [Huber, David])

Comment: The factors I have against this are this plant is going to be positioned between two major waterways, the San Antonio River and the Guadalupe River. You are going to use our water to supply this plant. We'll have electricity but we won't have water later probably, and we probably won't have any whooping cranes. (0019-17-2 [Dolezal, Harold])

Comment: Much has been said today about water. Exelon has been clear that if the water isn't available to build this plant, the plant won't be built. So water is really not an issue regarding this plant because if it's not available, the plant won't be built. (0019-18-6 [Forbes, Tom])

Comment: The other concern that I have besides destroying the wildlife and good neighbors would be the fact of the water. All of the papers I've seen draw a big picture of the water available and include the water in what's called Lynn Lake which is a lake that's on our property. (0019-19-3 [Gibbs, Sue])

Comment: So I'm just worried about what's going to happen to our water supplies. I know that they say there's lots of water, and I know that GBRA often inflates the saltwater barrier so that the river is very high and people brag about how much water is in the river, but I've also seen it when we could walk across the river and it's been very dry. (0019-19-6 [Gibbs, Sue])

Comment: But I know there are many concerns about water and I can assure you that Exelon and no other nuclear generation company would be interested in building a site here in Victoria or anywhere else if water were not available. We have many sources of water and you're going to hear probably some naysayers this afternoon regarding that topic. When you consider a 4,900-acre cooling pond, when you look at the studies that have been done with regard to times of drought, the use of those facilities, the low amount of water that would be taken from the Guadalupe River, I believe we have satisfied the water concern. (0019-2-2 [Pozzi, Donald])

Comment: I'm concerned about the water table. For 30 years now our water table has really dropped. I have two wells, and I'm just afraid that they're going to put meters on them, because our water table is dropping more than any of you would know. So we're going to be limited on how many cows we can have, and the farmers, our land is not going to be any value because we're not going to have any water. I do not really trust that they're not going to take the water from under us. I have a fish pond, as the crow flies, about 2-1/2 miles and there's about nine ponds where they're raising these farm fish. Our water table has dropped from their use. And what I want to say is I just feel like our property is going to go down. (0019-20-1 [Yendrey, Rose])

Comment: Often when the environment is mentioned, water is discussed, and I want to talk to you about the water that we have for the citizens of Victoria, our drinking water. I see Councilman Truman in the audience and he's nodding his head. Thank you. We have about 20,000 acre-feet of water, surface water rights. We have a one-year supply, a reservoir that can supply us with water for one year. We have ten deep wells, and these deep wells by themselves could furnish us with the water that we need. We're using right now about 12,000 acre-feet of water a year and our surface rights are 20,000 acre feet. With the wells, our one-year supply, the city administration, the city council, the experts that we have feel like we are meeting our needs for the next 40 to 60 years with the growth that we anticipate. (0019-3-2 [Armstrong, Will])

Response: *The NRC staff will assess consumptive use (including during periods of water scarcity) and water quality impacts (including the thermal impacts of discharge to the Guadalupe River) on the Guadalupe River from operation of the facility. The results will be presented in Chapter 5 of the EIS. Cumulative impacts will be presented in Chapter 7. Impact on the Guadalupe River arising from any increased intake of reactor cooling water for the operation of any proposed new nuclear power units will be reviewed in accordance with the environmental standard review plan (NUREG-1555, Section 5.2) and discussed in the EIS. Any potential impacts to the San Antonio Bay will also be evaluated in the EIS.*

Comment: We are opposed to the discharge of radioactive pollutants and other toxins into the Guadalupe River. It is assumed that Exelon will seek a permit to discharge radionuclides directly into the Guadalupe River. However, at this time, the type, nature and amount has not been disclosed by Exelon. We would ask that this information be made available to the NRC and the public before the NRC makes its determination as to the advisability of the site. The initial permit (which was withdrawn) indicated that radionuclides would be discharged into the Guadalupe River from the blow-down line; however, the permit was vague and did not state the type, nature or amount of radioactive pollution that would be discharged. Company spokesman, Bill Harris, would not disclose the information. (0013-2 [McKenzie, Sandra])

Comment: It is clear that the river lacks sufficient flow, particularly during dry summer months, to allow for dilution. Further, the blow down pipes would be real obstacles in the river. Temperature, as well as the constituents of the pollution of the outfall, would have significant impact on the river system. Downstream uses would be affected by this pollution, but upstream uses might be affected as well. Unique to this system is a plan being considered to build a water pipeline from the southern downstream portion of Guadalupe River to upstream users in the upper lakes and upper reaches of the Guadalupe River. One plan actually proposed a pipeline that would take water out of the Guadalupe south of the proposed Exelon blow down discharge location. If this pipeline is built and has a take-out point located downstream of Exelon's blow down discharge point, radionuclides and other reactor bi-products discharged

from the Exelon facility would be circulated through the entire river system and to the metropolitan and other upstream users. (0013-3 [McKenzie, Sandra])

Comment: I'm concerned about the blow-down, the water they're going to put back into the Guadalupe River every time they flush their plant. (0019-15-7 [Huber, David])

Response: *Impact on the Guadalupe River arising from the increase in the routine discharge of chemicals, heavy metals, cleaning solvents, and biocides into the Guadalupe River arising from the operation of additional nuclear power units will be reviewed in accordance with the environmental standard review plan (NUREG-1555, Section 5.2) and discussed in the EIS in Section 4.1.2.3. Impact on the Guadalupe River arising from the radioactive isotopes released into the Guadalupe River from the operation of additional nuclear power units will be reviewed in accordance with the environmental standard review plan (NUREG-1555) and discussed in the EIS in Section 4.1.2.7.*

2.7 Comments Concerning Hydrology – Groundwater

Comment: And another thing that I noticed that hasn't been addressed is talk about the Guadalupe and the San Antonio River, but what about Coletto? It's the largest or one of the largest aquifers in the State of Texas. And I have property over that aquifer just in the vicinity and I have seen where the aquifer comes right up to the surface, the water sand in the summertime and it's wet there. So only a driller, somebody that understands drilling would know that you can hit water at eight feet just about anywhere up on that aquifer. I realize it's higher above sea level than Victoria, but still if that tidal surge on one of these monster storms would push contaminated water inland far enough, it would leach into that aquifer because the water extends all the way to the surface. And so that would be my concern. (0019-21-2 [Guisse, Paul])

Comment: We also have a public water system and if there's any type of leakage whatsoever to go into that, that's going to affect the 20 owners. (0019-9-2 [McMaster, Connie])

Response: *The NRC will evaluate the impacts on the groundwater resource associated with the construction and operation of a facility at the proposed site. The results will be presented in Chapters 4 and 5 of the EIS. Cumulative impacts will be presented in Chapter 7.*

2.8 Comments Concerning Ecology – Terrestrial

Comment: The ER indicates that approximately 1,843 acres of wetlands were located on the VCS site but stated that the site was experiencing unusually dry conditions, thus soil indicators for wetland delineation were used. Due to the drought conditions in Victoria County during the assessment, wetland identification may have been underestimated both in the acreage and in the usage by avifauna.

TPWD is of the opinion that the sampling plan for aquatic resources in the ER is inadequate. Texas is subject to extreme interannual variation in rainfall and hence in stream flows. From 2007–2009 Texas experienced one of the severest droughts in Central Texas since the 1950's. Victoria County specifically had the fifth driest year on record since 1900. The one year

sampling performed is not adequate or representative of normal conditions at this site, therefore the TCEQ sampling protocol should be utilized.

Recommendation: TPWD recommends that the NRC and Exelon conduct multiple years of surveying to evaluate the available habitat types and wildlife and avian species use of these habitats for the proposed VCS and offsite infrastructure. The ER was compiled during 2008, a year of extreme drought for the Victoria area, and this could have resulted in a lower wetland classification as well as a decrease of overall utilization of the proposed site by wildlife and avian species due to a lack of water availability.

Isolated wetlands, as well as jurisdictional wetlands provide valuable habitat for aquatic and terrestrial wildlife. Isolated wetlands within the project area would produce and support plant and invertebrate populations that provide food for a wide variety of waterfowl, wading, and other birds. In addition, these wetlands protect water quality by filtering and retaining freshwater runoff and associated pollutants from adjacent roads and developed properties.

Recommendation: TPWD recommends identifying all wetland areas; ephemeral, isolated and jurisdictional within the project area and minimize any adverse impacts. These wetlands should be verified by the USACE and EPA. Coordination of all impacts to the aquatic resources should be coordinated with Paul Silva with the Coastal Fisheries Division; he can be reached at 361-825-3204. Mitigation for impacts to wetlands has a potential to be addressed in creating wetlands within the cooling reservoir.

For those impacts that cannot be avoided, a comprehensive mitigation plan needs to be developed in consultation with TPWD.

Comment: At this time, it is unclear whether this project will impact a State-owned streambed. Disturbance of the State-owned streambed and removal of streambed materials would require a permit from this Department under Chapter 86, Parks and Wildlife Code. Application forms and additional information can be obtained from Tom Heger (0011-16 [Melinchuk, Ross])

Comment: The ER states that ecological monitoring occurred from October 2007 to October 2008.

Recommendation: TPWD is of the opinion that this abbreviated sampling plan in the ER is inadequate. Texas is subject to extreme interannual variation in rainfall. From 2007–2009 Texas experienced one of the severest droughts in Central Texas since the 1950's. Victoria County specifically had the 5th driest year on record since 1900. The one year sampling performed is not adequate or representative of normal conditions at this site, therefore TPWD recommends a multiple year sampling protocol should be utilized to fully evaluate the proposed location and the flora and fauna that inhabit the site. (0011-26 [Melinchuk, Ross])

Comment: TPWD staff was not able to locate a specific compensatory mitigation plan for the project's proposed wetland plan or any other habitats proposed to be impacted in the ER. TPWD's review of Section 4.6 of the ER, Measures and Controls to Limit Adverse Impacts During Construction Activities, provides some very generalized measures and controls that the review team considered in its evaluation of impacts of building the VCS. Table 4-6 also provides the team's list of measures and controls proposed by Exelon to limit adverse impacts during building the VCS. Table 4-6-2 provide a summary of the impact levels determined by the review team which categorizes the impacts as small, moderate, or large.

Recommendation: TPWD recommends that the NRC and Exelon formulate a compensatory mitigation plan for all impacts to fish and wildlife habitat, including wetlands and shallow water habitat for the proposed project. This would include impacts to species and habitats covered under federal law and state resource habitat types not covered by state or federal law. At a minimum, TPWD recommends a replacement ratio of 1:1 for state resource habitat types. TPWD requests the opportunity to review and comment on the compensation plan.
(0011-28 [Melinchuk, Ross])

Comment: TPWD staff was not able to locate a specific compensatory mitigation plan for the project's proposed wetland plan or any other habitats proposed to be impacted in the ER. TPWD's review of Section 4.6 of the ER, Measures and Controls to Limit Adverse Impacts During Construction Activities, provides some very generalized measures and controls that the review team considered in its evaluation of impacts of building the VCS.
(0011-5 [Melinchuk, Ross])

Comment: Page 4.3-2 VCS site surveys indicated the presence of 1,843 acres of wetlands. The U.S. Army Corps of Engineers has not concurred on the wetlands delineation or determined the extent of federally jurisdictional waters at the site. It appears that 62 wetland areas (42 are isolated but may still be usable by whooping cranes and migratory birds) are present in the project area. Most of these areas will be permanently impacted in addition to several streams that would be covered by the footprint of the infrastructure. There are also 78 acres of depressional wetlands to be temporarily impacted by laydown yards. There will be approximately 28 miles of stream lost by the footprint. We recommend laydown yards, staging areas, and equipment be placed in disturbed areas, avoiding important habitat areas.

Response: *The NRC staff's evaluation of wetland mitigation measures for the proposed site will be provided in Chapters 4 and 5 of the EIS.*

Comment: The ER states that the applicant surveyed for threatened and endangered species and species of concern in 2008. In addition, Exelon has initiated consultation with TPWD regarding endangered and threatened resources.

Recommendation: The ER does not address all rare resources outlined by TPWD in the 2008 correspondence (attached). TPWD recommends that the NRC address all rare resource concerns for the VCS site and all proposed offsite infrastructure.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence.

Recommendation: According to the ER, survey efforts were conducted for rare resources in 2008. TPWD recommends that Exelon conduct multiple year surveys that span varying weather patterns to adequately assess presence or absence of rare resources.
(0011-6 [Melinchuk, Ross])

Comment: Please have Exelon detail what the impact of that water usage will be on the endangered whooping crane. Please carefully the environmental impact of this proposed nuclear power plant on whooping cranes, the health of the bays in the coastal communities.
(0007-2 [Forbes, Bill])

Additionally, the VCS site contains part of its footprint within the 100 year flood plain. We recommend that infrastructure within the project footprint be realigned to avoid the floodplain area on the southeast end of the site. (0014-11 [Nicholopoulos, Joy E.]

Response: Pursuant to Section 7 of the Endangered Species Act, on November 8, 2010, the NRC initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS). The potential impacts on all Federal and State-listed threatened and endangered species, and species of concern, including the whooping crane, potentially impacted by the VCS will be evaluated and described in Sections 4.3.1.3 (construction) and 5.3.1.3 (operations) of the EIS. Recommended mitigation measures will be provided in Sections 4.3.1.5 (construction) and 5.3.1.5 (operations) of the EIS. Cumulative impacts will be presented in Chapter 7.

Comment: It will be such a protected area that wildlife will flourish. The Audubon Society conducts an annual bird survey during each December on the Jan Wellis Ranch across the RR tracks from the Exelon site. This site is included in the Guadalupe Delta-McFadden Ranch report. I predict that eventually there will be more individuals and species seen on that survey due to the protection the plant will afford. (0002-2 [Riesz, Peter B.]

Comment: Owing in large part to the nearby critical habitat (CR) of the federally-listed endangered whooping crane and the wintering population of its Aransas-Woods Buffalo flock, it is essential that the scope of the proposed EIS include the existing and likely future cumulative impacts upon that CR and population, particularly from the reduction of freshwater inflows into the estuaries, but also from other forms of habitat loss and deterioration. The latter include the impacts of the use and maintenance of the commercial navigation channels through the CR and of the rapid human development of marshes and coastal prairies in and adjacent to the CR, all of which are funded, authorized, and/or carried out by the U.S. Army Corps of Engineers (Corps), which I understand has agreed to become a cooperating agency for the purpose of preparing this EIS. The Corps is also responsible for the authorization, construction, and/or operation of the reservoirs affecting the CR and the flock. (0005-1 [French, Johnny])

Comment: Serious damage to these environments [coastal bays and estuaries] would be detrimental to the long term viability of the endangered whooping cranes which rely on the Aransas Refuge for their winter habitat. Please ensure that these concerns are fully addressed in Environmental Assessments for the proposed nuclear plant. (0006-5 [Gonin, Paul G.]

Comment: I am concerned about the impact this proposed nuclear plant will have on our wildlife which is presently undisturbed. My son who was sitting in his deer stand observing different bird species was surprised to see an American bald eagle, (a symbol for our USA) land in a tree on our property. (We are 3 miles from the proposed plant site.) The American bald eagle stayed awhile then flew off. My son is 50 years old this is the first time he has seen a bald eagle in the wild. We know that bald eagles nest on ranch land near the proposed "heavy haul road". (0009-1 [Hill, Janice])

Comment: Another great concern the whooping cranes and our bays and estuaries that can be ruined by this plant location. (0009-3 [Hill, Janice])

Comment: We as landowners have had the land for generations in this area. This area of Victoria Co has remained remote as in centuries past without disturbing the wildlife habitat. (0009-7 [Hill, Janice])

Comment: The Avian Power Line Interaction Committee (APLIC) has developed the following guidelines for minimizing adverse encounters with wildlife.

APLIC. 1994. *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*. Edison Electric Institute, Washington, D.C., 78 pp.

APLIC. 2006. *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission, Washington, D.C. and Sacramento, CA, 140 pp.

Recommendation: TPWD recommends Exelon and AEP incorporate these guidelines into the project to limit adverse impacts to wildlife, including migratory birds. These resources are available online at: www.aplic.org, www.eei.org, www.energy.ca.gov or at 1-800-334-5453. (0011-11 [Melinchuk, Ross])

Comment: According to the ER, approximately 7,129 acres on site would be disturbed by the construction of the VCS. Acreage impacts consist of approximately 6,354 acres of uplands habitat and 585 acres of wetland habitat. At the end of construction approximately 775 acres of temporary impacts would be restored and revegetated.

Recommendation: TPWD recommends that disturbed areas be restored to pre-construction contours and planted with a mixture of native herbaceous species, especially when the adjacent property of the proposed project contains native species of vegetation. Introduction of non-native species into native landscapes should be prevented. Native perennial grass species preferred by TPWD for permanent cover include switchgrass (*Panicum virgatum*), eastern gamagrass (*Tripsacum dactyloides*), Virginia wildrye (*Elymus virginicus*), Canada wildrye (*E. canadensis*), yellow indiagrass (*Sorghastrum nutans*) and little bluestem (*Schizachyrium scoparium*). Other species appropriate for the area can be found by accessing the TPWD Texas Plant Information Database at <http://tpid.tpwd.state.tx.us/overview.asp> or by accessing the TPWD Wildscapes website at <http://www.tpwd.state.tx.us/huntwild/wild/wildscapes/>. (0011-15 [Melinchuk, Ross])

Comment: Approximately 7,129 acres would be disturbed on site for this project. Construction would result in displacement of large and/or mobile terrestrial wildlife and mortality of some local individuals of smaller, less mobile species.

Recommendation: TPWD recommends that Exelon develop a mitigation plan for all terrestrial resources that become unavailable for wildlife use. TPWD also recommends that Exelon develop a revegetation plan for all areas that are temporarily disturbed and that pre-construction contours are reestablished and that the area is reseeded with native vegetation.

Recommendation: TPWD recommends the identification of both terrestrial and aquatic invasive species present on or near the VCS site and develop plans for eradication or preventing introduction from the site. After construction, the disturbed areas should be managed to return to the natural coastal prairie ecosystem environment. (0011-17 [Melinchuk, Ross])

Comment: The ER states that avian collisions with equipment (cranes), structures (buildings, fences, etc.), and new transmission lines during the construction phase could possibly result in mortalities.

Recommendation: TPWD recommends that Exelon survey for avian related mortalities during construction and post-construction. In addition, measures can be taken to minimize the impact of the proposed facility upon avian communities such as:

- Unless otherwise required by the FAA, only white (preferable) or red strobe lights, or red flashing incandescent lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid (nonflashing) warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights.
- Recent research indicates that use of only white strobe, red strobe, or red flashing lights provide significant reductions in bird fatalities on towers less than 482 feet (147 meters) AGL (Gehring 2009).
- Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site. (0011-18 [Melinchuk, Ross])

Comment: According to the ER, the RWMU pipeline would be installed by conventional direct-bury/lay construction techniques for most of the pipeline. Horizontal direct drilling (HDD) would be utilized to minimize impacts for the larger water crossings, such as the San Antonio River, and down the steep bluff near the edge of the San Antonio River. Smaller water crossings would be traversed by conventional above ground methods.

Recommendation: TPWD supports the plan to HDD pipelines under major stream crossings and their associated riparian corridors. TPWD recommends placing the bore entry/exit locations and equipment staging areas outside riparian habitat, in previously disturbed sites.

Pipeline projects usually do not result in a net loss of wetlands, though there are reductions in overall functional value when forested wetlands are permanently and temporarily converted to emergent or scrub-shrub. Typically, an area 10-feet wide centered over the pipeline is permanently maintained in an herbaceous state. Often trees beyond the 10-foot wide area are selectively removed or prevented trimmed; therefore, forested wetlands beyond the 10-foot wide area would not be given the chance to become a mature forested wetland.

TPWD makes the following recommendations:

Recommendation: The permanent impacts to forested wetlands should be calculated to include the total width of area where trees would be removed during long-term maintenance including any removal areas beyond the 10 foot wide area. All forested wetland clearing is considered a permanent impact that would require compensatory mitigation.

Recommendation: The wetland mitigation plan should take into consideration the temporary and permanent impacts associated with conversion from forested to herbaceous or scrub/shrub wetlands.

Recommendation: The DEIS should address wetland, riparian, and bottomland hardwood impacts at the proposed river and stream crossings to determine that the location chosen is most suitable and provides the least amount of unavoidable impacts compared to other possible crossing locations nearby. Mitigation for impacts to all wetlands, bottomland forests, and riparian areas should be provided.

Recommendation: In these areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be placed within streambeds during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

Recommendation: High quality wetland, riparian, and bottomland hardwood communities should be crossed using directional drilling techniques when avoidance is not feasible. Staging areas for the drilling equipment should be located in previously disturbed areas or areas of low value habitat.

Recommendation: Vehicles not needed specifically at creek crossings should utilize nearby roadways and bridges when crossing wetlands and streams to avoid soil disturbances.

Recommendation: The applicant should minimize disturbance to inert microhabitats, i.e., snags, brush piles, fallen logs, creek banks, and pools as these provide habitat for a variety wildlife species and their food sources. (0011-19 [Melinchuk, Ross])

Comment: Several important wildlife refuges, sanctuaries, preserves, and habitat that support rare or protected resources are in proximity to the VCS. The Texas Parks and Wildlife Department's (TPWD) Guadalupe River Delta Wildlife Management Area is approximately 11 miles southeast of the proposed site near the junction of Calhoun, Refugio, and Victoria Counties. The Aransas National Wildlife Refuge is approximately 18 miles south of the VCS in Aransas, Calhoun, and Refugio Counties. The TPWD's Welder Flats Coastal Preserve is near the junction of the Victoria Barge Canal and the Gulf Intracoastal Waterway, approximately 26 miles southeast of the proposed site. The VCS site is also located within the endangered Attwater's prairie chicken priority habitat and lands enrolled under a Safe Harbor Agreement, where proactive management actions are identified and undertaken on the enrolled lands in order to achieve a net conservation benefit for the species. Loss of habitat, impacts to species, or reduction of water quantity or quality could affect the habitat function of each of the above mentioned conservation areas. (0014-1 [Nicholopoulos, Joy E.]

Comment: Page 2.4-7 Site surveys and data collected on breeding bird surveys near the VCS site identified around 200 species present at some point in the annual cycle. The Service does not provide concurrences with the Migratory Bird Treaty Act, and there is no permit issued for the take of migratory birds. The Service recommends avoidance of nest disturbance by surveying and providing a buffer around the nest until young fledge or contact the Service's Regional Office for a relocation permit to take birds to an approved rehabilitation facility. Please refer to Attachment 3, *Suggested Priority of Migratory Bird Conservation Actions for Projects*, March 9, 2010, for further guidance on migratory birds and construction projects. (0014-10 [Nicholopoulos, Joy E.]

Comment: Page 4.3-7 Transmission corridors may impact bald eagle nests or habitat and may be a potential hazard to whooping cranes. Noise impacts (temporary and permanent), as well as lighting impacts from construction and security for the facility, need to be assessed and considered in compensation. Exact routes of these corridors have yet to be determined. However, it is important to identify alternative corridors in order to determine in the EIS the corridor with the least amount of impact to habitat and listed species. We recommend placing bird diverters on all transmission lines and towers, as described in, *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*, by the Avian Power Line Interaction Committee. (0014-12 [Nicholopoulos, Joy E.]

Comment: Groundwater withdrawals from the Evangeline Aquifer could also affect local hydrology. Adequate freshwater inflows primarily from the Guadalupe and San Antonio Rivers are needed to maintain proper salinity gradients, nutrient loading, and sediments to sustain healthy endangered whooping crane wintering habitat and critical habitat. Instream flows maintain low salinity coastal waters that provide drinking water for whooping cranes and reduce the need for the species to fly inland for fresh drinking water, and increase blue crab populations (primary food of whooping cranes). Construction and operation of the facility could divert or remove Kuy Creek, a perennial stream located north of the VCS site to the confluence of the Guadalupe River, along with several other unnamed ephemeral/intermittent streams. We recommend discussing this issue at greater length in the EIS so that the nature of the impact(s) is clear. Also, low-lying depressions on site could be removed in addition to makeup water (water which is supplied, as to a cooling tower, to compensate for losses by evaporation and leakage) being pumped from the Guadalupe River. This may further impact freshwater inflows and normal water flows within the floodplain, thus impacting threatened and endangered species downstream, including the endangered whooping crane. (0014-3 [Nicholopoulos, Joy E.]

Comment: Whooping cranes and other migratory bird species may be impacted by colliding with power lines, fences and other structures during migration. Since 1956, collisions with power lines are responsible for the death or serious injury of at least 44 whooping cranes. Additional power lines within the migration corridor will increase the potential for collision mortalities. According to the Service's Whooping Crane Coordinator Data, approximately 56 whooping cranes were sighted utilizing various marshes and lands in Victoria, Aransas, Refugio, Calhoun, Goliad, Matagorda, Wharton, and Jackson Counties between 1982 and 2007. The VCS site surveys also reported sightings of sandhill cranes. Many of the sandhill cranes reported were documented migrating with whooping cranes; therefore, it is possible whooping cranes have been on the site and were not detected at the time of the surveys. We recommend avoidance of possible whooping crane stopover habitat and that all transition lines are marked with bird diverters, as described in, *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*, by the Avian Power Line Interaction Committee. (0014-5 [Nicholopoulos, Joy E.]

Comment: And make no mistake about the relationship between the inflow of water from the Guadalupe River to San Antonio Bay and negative impacts on the quality of San Antonio Bay and negative impacts on the Aransas Buffalo Wood whooping crane flock. There is a direct and statistically significant relationship between the decline of the Guadalupe River freshwater inflows and an increase in deaths of whooping crane. According to Dr. Ron Sass of Rice University, using the Fisher exact probability test, there is only a 1 percent chance that the whooping crane deaths observed over the last couple of decades are unrelated to river flows. Stated otherwise, there is an overwhelming probability of a relationship between reductions and inflows and whooping crane mortality. (0017-5-4 [Blackburn, Jim])

Comment: We urge the NRC the statistics and analytical techniques will play a major role in the scope of the environmental impact analysis and in a procedurally correct impact statement. The NRC should take a substantial amount of time to get the statistical analytical processes correct, particularly for evaluating bay and estuarine impact. (0017-5-5 [Blackburn, Jim])

Comment: The Aransas Project is organized around a rather specific objective. We are interested in and support the continuation, we want to ensure the continuation of freshwater inflows into the San Antonio Bay and adjacent bays to maintain the ecological health of those bays, the wildlife that depends on them, most especially the whooping crane. It is well established in the scientific literature that insufficient inflows to an estuary like San Antonio Bay

and these other bays can create significant change which is often very adverse. It can affect salinity gradients in estuaries, it can affect the abundance, distribution and diversity of key species, and it can reduce the transport of essential nutrients into bays. (0017-8-1 [Outen, Ron])

Comment: Aransas County, of course, is synonymous with the Aransas County Wildlife Refuge which is the winter home to the only remaining population of naturally migrating whooping cranes in the world. These large bays in our area – and it's not just San Antonio Bay, we have to include Mesquite Bay and Aransas Bay, and to a degree, Copano Bay as well, as dependent upon Guadalupe River flows – depend absolutely on the freshwater inflows from those rivers. We're concerned, therefore, about any project that would increase the amount of water withdrawn from the Guadalupe River, especially in drought years. In terms of this particular meeting, we specifically request that the environmental impact statement include a thorough analysis of the environmental impacts of withdrawals, reduction of freshwater inflows on the health of these bays and ecosystems and specifically the well-being of the whooping crane. This should focus especially on drought years. This is not an issue that you can deal with with average flows over decades, it's a problem when we have drought conditions and reduced flows coming down the river, it's especially a problem then. There is a rich and mature body of scientific literature on the issue of freshwater inflows and their vital requirement for the health of estuaries that receive those inflows. That literature is readily available, it's available for use in an environmental impact statement of the type I'm describing, and we very sincerely and strongly urge that this environmental impact statement deal adequately with these kinds of environmental concerns. (0017-8-3 [Outen, Ron])

Comment: I just want to emphasize the fact that Paradise Ranch is one of the most unique ecosystems I have ever seen in my entire put-together. It has every type of wildlife that's indigenous to this part of the world. Not just Paradise Ranch but a whole lot of the Guadalupe River bottom will be affected. We're not the only ranch there. There are two ranches adjacent to ours that will be affected in the same manner: it's the Stubblefield Ranch and then the John Gibbs Ranch which surrounds a lake that's just below ours, Lynn Lake. All of these properties include wildlife that is going to be totally disoriented and disturbed if we put a heavy haul road all the way from 77 down to the turn that goes to our ranch and then across our ranch to the Guadalupe and then to the barge canal. This road will go through wetlands, high hardwood forests, it will go across sloughs, bayous, creeks, every type of wildlife habitat that you will see anywhere will be found in this part of the world, and the impact from this sort of thing I can't estimate and I don't think anybody else can either until perhaps some of the people from Exelon and the NRC come out and ride around this area and see what we have to offer and what is going to be disturbed. (0019-10-1 [McMaster, Dan])

Comment: As far as environmental, there are a lot of species that enjoy that piece of property right now. It's one of the prime quail hunting areas in our neighborhood. There are guided hunts going on on that place occasionally. I know of some people who have hunted there and they say it's probably the best quail hunting in Victoria and surrounding counties. (0019-15-5 [Huber, David])

Comment: I'm a landowner in McFadden next to where the nuclear plant is going to be built. This ranch is a really pristine ranch, very unique in its wildlife and stuff. When I bought my property I put a high fence for deer and cattle operations. During the test wells that you did for the soil sample, I had enormous amounts of bobcats, coyotes, hogs, every animal came to my place. I hope some of them go north of Victoria when this gets built. (0019-17-1 [Dolezal, Harold])

Comment: I have a concern when we talk about wildlife. I know a lot of people sneer, you know, wildlife is not near as important as the water and the nuclear power and the jobs, and that's partly true. But we have watched the eagles build nests and live on our ranch every year for the last 20 years. Right now my husband could not be here, he's down with some friends today, and he said, The pelicans are just flying back and forth over us this morning. There's probably, he said, a thousand, I said several hundred because I tried to take pictures. I said, Take some pictures quick. And he said, It's dark, you can't take pictures in the dark. But there are pelicans, geese, flamingo, all sorts of bird, turkey, islets, cats, hogs, and of course the deer. I mean, it's just full of wildlife. (0019-19-2 [Gibbs, Sue])

Comment: You will hear some discussions this afternoon primarily maybe about some wildlife. We believe that those concerns have been satisfied. (0019-2-4 [Pozzi, Donald])

Comment: I've heard you mention today about the wildlife, the safety and the water. I've yet to hear what will be done to fix that because from what I'm seeing our wildlife will be totally cut off. We've seen drought out there in the five years I've been there. (0019-9-7 [McMaster, Connie])

Response: *The NRC staff will assess aquatic and terrestrial impacts of construction and operation of a facility at the proposed site. The results will be presented in Chapters 4 and 5 of the EIS. Cumulative impacts will be presented in Chapter 7 of the EIS, based on the affected environment described in Chapter 2.*

Comment: I assume similar analyses will be performed in the preparation of the formal consultation documents mandated by the Endangered Species Act and its regulations, i.e., the Biological Assessment (BA) and the Biological Opinion (BO). (0005-3 [French, Johnny])

Comment: Under Chapter 68, Texas Parks and Wildlife (TPW) Code, state-listed species are prohibited from take. TPW Code does not establish an incidental take permit analogous to the U.S. Fish and Wildlife Service (USFWS) Section 10 permit established under the Endangered Species Act. TPWD cannot provide an incidental take permit in preparation of the DEIS.

Recommendation: Although TPWD does not provide incidental take permits, only personnel with a TPWD scientific collection permit are allowed to handle and move state-listed species. Should the applicant require moving state-listed species out of harms way for construction activities, the person handling the species must possess a scientific collection permit, which can be obtained from TPWD Permitting Specialist, Chris Maldonado (0011-27 [Melinchuk, Ross])

Comment: The EIS for the Victoria County Station site is therefore required to address all of the following environmental impacts, including but not limited to:

All impacts on aquatic ecosystems and endangered species.

The EIS must describe and evaluate all the impacts resulting from Exelon's water diversions. The diversions will reduce freshwater, sediment, and nutrient inflows into San Antonio Bay and harm bay, estuary and marsh productivity. Endangered Whooping Cranes rely on a healthy and productive ecosystem, especially blue crabs and wolfberries. Whooping Cranes' health and survival are linked to freshwater inflows. Low inflows cause high salinity conditions and lead to reduced abundance of blue crabs, wolfberries and drinkable water for Whooping Cranes, which in turn causes increased morbidity and mortality in the Crane population. Exelon's water diversions will result in more severe, more frequent and longer lasting high-salinity drought

conditions in the San Antonio Bay system. Exelon does not propose to mitigate any of these impacts.

Because Exelon's water diversions will adversely modify designated critical habitat for the Whooping Crane and long periods of high salinity are linked to increased whooping crane mortality, the NRC must immediately begin a Section 7 consultation with the United States Fish and Wildlife Service ("FWS") to obtain their decision/biological opinion as soon as possible. Should the FWS issue a jeopardy or significant modification decision, it would be best to know that now before the NRC goes through the multi-year long hearing on all the other issues. (0012-4 [Irvine, Charles])

Comment: The Service agrees with Exelon that formal consultation is appropriate and a Biological Assessment should be prepared. Guidance for preparing a Biological Assessment is attached (Attachment 1). Because an Endangered Species Act (ESA) section 7 consultation is conducted between two Federal agencies, the Service would be consulting with the Nuclear Regulatory Commission (NRC). If Exelon will be acting as the non-Federal representative for the NRC, the NRC should provide a designation letter to the Service. We have also attached an updated county by county species list for your information (Attachment 2). Additionally, the EIS should incorporate appropriate mitigation and/or compensation for those resource impacts that cannot be avoided or minimized. (0014-8 [Nicholopoulos, Joy E.]

Comment: Threatened and Endangered Species

Page 2.4-9 Whooping crane – The whooping crane, its habitat, and its designated critical habitat are vulnerable to impacts from construction and operation of the nuclear facility. This species is documented to occur in the vicinity of the VCS site, and is dependent on flows from the Guadalupe and San Antonio Rivers for food and water. We recommend careful and extensive analysis of impacts to the whooping crane.

Page 2.4-9 Piping plover – Wintering habitat for the threatened piping plover is located along the shoreline of Matagorda Island, approximately 25 miles south of the VCS site in Calhoun County. Matagorda Island and other coastal areas are designated critical habitat for this species. We recommend careful analysis of impacts to the piping plover.

Page 2.4-9 Attwater's Prairie Chicken – Portions of the VCS site are enrolled in a Safe Harbor Agreement for the Attwater's prairie chicken, and the species is known to occur in Victoria County where enrolled landowners agreed to manage vegetation on their property for the benefit of this species. The VCS site also lies within a priority management zone because of the Safe Harbor Agreement management activities and site proximity to historic breeding grounds. Mammal trappings were conducted in this priority management zone. We recommend that if Exelon plans to conduct future mammal trapping surveys or other survey activities they should request information from appropriate state fish and wildlife and/or Federal agencies as to whether permits are required.

Page 2.4-4, 2.4-9 Bald eagle – Although the bald eagle has been delisted, the species is afforded protection under the Bald and Golden Eagle Protection Act, and we continue to monitor the species. Three possible routes (A, B, and C) for the makeup water pipeline have been surveyed. Each route crosses the San Antonio River and/or its tributaries which have documented bald eagle nests. Survey data for the VCS site identified a bald eagle near Linn Lake. We recommend a monitoring plan be incorporated into the EIS for the bald eagle.

Page 2.4-12 Sea turtles – Five species of sea turtles nest on Texas barrier islands and could possibly occur in San Antonio Bay. The hawksbill and the leatherback turtles are rare nesters to the coast. We recommend the sea turtles be included in the Biological Assessment.

Page 2.4-12 West Indian Manatee – Manatees occurring in Texas probably migrate up from Mexico. There have been several sightings over the last few years of manatees along the coastal counties. In early November 2010, one individual was documented in Nueces County, Texas. We recommend the manatee be included in the Biological Assessment.

Page 2.4-12 Brown pelican – Although the brown pelican has been delisted, we continue to monitor the species post-delisting. The brown pelicans are located in Aransas, Calhoun, and Matagorda Counties, which is near the VCS site. We recommend that a monitoring plan be incorporated into the EIS, if brown pelicans will be disturbed.

Page 2.4-13 Jaguarundi and Ocelot – The cats are limited because of loss of habitat. However, there have been some unconfirmed sightings at Aransas National Wildlife Refuge. We recommend the cats be included in the Biological Assessment.

Page 2.4-13 Eskimo Curlew – The last Eskimo curlew was documented in April 1962 in the Galveston, Texas area. However, the species does occur in coastal prairie habitats. We recommend the Eskimo curlew be included in the Biological Assessment.

Page 2.4-45 Mountain Plover – The mountain plover is currently proposed to be listed as threatened, and was documented on the VCS site survey. Although this species is not afforded any legal protection under the ESA, we recommend that Exelon propose conservation measures aimed at benefiting the species and its habitat. (0014-9 [Nicholopoulos, Joy E.]

Comment: We also urge that consultation on whooping crane impacts be undertaken with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act and that a detailed biological assessment be completed. (0017-5-6 [Blackburn, Jim])

Response: Pursuant to Section 7 of the Endangered Species Act, on November 8, 2010, the NRC initiated informal consultation with the USFWS. During informal consultation, the NRC has requested a list of Federal threatened, endangered, proposed, and candidate species that are known to occur, or that potentially could occur, on the Victoria County Station site or in the vicinity (and on or in the vicinity of the alternate sites) and that could thus be impacted by activities that are the subject of the EIS for the Victoria County Station early site permit. During informal consultation, the NRC has also requested from USFWS a statement of concerns regarding such species. The NRC will evaluate the impacts, both direct and indirect, to such species in consideration of the concerns expressed by the USFWS and undertake further consultation where necessary. The NRC will evaluate the impacts of construction and operation a new nuclear power generating facility, including up to two units, at the proposed site. The results will be presented in Chapters 4 and 5 of the EIS. Cumulative impacts will be presented in Chapter 7.

2.9 Comments Concerning Ecology – Aquatic

Comment: On November 5, 2009, the Texas Parks and Wildlife Commission placed 15 native freshwater mussel species on the state threatened species list; therefore, previous TPWD correspondence regarding the proposed project did not fully address the newly listed species.

Recommendation: TPWD recommends the DEIS include a description of the mussel sampling methodology and its appropriateness for obtaining baseline data. The DEIS should include a summary of existing TPWD survey data for mussels from VCS to downstream. Because the data may be outdated, TPWD recommends Exelon conduct additional pre-operation mussel sampling from VCS to downstream reaches below the VCS site. Using survey methodology appropriate for mussels, sampling should assess the habitats that have suitable conditions to support mussels. For additional data regarding mussel survey records for the Guadalupe River in the project vicinity, please coordinate with Michael Warriner, TPWD Invertebrate Biologist (0011-7 [Melinchuk, Ross])

Response: *In the EIS, the NRC will discuss freshwater mussel species, including state listed species, that may occur in the Guadalupe River and waterbodies crossed by the proposed transmission lines. Sources of information on the occurrence of the mussels in these waterbodies will include the "Distributional Surveys of Freshwater Bivalves in Texas" progress reports and other bivalve-related reports published by the Texas Parks and Wildlife Department (TPWD). The NRC will recommend that the applicant conduct surveys for freshwater mussel in areas potentially impacted by construction and operation of the VCS, and that the methodology for the conducting the surveys be established with input from TPWD.*

Comment: Some National Marine Fisheries Service (NMFS) species of concern were found in the aquatic surveys. We recommend Exelon contact NMFS for further review and recommendations, and discuss potential impacts to Essential Fish Habitat. (0014-6 [Nicholopoulos, Joy E.]

Response: *On November 8, 2010, the NRC initiated informal consultation with the National Marine Fisheries Service (NMFS) for a list of species protected by the Endangered Species Act that are under the jurisdiction of NMFS and that NMFS believes to occur in the region of influence associated with construction and operation of VCS. The listed species under the jurisdiction of NMFS anticipated to be evaluated in the EIS include five sea turtle species and the smalltooth sawfish.*

Correspondence with NMFS will also occur for the presence of essential fish habitat (EFH) and species protected by the Gulf of Mexico Fishery Management Council that occur in San Antonio Bay. NRC intends to include an EFH assessment in the EIS. Species with identified EFH in San Antonio Bay that will be profiled include, but may not be limited to, brown shrimp, pink shrimp, white shrimp, Gulf stone crab, spiny lobster, red drum, gray snapper, and Spanish mackerel.

Comment: Please take into consideration the fact that fresh water from the San Antonio and Guadalupe Rivers is the lifeblood of our estuaries and bay system. It has been proven through draught that all of the resources of the area depend on the fresh water and health of our bays. We cannot let our area become another Chesapeake Bay. Please learn from previous mistakes. (0004-1 [Moore, Tommy])

Comment: I am very concerned that the proposed EXELON nuclear plant near Victoria, Texas will require the usage of vast amounts of water drawn from local rivers. I believe that this usage will severely restrict fresh water inflows to coastal bays and estuaries. Maintaining a balance of fresh and salt water in these bays is critical to the health of their ecosystems. (0006-1 [Gonin, Paul G.]

Comment: Serious damage to these environments [coastal bays and estuaries] would be detrimental to bay fisheries. Please ensure that these concerns are fully addressed in Environmental Assessments for the proposed nuclear plant. (0006-2 [Gonin, Paul G.]

Comment: According to the ER water bodies that could be affected include the Guadalupe River, the San Antonio Bay System, the Victoria Barge Canal, Kuy Creek and Dry Kuy Creek, and their associated onsite tributaries, Linn Lake, more than one dozen small, isolated stock ponds, and 30 isolated wetlands on the site (including six large isolated wetlands ranging in size from approximately 10.6 acres to 38.5 acres).

Overhanging vegetation in riparian and wetland areas, undercut banks, logs and other streamside features provide cover for aquatic species. These types of cover and instream habitats could be disturbed by clearing and trenching during construction resulting in decreased shading, increased water temperature, bank erosion, altered hydrology, and displacement for wildlife from disturbed area.

Recommendation: Green and Mission Lakes, and Hynes and Guadalupe Bays are important aquatic resource sites. During construction, sediment-laden stormwater should not be allowed to flow into these lakes and bays. High turbidity and suspended solids can have deleterious effects on oysters and seagrass beds. TPWD recommends turbidity curtains should be used to avoid these impacts. Measures must be in place to assure that necessary flows are maintained and that stormwater from the site is retained and treated before release.

Comment: During operation, contaminants released into the Guadalupe River would very quickly spread throughout the coastal lakes and bay system potentially having a significant impact upon many commercially and recreationally important species including threatened and endangered species such as whooping cranes and sea turtles. (0011-14 [Melinchuk, Ross])

Comment: The proposed impacts to aquatic resources including: the Guadalupe River, the San Antonio Bay System, the Victoria Barge Canal, Kuy Creek and Dry Kuy Creek, and their associated onsite tributaries, Linn Lake, and associated wetlands. (0011-2 [Melinchuk, Ross])

Comment: In addition, the RWMU system pump station and intake canal would require dredging of the Guadalupe River and the creation of a canal approximately 350 feet wide. Approximately 171,300 cubic yards of spoil would be removed from the Guadalupe River and its banks.

Recommendation: TPWD does not support Exelon's conclusion that the level of impact from construction of the RWMU system and associated infrastructure is SMALL. TPWD recommends that the NRC reevaluate this conclusion. If the NRC reaches the same conclusion as Exelon, TPWD requests a detailed explanation for this conclusion. TPWD recommends that Exelon mitigate for all impacts associated with aquatic resources. (0011-20 [Melinchuk, Ross])

Comment: According to the ER, it will be necessary to blow down the cooling basin to control the accumulation of salts and solids within the cooling reservoir. The cooling basin blowdown will be pumped to the Guadalupe River via a discharge pipeline. The blowdown flows are expected to range between 0 and 6,500 (normal) or 40,000 (maximum) gpm.

Blowdown water could also contain concentrations of some chemical and/or biocides. The ER states that volume and concentration of each constituent discharged to the Guadalupe River as

part of the blowdown would meet requirements established in the TPDES permit issued by TCEQ.

Recommendation: Discharges related to plant operation and any hydrostatic testing may alter flow regimes within the lower Guadalupe River and its nearby estuary, San Antonio Bay. San Antonio Bay supports diverse and healthy aquatic habitats including unvegetated estuarine benthic bottoms, estuarine emergent wetlands, oyster reefs and seagrass beds that are designated as essential fish habitat for crabs, oysters, shrimp and fish species. These species provide an important recreational and commercial fishery in the San Antonio Bay system and should be considered in the water resource impact assessments.

TPWD recommends the assessment address effects on estuarine organisms and habitat that result from potential changes in water quality and hydrologic regime. The quantity and timing of discharges should be managed to consider the life cycles of these recreational and commercially important species. In addition, contingency plans should be made to address excessively wet or drought conditions. **(0011-23 [Melinchuk, Ross])**

Comment: Blowdown discharges may contribute to changes to existing water quality parameters (temperature, dissolved oxygen, turbidity, chemical constituents) in the receiving water, especially during low flow and drought conditions when there is less water in the receiving stream for dilution. Estuarine organisms and their habitats may be affected through acute or chronic toxicity and high turbidity; and may affect their survival, reproduction, growth, and recruitment. Filter feeding species such as mussels, clams, and oysters would be particularly vulnerable to the introduction of pollutants or disturbance of sediments affecting water quality, instream and estuarine habitat.

Recommendation: TPWD recommends operational monitoring of aquatic resources (biota and habitat) of YCS, Guadalupe and San Antonio Rivers from YCS downstream to, and including upper San Antonio Bay. Operation procedures should be developed to detect levels of aquatic biota and habitat impact and to implement mitigation strategies as impacts above negligible levels are detected. TPWD recommends the NRC review team require the development and support of a cooperative monitoring program that includes fixed monitoring stations designed to monitor turbidity and specific contaminants that may flow into Guadalupe and Hynes Bays as a result of the project. TPWD, among other agencies, has expertise and interest in participating in the design and operation of a monitoring program. An adaptive management strategy should be incorporated to mitigate the impacts revealed through monitoring. Additional pressures on biota and habitat as a result of the project should be reduced through mitigation to restore, enhance or create habitat to help offset anticipated impacts. As an aid in mitigating impacts, TPWD recommends the NRC review team incorporate operational strategies to ensure base flows and episodic releases entering the Guadalupe River maintain the existing characteristics of the hydrologic flow regime, and is consistent with applicable environmental flow standards for the river and bay system. **(0011-24 [Melinchuk, Ross])**

Comment: Exelon cannot escape the impacts of this water [Guadalupe River] and the use of this water on the impacts on the aquatic ecosystem. **(0017-5-2 [Blackburn, Jim])**

Comment: I'm concerned about the water that's going into the Guadalupe and the heat that that will put into the water. Will it kill the fish? **(0019-19-4 [Gibbs, Sue])**

Response: *The NRC staff will assess potential impacts from the cooling system (including impingement and entrainment from the intake structure, as well as discharges into the*

Guadalupe River) and the resulting impacts to aquatic organisms, during its evaluation of the ESP application. The results of the analysis will be presented in Chapter 5 in the EIS. Cumulative impacts will be presented in Chapter 7 of EIS.

2.10 Comments Concerning Socioeconomics

Comment: Serious damage to these environments [coastal bays and estuaries] would be detrimental to tourism. Please ensure that these concerns are fully addressed in Environmental Assessments for the proposed nuclear plant. (0006-3 [Gonin, Paul G.]

Comment: The decisions on this issue [water impacts] by NRC will mean that no-one else will be able to rely on GBRA's 75,000 ac-ft/yr of water, even if Exelon never constructs the plant. For example, cities will not be able to use that water for long-term planning. The NRC's decision will have a huge socioeconomic impact on the region, and because Exelon won't commit to building the plant, not a single socioeconomic benefit will result. (0012-3 [Irvine, Charles])

Comment: We are concerned that the local economy will in the long run be damaged by the facility. Exelon is asking for a 20 year commitment – the water and local community will be committed but Exelon will not be required to build. Therefore other industries that might come to the area may not come due to Exelon's commitment. Further, as was experienced in Matagorda County, Texas as a result of the construction of the South Texas Nuclear Plant, the local economy might boom with construction workers coming into the area but then the local economy might bust after plant construction and because of added infrastructure costs on the schools, Sheriff, police, and other community services. The proposed Exelon facility is located in the Refugio County Independent School District. Taxes might go to Refugio ISD, but the workers and their children would most probably go to the schools in Victoria ISD, causing an imbalance in the school infrastructure. Further, pollution of the water or over usage would, at the very least, hurt the real estate value and overall economy of Victoria, and the other communities along the Guadalupe (as mentioned above). And at the worst, an accident or terrorist action could have devastating results on the population. We would ask that the NRC require Exelon to provide financial assurances. Further, in the early site permit, we ask the NRC to consider the hidden economic costs of the proposed Exelon Victoria nuclear project to our community and to the Guadalupe River system. (0013-14 [McKenzie, Sandra])

Comment: Those are some of the main and many reasons that this community should look carefully. Look also at the history of Bay City. When they invested in the first two reactors they thought: Oh, great, we're going to have this economic boon. For four years the population went up. After that it went back down and eventually was right about where it started. The city is not booming economically. In fact, people who live there say it's quite a struggle. (0017-15-7 [Hadden, Karen])

Comment: You're probably going to hear a lot of the economic benefits and those are very measurable and I certainly don't want to discount those, and they materialize in the form of tax revenues, of jobs that are going to come in, families who are going to have good incomes and are therefore able to support local businesses. There are studies and analyses I can certainly refer to where the economic benefits are examined for various plants. (0017-3-4 [Kray, Marilyn])

Comment: This concern is not an idle matter, not an academic matter for us in Aransas County because healthy bays, and the whooping cranes in particular, are especially significant and, in

fact, vital for our economic survival. Aransas County is the second smallest county in Texas and half of it is under water. We depend absolutely on nature tourism for our very existence there. That means recreational fishing, commercial fishing as well, birding which is very much centered around the bays, and of course, the whooping crane which is the big driver of tourism in the winter when people come from all over the world to take the tour boats out to the refuge. (0017-8-2 [Outen, Ron])

Comment: Our Chamber of Commerce recognizes and endorses the potential creation of 2,000 construction jobs that will last for several years and the fact that the facility will create approximately 700 permanent jobs that will have an average salary of \$70,000 annually which in turn will contribute greatly to the area's economy in the form of local tax revenue and a \$2.6 billion and potential additional revenues based on economic multipliers. This, of course, does not take into account the potential spinoff jobs that will be created as well. (0019-11-2 [Lyon, Jeff])

Comment: When this project comes to Victoria, the infrastructure that comes to the Port of Victoria will enhance the port not only for Exelon but for many, many future projects and bring many, many jobs to Victoria for other economic development. (0019-13-2 [Calhoun, Elton])

Comment: I've heard talk today about the benefits to our community. No one has addressed the fact that the school taxes from this plant will go to Refugio County since the McFadden Independent School District has opted to be part of Refugio County. I haven't heard a word about the tax abatement will probably be in the neighborhood of ten years which by then the plant will be worth quite a bit less when it is taxed. (0019-15-4 [Huber, David])

Comment: We're committed to the communities. There's a very measurable part about our community commitment in the form of tax revenue, jobs, and I can refer you to different studies whether you want to look at the impact that plants have had, whether they be Exelon plants or any other plants in the United States. (0019-4-4 [Kray, Marilyn])

Comment: From an economic development perspective, it's easy to get pretty excited about a project like this. Dr. Ray Perryman, a well known Texas economist, suggests that this project alone should increase the overall economy of this region by over 11 percent, it will create millions of dollars for the local taxing entities in new tax revenues and thousands of jobs around the region, 700 at least right at the nuclear facility of permanent jobs and good incomes. We're going to need the power in Texas. Our area needs these jobs, but we don't need them at all costs and no one is really suggesting that I've heard here today. (0019-8-1 [Fowler, Dale])

Response: *The NRC staff will evaluate the regional socioeconomic impacts of the proposed action in Chapters 4 and 5 of the EIS, including impacts related to the local economy, taxes, transportation, aesthetics, recreation, housing, education, community infrastructure, and social services.*

2.11 Comments Concerning Historic and Cultural Resources

Comment: The Tonkawa Tribe is certainly interested in the effect on historic properties within the APE and the resolution of any adverse effects or any historical or cultural sites identified in the above listed project area. If any human remains, funerary objects, or other evidence of

historical or cultural significance is inadvertently discovered then the Tonkawa Tribe would certainly be interested in proper disposition thereof. (0008-1 [Allen, Miranda])

Comment: The lady at the NRC meeting spoke of the archaeologist finds on their ranch that was destroyed when Exelon came on their property. The proposed plant site would be near century's old undisturbed land. This part of TX has a lot of history and especially this area. Just yesterday in the Victoria Advocate Dec. 29, 2010, section B, page 1, "Historians try to prove that historic trail linking presidios did pass through Victoria Co." (0009-2 [Hill, Janice])

Comment: Good neighbors do not destroy archaeological projects that have been dug with brushes and toothbrushes and little tools for 20 and 30 years. Good neighbors do not take backhoes and come in and destroy four archaeological sites that have been used by archaeological people of Victoria and many of the items have been displayed at the Museum of the Coastal Bend. Good neighbors do not do that. (0019-19-1 [Gibbs, Sue])

Response: *As part of its environmental review of historic and cultural resources, the staff will meet with the Texas State Historic Preservation Office (SHPO) and will review other appropriate information sources. The results of the analysis will be presented in Chapter 4 of the EIS, and the staff will take any appropriate action called for as a result of this review. The NRC will also fulfill its responsibilities under Section 106 of the National Historic Preservation Act with regard to historic properties for the project. The results of the Section 106 review will also be presented in the EIS.*

2.12 Comments Concerning Meteorology and Air Quality

Comment: As a final matter, the NRC should consider the current and projected effects of climate change on the proposed federal action. On February 18, 2010, the CEQ released a draft "Guidance Memorandum" on the consideration of greenhouse gas ("GHG") emissions and climate change impacts as part of compliance with NEPA. 75 Fed. Reg. 8046. The proposed Guidance states:

CEQ proposes that agencies should determine which climate change impacts warrant consideration in their EAs and EISs because of their impact on the analysis of the environmental effects of a proposed agency action. Through scoping of an environmental document, agencies determine whether climate change considerations warrant emphasis or de-emphasis. When scoping the impact of climate change on the proposal for agency action, the sensitivity, location, and timeframe of a proposed action will determine the degree to which consideration of these predictions or projections is warranted. As with analysis of any other present or future environment or resource condition, the observed and projected effects of climate change that warrant consideration are most appropriately described as part of the current and future state of the proposed action's "affected environment." Based on that description of climate change effects that warrant consideration, the agency may assess the extent that the effects of the proposal for agency action or its alternatives will add to, modify, or mitigate those effects.

Here, the NRC is reviewing the environmental impacts of issuing an ESP that will be a final determination of the suitability of the Victoria County Station site. As stated above, long term-water availability, aquatic impacts and endangered species are critical issues in this proceeding. All three of these issues will likely be impacted by climate change, and reliable scientific models exist to predict the scale and scope of climate change impacts in this region. For example,

models predict lower rainfall in the San Antonio and Guadalupe River basin and longer and more frequent droughts. This will both reduce water availability for VCS itself, and will magnify the aquatic impacts downstream and in San Antonio Bay. This in turn will increase impacts in and modification of Whooping Crane designated critical habitat, and increase the likelihood of a "take" of a protected species. (0012-8 [Irvine, Charles])

Comment: Global warming and associated climate changes also constitute a potential threat to whooping crane and other species habitat. Increasing temperatures and other climate change factors such as the sea level rise, coastal wetland flooding, interior wetlands desiccation, and an increase in precipitation events may impact species through habitat loss (i.e., changes in groundwater tables or salinity). We recommend a thorough discussion of climate change in the EIS that addresses our concerns outlined above. (0014-7 [Nicholopoulos, Joy E.]

Comment: We are committed to the environment. One specific example, for those of you who are interested, I would encourage you to Google, if you search under Exelon 2020 you will see the laid out plan that we have to reduce our greenhouse gas emissions by 15 million metric tons per year by the year 2020, and that commitment to the environment essentially established the philosophy and the context under which we embarked to do this environmental review. It is with all of that in mind that we did all of those analyses, the results of which are contained in the environmental report that is now before the NRC. (0017-3-3 [Kray, Marilyn])

Comment: We're committed to the environment. If you're interested I would encourage you to Google Exelon 2020, and that sets forth what our policy is looking to reduce greenhouse gas emissions between now and the year 2020, and that's just one example of the commitment the corporation does have to the environment. And that commitment essentially provided the context, the motivation that we had whenever we went through the painstaking effort that we did to prepare the analyses that we did that are contained in the environmental report which was part of our early site application. (0019-4-3 [Kray, Marilyn])

Response: *Environmental impacts resulting from construction and operation of a new nuclear power generating facility, including up to two units, at the proposed site, including greenhouse gas emissions, will be addressed in the EIS Chapters 4, 5, and 7. Greenhouse gas emissions associated with the fuel cycle will be presented in Chapter 6. A discussion of the status of the air quality in the area will be presented in Chapters 2, 4, 5, and 7 of EIS.*

Comment: What about the heat from the cooling pond? Will it change our weather conditions here? (0009-5 [Hill, Janice])

Comment: Further, a hurricane or flood could significantly damage the facility and result in discharge of pollutants causing a significant public health threat. (0013-13 [McKenzie, Sandra])

Comment: We are opposed to emitting radioactive gases, radioactive particles, noble gases, radioactive steam and vapors, and other toxins into the air we breathe or into the air in and around the Guadalupe River. The city of Victoria is approximately 13.3 miles north of the proposed facility. It is known that noble gases and radioactive gases are emitted from nuclear power plants. The exact amount that will be emitted by this facility has not yet been disclosed and we would ask the NRC to determine the nature, type, and amount of air pollution to be discharged before determining the early site permit process. And by discharge, we would ask the NRC to consider discharge from normal operations and releases due to upsets and mechanical failures. (0013-7 [McKenzie, Sandra])

Comment: I have questions about the heat generated by this plant. I've seen very small things affect our weather in the area and we have a hot environment in the summer to begin with. It takes a lot to cool a plant of this size and the added heat, the fact that it's going to go up, I expect has a potential of affecting our weather. (0019-15-6 [Huber, David])

Comment: I'm on the fence on this, because I am for nuclear energy, but the last eight years we've seen these monster storms and the tidal surge is something that I would be concerned about. I was born and raised here in Victoria but lived in Houston for a short spell and had property there and when I believe it was one of the major storms that was coming in, they said that the tidal surge was going to go all the way to the Beltway. That's like 25 miles from Galveston. And I worked on the south Texas Project back in the late '70s and there's containment ponds that are cooled via turbine, so on and so forth. I'm not a scientist or anything, but what I would be worried about is the water that's in those containment ponds being caught in a tidal surge and brought right into our backyard or front yard. This is something that no one has brought up that I think that may be something that needs to be addressed. (0019-21-1 [Guisse, Paul])

Response: *Meteorology and air quality impacts resulting from construction and operation of new nuclear power generating facility, including up to two units at proposed site will be discussed in Chapters 4 and 5 of the EIS. Cumulative impacts will be presented in Chapter 7*

2.13 Comments Concerning Health – Radiological

Comment: In September 2010, the NRC released the attached list of tritium leaks and spills (attached as Exhibit 1 and incorporated for all purposes by this reference). According to the attached NRC report, nine (9) Exelon nuclear facilities have leaked and spilled radioactive tritium. The Exelon facilities listed as having leaked or spilled tritium include the following facilities: Braidwood, Byron, Dresden, LaSalle, Oyster Creek, Peach Bottom, Quad Cities, and Salem. We would ask that the NRC consider the adverse affects of permitted and accidental releases on the Guadalupe River. We ask that the NRC require Exelon to re-evaluate the current permitted levels of tritium and other radionuclides. Also, we would ask that Exelon be required to do base line testing as part of the early site permitting process – and before being allowed to begin construction. (0013-4 [McKenzie, Sandra])

Comment: It is imperative to keep the radioactive material out of the Guadalupe environment. As BEIRS VII stated, there is no safe level of radiation exposure. (0013-6 [McKenzie, Sandra])

Comment: We are concerned that the facility will create a public health threat from discharges and emissions of radioactive materials and contaminants into the air, ground, and water. As BEIRS VII stated, there is no safe level of radiation exposure. Not only are we concerned about the human health effects from normal operations, accidental releases or upsets, and the cumulative and synergistic affects, but we are also concerned about terroristic threats and catastrophic events.

Tritium and other radioactive materials released from nuclear power plants have been associated with altering DNA, causing cancer, and causing mutagenic and teratogenic birth defects. The consequences to future generations are serious and must be considered in the early site permitting process. (0013-9 [McKenzie, Sandra])

Comment: In terms of water, a nuclear reactor uses huge, vast quantities of water, and there are risks of contamination of water, and it has happened in other places before that we get radioactive tritium going into waterways. And it has health impacts. Ask the Illinois attorney general why they filed a lawsuit about tritium leaks there. (0017-15-3 [Hadden, Karen])

Comment: They now have tritium showing up in the wells onsite, in some of them. And what do you do after water gets contaminated, how do you sort out radioactive tritium? (0017-15-8 [Hadden, Karen])

Comment: Additionally, the scope of the NEPA analysis must include the environmental impacts from potential tritium releases to groundwater and to surface water. This is particularly important given Exelon's appalling history of hidden releases and contamination of groundwater at their Braidwood plant in Illinois. (0017-5-8 [Blackburn, Jim])

Comment: These little minute portions of toxin that go through that will flow through the river to the Calhoun County area. Right now Calhoun County has a high cancer rate. We talked with some people in the eastern part of the United States who are near the Exelon plants who have an increased cancer rate. And as a person who has dealt with cancer, massive cancer for the past 2-1/2 years, I certainly do not want to see an increased cancer rate anywhere. (0019-19-5 [Gibbs, Sue])

Comment: As my husband said when we talk about the water and the water going into the river and into the wells, maybe it will be safe. If they will drink what they're putting in the river, then you're probably okay. I'd like to see them drink it. (0019-19-7 [Gibbs, Sue])

Comment: And also if you check in Victoria County how many cancer patients have come from that Wood Hi area because we're going to be downwind. We're already downwind from Formosa and Alcoa. (0019-20-2 [Yendrey, Rose])

Response: *These comments refer to health impacts. As required by 10 CFR 52.17(a)(1), the impact analysis will contain an analysis and evaluation of components of the facility related to potential radiological consequences. The NRC staff will assess effects on human health and biota related to radioactive effluent releases from the proposed nuclear plants. The results of these analyses will be presented in Chapter 5 of the EIS.*

2.14 Comments Concerning Accidents – Design Basis

Comment: In 1982 the studies that were done for the Nuclear Regulatory Commission by Sandia Labs found that South Texas Project, if they had an accident, 18,000 people could die early deaths. That would be followed by thousands of cancers, genetic damage, birth defects. Okay, a lot of people have talked tonight about the growing population. You tell me, what would those figures be today? (0017-15-10 [Hadden, Karen])

Comment: Yesterday I noticed a rancher build a fire down on San Antonio River Road farther on the other end closer to Highway 77. They were burning off unwanted grass. The some from the fire went up to probably 8- or 10,000 feet and formed a cloud. When the cloud drifted, it drifted to the northwest from the ranch where it was burned. I was in Victoria yesterday afternoon, 2:30 or 3:00 in the afternoon. I don't know if anybody noticed all the haze and smoke

in Victoria, but that was a direct result of that fire. The significance of that may not be important until you realize that that is across the road from where this plant is proposed to be built. If there were a disaster there, Victoria would be in the direct line of the travel of any fallout from that plant. (0019-15-3 [Huber, David])

Comment: I'm concerned about the casualty survey. I haven't seen anything about what potentially could happen if there was a disaster at the plant. (0019-15-8 [Huber, David])

Comment: I understand that in April 2009 Exelon had a leak that reached the major underground aquifer that supplies much of southern New Jersey. What if something like that happened to our ranch, what if it got into the Guadalupe, what if it affects the cows, the deer – the hogs I'd just as soon it would affect – but right now I'd rather all the animals that we have out there. (0019-9-5 [McMaster, Connie])

Response: *The environmental impacts of postulated accidents will be evaluated, and the results of this analysis will be presented in Chapter 5 of the EIS.*

2.15 Comments Concerning the Uranium Fuel Cycle

Comment: According to the ER, because a reactor design has not been chosen for the VCS site, bounding values have been developed for the quantities of radioactive waste that are projected to be generated and processed and then stored or released as liquid or gaseous effluent or as solid waste. During the COL and design phase of VCS, sources of radioactive waste will be identified and collection and processing systems will be evaluated and designed.

Recommendation: TPWD recommends the DEIS identify potential discharge locations of liquid radioactive waste and options for disposal of solid radioactive waste. Impacts associated with both types of radioactive waste should be assessed in the DEIS. (0011-8 [Melinchuk, Ross])

Comment: There continues to be a problem with where to store nuclear waste spent fuel rods. At present, these rods are being store on site. This location, 4 miles from the Guadalupe River, with the faults, geology, hydrology, and geography mentioned above, is not a good location to store nuclear fuel rods. Further, storing the rods requires additional water and storage facilities. We would ask that the commission require Exelon to disclose the methods and structures proposed for the storage of the waste prior to issuing the early site permit. (0013-15 [McKenzie, Sandra])

Comment: When we talk about clean electric cars, has anyone considered the carbon footprint of nuclear power? What about the mining, the milling, the processing, the transportation? All of that is carbon-based, it's not something that has to do with running a nuclear plant other than the supply is not as clean as you might imagine. (0019-15-10 [Huber, David])

Comment: Nationally we have not done anything to really solve the problem of waste disposal. (0019-15-9 [Huber, David])

Comment: Currently used nuclear fuel which cannot explode and cannot burn is safely stored onsite at all 104 commercial units in this country. (0019-18-2 [Forbes, Tom])

Response: *The NRC staff will evaluate the environmental impacts of the uranium fuel cycle, including the impacts of fuel manufacturing, transportation, and the onsite storage and eventual disposal of spent fuel utilizing the values in 10 CFR 51.50, Table S-3. The staff's evaluation will include relevant information from the Commission's Waste Confidence Rule at 10CFR 51.23, and the Blue Ribbon Commission on America's Nuclear Future established by the Department of Energy. The results of this analysis will be presented in Chapter 6 of the EIS.*

2.16 Comments Concerning Cumulative Impacts

Comment: In addition, the ER states that cumulative impacts of aquatic resources are SMALL. TPWD does not concur with this assessment and recommends that the NRC reevaluate this assessment and address this in the DEIS. (0011-22 [Melinchuk, Ross])

Comment: The proposed project would require an annual maximum withdrawal of 75,000 acre feet of water from the Guadalupe River for makeup water to the cooling basin, and the consumptive use of surface water by VCS would range from approximately 46,000 gpm under normal use conditions to approximately 68,300 gpm for maximum use conditions. The water required for the proposed project is in addition to water requirements by other projects and the proposed Guadalupe Banco River Authority's (GBRA) permit application to seek new water rights for withdrawal of up to 189,484 acre-feet per year from the Guadalupe River.

Recommendation: TPWD does not concur that the cumulative impacts related to the proposed withdrawals for the YCS cooling basin and the execution of the proposed GBRA water right of up to 189,484 acre-feet per year from the Guadalupe River, are expected to be SMALL.

TPWD recommends that this assessment be reevaluated and that the NRC clearly define the assessment protocol and conclusions in the DEIS. (0011-25 [Melinchuk, Ross])

Response: *The cumulative impacts associated with the construction and operation of a facility at the proposed site will be evaluated in Chapter 7 of the EIS.*

2.17 Comments Concerning the Need for Power

Comment: No one has said anything about the electric power from this plant being for our area. My understanding is that the plant is going to produce electricity and by the use of eminent domain, whatever is necessary, they're going to build transmission lines and send this power to far-away places. So the question is why in my backyard? (0019-15-2 [Huber, David])

Comment: We are a growing region for industry in Texas and power availability will be a major consideration for any industry looking to locate in this area. (0001-3 [Crews, John])

Comment: I do think that those who have been saying we need more energy, well, that's debatable right now. Texas has a 21 percent reserve margin and we only need a 12-1/2 percent reserve margin. We have lots of new gas coming on. (0017-15-1 [Hadden, Karen])

Comment: I do want to let you know how important the Exelon project is to this area and the state as a whole. The census is finished and I can tell you that Texas is among the states that

has the greatest increase in population since the last census ten years ago. It is estimated that we are gaining a thousand new Texans every day and I don't see this trend changing in the near future. Because of this growth, we will have three to four new congressional seats which is more than any other state will have. Needless to say, increases in population means increases in the need for more energy. (0017-2-1 [Morrison, Geanie])

Comment: The Office of the Governor's Economic Development and Tourism Office reports the population of Texas has reached 24.8 million in July of 2009 according to the latest estimates from the U.S. Census Bureau. And Texas has gained more people, at 478,000 new residents, than any other state between July 2008 and July 2009. In addition, Texas has been among the leaders of business growth and business activity for the past couple of years because of their economic development activity. In short, we need more power and we need new nuclear. (0017-4-2 [Cannady, Adrian])

Comment: The other thing that I'd like to mention about that is when we're looking at our community we know we have a need, we know we have a need for more energy in Texas, we know that we are a growing state, we know that the Victoria region and the regions to our south are also growing. I believe the mayor mentioned earlier that we just had an article in the newspaper just this week about how as we convert to more and more electric devices, electric cars, our power demands are going to multiply exponentially. We have to be able to address that. (0017-6-1 [Lacey, Jeb])

Comment: Mark Twain said that predictions are risky, especially if they involve the future, and I say there isn't much risk in predicting that Victoria will grow and need electricity. No one that I know of could have guessed how computers and cell phones would change our way of life, and none of this would have been possible without electricity. The Victoria Advocate front page, November 22, 2010, headlines: *Utilities Thrilled, Worried About Electric Cars Power Usage*. I'm going to leave this paper to go on public record with you. It says here in the first part of the article that an electric car can use approximately the same amount of electricity as a small home. We're going to need more electricity. (0019-3-5 [Armstrong, Will])

Comment: One of the things that I think the Mayor mentioned about the number of electric cars that are supposed to be online in the next few years, I think it's 2020 they expect somewhere between 10- and 20 million electrical vehicles, not hybrids but electrical vehicles. We do not have enough electrical generation capacity to support that. We need a generation plant. Last May the EPA issued what is called a Tailoring Rule to govern new power plants that emit 100,000 tons or more of carbon dioxide, methane, nitrous oxide and some other emissions of greenhouse gases. That will severely impact the majority of our coal plants, even our newest coal plant that is soon to be under construction out here at Coletto Creek. We are greatly limiting our infrastructure of generation facilities. (0019-5-2 [Day, Donald])

Comment: I've recently been thinking about buying a car and instead of going hybrid I was going to go all electric, and I immediately found out just within the last two weeks just how much electricity is needed for an electric car. It's been said that it may be even as much as one small house. And so I can tell you that the future is going to be electric cars, it may not be next year or within five or ten years but certainly within 30 or 40 years most of our cars are going to be some sort of electrical-powered vehicles. And to that end, I'm going to tell you that there's not many places that you're going to be able to get electricity at night. It's not going to come from the sun and there's a lot of wind which sort of dies down in the evening, and thus, there are some real hard choices that have to be made. At least in my case it would be a rather easy choice that electricity which comes from nuclear power plants will play a real integral role in

trying to reduce greenhouse emissions, particularly from all our vehicles.
(0019-6-1 [Landsberger, Dr. Sheldon])

Response: *The NRC staff will prepare an EIS in accordance with the requirements of 10 CFR Part 51. The NRC staff will determine whether this site would be suitable for one or more new reactors. The need for power will not be addressed at this time in accordance with 10 CFR 51.50 (b)(2). If Exelon should apply for a construction permit or combined license at some time in the future, the issue of the need for power will be assessed at that time. The review of that application will include the development of another EIS and the opportunity to participate in another hearing.*

2.18 Comments Concerning Alternatives – Energy

Comment: The environmental impacts of such alternatives that need to be explored and objectively evaluated include:

Whether effects on the environment would be reduced if Exelon alternatively implemented more applications of energy efficiency technologies and energy conservation rather than the development of additional nuclear power capacity at the Victoria site. (0012-6 [Irvine, Charles])

Comment: The environmental impacts of such alternatives that need to be explored and objectively evaluated include:

Whether effects on the environment would be reduced if Exelon alternatively implemented use of renewable energy systems, such as solar rather than the development of additional nuclear power capacity at the Victoria site. (0012-7 [Irvine, Charles])

Comment: Some of the legal cases that are being taken up are addressing why not meet your energy needs with other kinds of energy. In the '70s when these nuclear reactors were getting built there weren't so many options. Today wind is ripe, it's happening, wind turbines in Texas have been generating up to 35 percent of the power turning on the grid at a high point. It's not that way all the time, but we've been hitting new highs. We've met our goals for the year 2025 this year because wind is a huge success and we know how to do it and it doesn't take tons of water, and it's making money, transmission is getting built, it's been approved. Our next big goal is to figure out energy storage, to make it work to combine the different sources of energy and then they can be baseload. Our most pressing need is for peak power instead of caseload so we don't even – we do not need nuclear reactors, we do need safe energy.
(0017-15-9 [Hadden, Karen])

Comment: The cost of renewables continues to decline. If you look at the charts on the cost of nuclear energy and the cost of renewables, you'll see that at some point renewables are going to cross the path of nuclear power and be cheaper to invest in. It is a really expensive way to boil water. (0017-16-4 [Singleton, Robert])

Comment: My last comment would be – and I've said this years ago – put a desalination plant down by the Gulf and you can ship water all over the place. I was in Sweden, 1984, in the marketplace the fruit and vegetables were beautiful. I said, Where in the world do you get these fruits and vegetables? We get them from Israel. I said, Well, how do they grow them? Desalination of the sea. Why can't we do it here? Same way with years ago sitting in the cafe

at McFadden, the engineers were planning building this five-foot diameter pipeline. It goes right through where this plant will be and it comes from Lake Jackson. This is the Corpus Christi people. I said, Why not build that desalination plant? You'll be able to sell water to everybody, it will pay for itself. (0019-16-2 [Knebel, Helen])

Response: *In accordance with Part 51.50(b)(2), consideration of alternative energy sources need not be included in the applicant's ER. In the case of the VCS application, Exelon did not include a consideration of alternative energy sources. Alternative energy sources will not be evaluated at this time but, will be evaluated for any CP or COL application.*

2.19 Comments Concerning Alternatives – System Design

Comment: Consideration should also be given for requiring cooling towers rather than lakes. (0013-5 [McKenzie, Sandra])

Comment: This reactor planned for this community would use, as of the latest I've heard, the advance boiling water reactor design. I've been looking at that. It's very flawed, it needs updating, it's going for review. They've had to make numerous departures or changes for the South Texas reactors. It is not solid. Just because it was designed a lot of years ago doesn't mean that it's ready to go. (0017-15-6 [Hadden, Karen])

Response: *In accordance with 10 CFR Part 52, an ESP application does not have to reference a certified design. No specific nuclear reactor or reactor design has yet been proposed for the Victoria County site; rather, the ESP application is merely seeking approval from the NRC to approve the Victoria County site for possible future use. Subsequent approvals would be needed from the NRC prior to the construction and operation of any nuclear reactor unit(s) at the Victoria County site. Nevertheless, Chapter 3 of the EIS will describe the plant parameter envelope on which the assessment of potential environmental impacts will be based. The proposed design of any water intake systems and/or cooling towers will be evaluated by NRC staff for review as part of the assessment in the EIS. The potential environmental impacts of such facilities will be addressed in Chapters 4 and 5 of the EIS.*

2.20 Comments Concerning Alternatives – Sites

Comment: NEPA also requires consideration of a range of reasonable alternatives and their impacts, including the no action alternative. 40 C.F.R.1502.14. In fact, the discussion of alternatives is the "heart" of an EIS. The range of alternatives that must be considered is governed by a rule of reasonableness. Natural Resources Defense Council v. Morton, 458 F.2d 827, 834, 836–37 (D.C. Cir. 1972). The environmental impacts of such alternatives that need to be explored and objectively evaluated include:

Whether the alternative sites, especially the Matagorda County site, that are identified by Exelon, represent "obviously superior" choices because they do not have the same level of water availability, aquatic and endangered species impacts. The Matagorda site also does not have the extensive geological growth faulting present at Victoria, nor the very high level of operating and abandoned oil and gas facilities on the site. (0012-5 [Irvine, Charles])

Comment: It would have been a great idea in Matagorda County where they have the infrastructure already, they have the lines up, but for whatever reason, it doesn't suit the people that I'm associated with because of the impact that it would have regarding where it is. (0017-12-4 [Fox, Stan])

Comment: We further urge that a substantial amount of time and effort be spent on the analysis of alternative and non-alternative sites. We believe the Matagorda County site to be superior in several respects and we believe that there are levels of alternatives within alternatives. We will be providing written comments wherein we will develop those in much greater detail. (0017-5-7 [Blackburn, Jim])

Response: *The alternative site-selection process used by the Applicant will be reviewed to determine whether it is systematic, employs reasonable selection criteria, and constitutes an acceptable number of reasonable sites for consideration. The alternative sites will be compared against the proposed site to determine if there is an obviously superior site to the Victoria County Station site. The process and results will be provided in Chapter 9 of the EIS.*

2.21 Comments Concerning Benefit-Cost Balance

Comment: We are opposed to a federal loan or federal subsidy to support Exelon's construction of this facility. We request that the NRC require Exelon to disclose the application for any federal loan guarantees that Exelon has made or makes regarding this proposed facility. (0013-16 [McKenzie, Sandra])

Response: *Whether the cost to develop nuclear power should be subsidized or insured is outside the scope of the EIS. The comment will not be addressed further.*

Comment: Calvert Cliffs in Maryland is a nuclear reactor that was about to get federal loan guarantees and they actually withdrew their license application instead. They went all the way to that point and then they said, Nope. They said that it didn't make economic sense anymore, that the cost of gas was low and the interest rates were high and they're not planning to move forward right now. What's touted across the nation as a nuclear renaissance is looking more like a nuclear relapse. It's not happening. It's being delayed. It's turning out to be more expensive than anyone ever dreamed. Vogtle in Georgia is also not so sure right now. They got offered loan guarantees, they don't know if they're going to take them. (0017-15-2 [Hadden, Karen])

Comment: The nuclear reactors planned for Texas have had economic problems already. South Texas estimates started out at \$5.9 billion. The most recent ones from STPNOC, the operating company, are \$18.2-. That's over three times the increase and they haven't turned dirt, they don't have a license. (0017-15-5 [Hadden, Karen])

Comment: I want to talk for a minute about that early site permit. Basically what they're saying is this plant makes no economic sense right now but we want to get our toe in the water and maybe in 20 years we're going to build this. And I'll tell you what they're going to do. They're going to say, well, you should have been there at the hearing 20 years ago, I mean, this thing has been on the books forever. The early site permit is an attempt to get some sort of preliminary approval for a plant that just doesn't make any economic sense.

Basically, every nuclear power plant is having trouble finding money right now. I think we can all agree that Warren Buffett knows a thing or two about making a dollar. Warren Buffett had a chance to buy into a proposed nuclear plant in Idaho recently. He looked at the money involved and decided that it wasn't worth – he had no problem with nuclear power, he was interested in buying into this, he ran the numbers and he said this doesn't make any economic sense, and he backed out. The reason is everything is going economically against nuclear power. The cost of raw carbon tax which the nuclear industry is drooling for because it's one of the things that makes their plant make more sense. If you can make other forms of energy cost more, then nuclear begins to look like it makes a little more sense. But it looks now like that's not going to happen thanks to our friends in Congress. (0017-16-3 [Singleton, Robert])

Comment: I wanted to preface my remarks by first sharing with you what the Exelon strategy is associated with the Victoria project because I know that a number of you have been following it, whether you've been supporting it or opposing it, and we certainly owe you what the vision is for this. If you recall, a few years ago our plan was to seek a combined construction and operating license, as explained by Tomeka, and that had a sense of urgency around it, it had a deployment and a construction schedule associated with it. Subsequent to that there was, as you well know, an economic downturn which had significant impact on our decision-making, in part with the financing of the plant, but also coupled with that was a drastic drop in the price of natural gas. Now, as I had said at the earlier session, a drop in natural gas prices is for the country a very good thing. How it impacts this particular project is that natural gas prices essentially set the price for electricity, the price for electricity sets the revenue associated with this particular project, so based on the culmination of those factors, we found it no longer prudent for us to pursue our original strategy and that was to pursue the construction and operating license.

However – and this is very significant – we do see the long-term need for additional baseload nuclear power, whether it is to ensure the diversity of the fuel portfolio as well as ensuring that we have reliable and clean electricity. So because of that we revised our strategy to essentially keep open the option of building a plant here in Victoria. Specifically, we withdrew the application for a construction and operating license and we replaced it with the early site permit which is why we are here this evening. The benefit that the early site permit provides to us is that it allows us to analyze and convince first ourselves that this is, in fact, a suitable site, and then provide that information to the NRC so that they can reach a similar conclusion. By doing that, should we later decide to pursue and resubmit a construction and operating license application, we will have addressed a significant amount of that information and essentially saved a lot of time and money should we pursue the license in the future. (0017-3-1 [Kray, Marilyn])

Comment: I thought it would be best to preface my remarks by first giving you what I think Exelon owes you and that is a description of what our strategy and what our plans are. If you recall, a few years there was a sense of urgency where we were seeking a license from the NRC to construct and operate a plant here at the Victoria site, and what was alluded to before, certainly the economic downturn has had a significant impact on our strategy, specifically the demand for electricity and also the price of natural gas. And if you wonder why we're concerned about the price of natural gas, overall that's a great thing for this country to be more self-sufficient and independent from an energy perspective. Natural gas, however, sets the price essentially for electricity. That's important to us because that price of electricity is what we use to calculate what the revenue would be associated with the plant that we were to build. So it no longer became prudent for us to pursue the immediate deployment of construction of a plant here in Victoria. However – and this is very important – we do see the long-term benefit of

nuclear power, we see the need to have a diverse fuel portfolio that is comprised not only of coal, renewables and gas but also of nuclear and also the need for clean energy. So with that, that is what caused us to revise our strategy. We withdrew the application that we had previously submitted to the NRC to construct and operate a plant, but we replaced that with the application to pursue the early site permit which is why we're here today, and that permit allows us to do the analysis to demonstrate, first to ourselves and then to the NRC, the suitability of this particular site here in Victoria. How that benefits us is that should we later decide to pursue the license, we will have saved a significant amount of energy and effort whenever we go forward with that. So again, for those of you that were interested, whether you were in favor or opposed, I thought you needed to again understand what our strategy going forward is. (0019-4-1 [Kray, Marilyn])

Response: *The overall benefits and costs of the facilities and the need for power will not be addressed at this time in accordance with 10 CFR 51.50(b)(2). If Exelon should apply for a construction permit or combined license at some time in the future, the issues of costs and benefits and the need for power will be assessed at that time. The review of that application will include the development of another EIS and the opportunity to participate in another hearing.*

2.22 General Comments in Support of the Licensing Action

Comment: Please approve Exelon's application, for a site southwest of Victoria, in order for Texas to keep up with the power demands that our fast growing state will have in the future. (0001-2 [Crews, John])

Comment: Of course I totally support the proposed nuclear site in Victoria County. I hoped at first that it would be possible to see the site developed in my lifetime but now that does not seem possible. The site of that plant will be the safest area in Victoria County and if someone gave me a plot of land outside the front gate I would build my home on it in a flash. (0002-1 [Riesz, Peter B.]

Comment: Again, I totally support this effort to supply us with clean, safe, affordable power. (0002-4 [Riesz, Peter B.]

Comment: I am in favor of Exelon's request for an Early Site Permit. At this time, I feel that it is extremely important to utilize nuclear energy resources. The pluses exceed the negatives in order to move our nation toward using alternative energy. My family and I are very much in favor of building this facility in Victoria County. (0003-1 [Kubesch, Fred])

Comment: The City of Victoria, as I'm sure my mayor stated this afternoon, is in support of the Exelon project, and we don't take that support lightly. The city is very involved in water management of the Guadalupe Basin from an environmental aspect and also from a water quantity aspect. (0017-13-1 [James, Jerry])

Comment: We came into this with our eyes open, that we're actively involved in a lot of different processes in looking at the Guadalupe River Basin from one end to the other, looking at water management needs as far as quantity but also environmental needs. And again, I state that with that background and with all those considerations, the City of Victoria supports this site permit. (0017-13-2 [James, Jerry])

Comment: We have a young generation of people who will be looking for jobs. As I think about the future, I see this power plant generating an abundance of electricity but I also see it spinning off many jobs for our young people who are in Victoria, Texas who want to stay in the city and in the county and find a place to work. This is a great future with this plant coming to our area to provide this kind of activity for our young people. And I trust that Exelon and the Nuclear Regulatory Commission will take care of all of our concerns, that indeed, if this comes to pass. And why not Victoria? It's going to be built somewhere. Make no mistake about it, these plants will be built somewhere, so why not Victoria, why not Victoria County? Why not the people who have land, the people who are interested in protecting and preserving the animal kingdom and the fisheries and all of the ecology, why can't we have all of that but at the same time have this plant spinning off the electricity and spinning off jobs? I do hope that this is something that will come to pass for Victoria, Texas. (0017-14-2 [McDonald, Will])

Comment: I believe that we have a tremendous opportunity to provide that energy in an environmentally friendly manner and would hope that the Commission would look favorably on an application by Exelon. (0017-2-2 [Morrison, Geanie])

Comment: I also wanted to stress the social commitment that we have to the community. As I said our employees, we certainly live where we work and we join your churches, we go to your schools, we volunteer for your sporting teams, and what we found in Victoria in our numerous visits over the past three or four years is a wonderful community to live and to raise a family, and certainly would make good neighbors and that's certainly what we would want to be for you. (0017-3-5 [Kray, Marilyn])

Comment: It is with careful consideration and careful study, and only after those two things, that I can say with all confidence that I support Exelon's proposed nuclear plant. (0017-4-1 [Cannady, Adrian])

Comment: At a time in which power demands are undoubtedly growing in the State of Texas, I couldn't ask for a better partner than Exelon Nuclear, a company in which safety and responsibility are the cornerstones of their business model. Victoria, I believe, is planning for the same kind of growth that Texas has experienced. We have made tremendous strides in economic development, in infrastructure and also human capital. Over the course of the past few years, this community was able to pass \$160 million school bond election and also finish the construction this year of two new high schools, one new middle school, and two new elementary schools. Of course, we feel strongly at the Economic Development Corporation, as well as alongside our other community partners, that Exelon is part of our long-term growth strategy and we welcome them, and it's for that reason that I hope the NRC will strongly consider approval of Exelon's early site permit. (0017-4-3 [Cannady, Adrian])

Comment: Victoria is prepared to support this project. Now, we've demonstrated that we're prepared to support this project. The community has embraced this project, as a whole, from the beginning, and as we talk about the environment in which this proposed Exelon plant is going to be, or could be built, part of this scoping is to say is this community the right community versus its alternatives, and I truly believe it is. (0017-6-2 [Lacey, Jeb])

Comment: I'm certainly impressed with the economic impact of a project such as this, and I think everyone would agree that this is extremely good for Victoria County and the adjacent counties, both in the short term and in the long term. Those of you that know that I'm involved in healthcare would know that I'm very interested in the risk-reward that might be developed from deliberations and I'm impressed to see that the Nuclear Regulatory Commission is doing a

great job in putting the components together to adequately evaluate and ensure our safety. (0017-7-1 [Brown, David])

Comment: And my point is that the environmental concerns have been addressed by both GBRA and Exelon in an exemplary manner and it's for that reason that we support this project because, again, GBRA is not in the economic development business, we're managing water. We think the proposal that's being studied in this EIS reflects very well Exelon's and GBRA's efforts to manage that water. (0017-9-2 [Murphy, James Lee])

Comment: Two years, as chairman of the board of directors of the Chamber, our board gave unanimous support of the location of Exelon's nuclear power generation facility in Victoria County. Today, with more facts and more information available to us, the Victoria Chamber of Commerce position remains the same. (0019-11-1 [Lyon, Jeff])

Comment: The Victoria Chamber of Commerce is convinced that the location of the facility in Victoria County will create jobs, a better quality of life, and contribute to the correction of the world's energy problems. (0019-11-7 [Lyon, Jeff])

Comment: I fully support Exelon coming to this community, I fully support the construction of the project. (0019-12-1 [Scott, Janice])

Comment: I wholeheartedly support their impact and everything they can do for our community. (0019-12-5 [Scott, Janice])

Comment: Today I'm representing the Port of Victoria. We endorsed the nuclear power plant two years ago when it was started and we continue to endorse the nuclear power plant. The things that Mayor Armstrong, Judge Pozzi, Dale have said about this, we all agree that this is a good project to have here in Victoria. (0019-13-1 [Calhoun, Elton])

Comment: We're in support of this project. The reason NET was organized was to voice that support for three reasons: one, nuclear energy is safe, nuclear energy is clean, nuclear energy is reliable (0019-18-1 [Forbes, Tom])

Comment: If it is built it will add immeasurably to the economy of Texas and it will be operated safely, cleanly and reliably. (0019-18-7 [Forbes, Tom])

Comment: So the leadership in this community certainly remains committed to Exelon Corporation and this process with regard to the early site permit. We believe that the vast majority of Victorians remain committed to that. We recognize there are naysayers. We understand that, there have been from the beginning and there will be to the end. That's fine as long as those naysayers we hope understand what we believe to be the entire process, and I am certainly no expert in the field. (0019-2-1 [Pozzi, Donald])

Comment: We believe the safety issues have been satisfied. We believe that Exelon has demonstrated over this last four-year period, both with their initial combined operating and license application, withdrawal of that and now the application for the early site permit and the studies that have been done in that regard have satisfied all of these issues. If you will look at the NRC's mission statement that was presented here to you today, if you go to Exelon's website and look at their goals and look at their core values and look at their policy, it will come as no surprise to you that they are certainly in line with the mission of the NRC itself to promote

safety, defense, security, environment, the three things that you saw up here on their mission statement this afternoon. (0019-2-5 [Pozzi, Donald])

Comment: We will continue to remain committed whether it takes the 20-year process or five or ten. Someone will be here in my stead, of course. Most of you would like to see that, or some of you certainly would, but that's okay. I'll still be here, I'll still be for this project, and I'll still be a Victoria resident doing what I think is best for Victoria. (0019-2-7 [Pozzi, Donald])

Comment: I'm not worried about the health of the bay, the environment. I know those situations will be taken care of properly. Now that I've reached late middle age, I'm a grandfather, a businessman, a local elected official and a fellow that likes to fish, wearing all of those hats that I mentioned, I support this endeavor, this nuclear endeavor in our area. (0019-3-1 [Armstrong, Will])

Comment: Reading a letter that I wrote a while back to the former secretary of Energy, Samuel W. Bodman, it reads in part: Exelon Nuclear Texas Holdings proposed new nuclear power generating facility enjoys widespread support in Victoria County and the State of Texas as evidenced by supporting resolutions passed by the Victoria City Council, the Chamber of Commerce, the African-American Chamber of Commerce, the Victoria County Commissioners Court, and the Victoria Economic Development Corporation. (0019-3-4 [Armstrong, Will])

Comment: I certainly would not like any project that would come to Victoria that would disturb the environment as I know it, that would actually destroy the environment of where I live, and I do that in recognition that this plant would do a lot of good for the environment. (0019-5-1 [Day, Donald])

Comment: To the NRC, you're our partners in this, we're counting on your process to make sure that we have one of the safest and most reliable nuclear facilities on our planet. I believe that with your help and your oversight, Exelon can build a facility that will rival or surpass the safety record and the reliability record that we've grown to expect in this region from our neighbor in Matagorda County, the South Texas Project, and we've all lived within 60 miles of that project for 30 years. We hope that because of the factors through your investigation that you will grant Exelon this early site permit. (0019-8-2 [Fowler, Dale])

Response: *These comments provide general information in support of the application. They do not provide any specific information related to the environmental effects of the proposed action and will not be evaluated in the EIS.*

2.23 General Comments in Support of the Licensing Process

Comment: I had an opportunity to work with the government services in Galveston and I found the government scientists to be extremely concise, careful, conscientious, and oblivious to political influences. I have that same faith in the scientists that will evaluate the information that has been given and that will be given in Exelon's environmental impact information that they provide. (0019-12-3 [Scott, Janice])

Response: *This comment provides general information in support of NRC's early site permit process and will not be evaluated further.*

2.24 General Comments in Support of Nuclear Power

Comment: It seems to me that, with the cost of bringing coal into compliance with clean air requirements, nuclear power is the future. (0001-1 [Crews, John])

Comment: The Victoria Chamber of Commerce supports the fact that nuclear energy reduces the greenhouse gas effect since it does not burn anything to generate electricity. And since it will be a source of emission-free electricity, the Nuclear Energy Institute projects that the volume of greenhouse gas emissions prevented already at the nation's 104 nuclear energy plants is equivalent to taking nearly all passenger cars off America's highways for one year. The Chamber of Commerce feels it's important that the Victoria region play a vital role in reducing an energy company's carbon footprint. (0019-11-4 [Lyon, Jeff])

Comment: My wife and I have had extensive travels to other countries over the last ten years and in most of these countries they have nuclear power plants and they're safe and they're proud of them, they're doing a good job for them. We're falling behind. If we don't do something with nuclear power, we're going to be behind the 8-ball when the time comes to provide electrical power for this country. (0019-13-3 [Calhoun, Elton])

Comment: Nuclear energy is clean. By way of example, nuclear-generated electricity avoids almost 700 million metric tons of carbon dioxide, about 1 million tons of nitrogen oxide, and 3 million tons of sulfur dioxide annually in the United States. The South Texas Project and Comanche Peak which operate here in Texas help Texas avoid emission of over 70,000 tons of sulfur dioxide, nearly 20,000 tons of nitrogen oxide, nearly 29 million metric tons of carbon dioxide as of 2005. By way of example, 19,500 tons of nitrogen oxide is the same amount released in one year by 1 million passenger cars. There are nearly 9 million passenger cars in Texas. Nuclear energy is reliable. The average capacity factor for U.S. nuclear plants, that is how much do they run 24 hours, seven days a week, nearly 90 percent in 2006 compared to a little over 70 percent for coal and 30 percent for wind and about 19 percent for solar. And although the oldest existing U.S. commercial plant went on line in 1969, there are no old nuclear plants. They're constantly being upgraded, replaced to ensure all plants operate with the highest reliability. (0019-18-5 [Forbes, Tom])

Comment: We know that nuclear power will be needed. We submit that if there wasn't a problem with the loan guarantee program, the economy wasn't in the state it was, natural gas wasn't at the price it was, we'd be looking at building this plant in the next couple of years. (0019-2-6 [Pozzi, Donald])

Comment: In quoting a June 9, 2008, *Fortune Magazine* article, "The Case for Nukes" subtitled "The solution to nuclear energy has been under our nose for decades." It goes on to say that the French generate 75 percent of their electricity nuclear, and they should be given credit for that plus the wine and the cheese – let's not forget that. (0019-3-3 [Armstrong, Will])

Comment: In closing I want to quote Thomas Jefferson. Inside the Jefferson Memorial it is written, in part:

Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed and enlightened, as new discoveries are made, new truths are discovered and manners and opinions change with the change of circumstances, institutions must advance to keep pace with time.

There will be a time for nuclear power and I think this community will embrace that time when the economic stars line up. (0019-3-6 [Armstrong, Will])

Comment: Having said that, I would like to say that both the University of Texas and Texas A&M University – which has the largest nuclear engineering program in the world – now are very committed to training our undergraduate students, as well as our graduate students, in nuclear power and as well as placing them into the nuclear industry as well as the Nuclear Regulatory Commission. (0019-6-2 [Landsberger, Dr. Sheldon])

Response: *These comments provide general information in support of nuclear power. They do not provide any specific information relating to the environmental effects of the proposed action and will not be evaluated in the EIS.*

2.25 General Comments in Opposition to the Licensing Action

Comment: Please do not allow a permit for a nuclear plant in the southern part of Victoria Co. (0009-9 [Hill, Janice])

Comment: And safety, when you talk about South Texas Nuclear Plant, I retired from CenterPoint Electric in Houston and South Texas was part of ours, and I've heard from quite a few people down in Matagorda that are not happy with it being in their backyard. So I thank you for listening and I hope that some of these questions will be answered because right now I definitely don't want it in my backyard. (0019-9-8 [McMaster, Connie])

Comment: I ask you not to strap the commercial development of our community by permitting a site which may not be developed for 20 years but which could tie up scarce water resources for those years. (0017-11-2 [Bland, Joe])

Comment: If you want to move it to another area, God bless you, but where it is right now, I have a bad feeling that it's going to diminish what we've had out there and it will be something that I don't believe is going to be palatable to the people that are out there right now. (0017-12-5 [Fox, Stan])

Comment: Why would we risk a type of power that can lead to deaths and cancers when we don't have to today? There are jobs, there are possibilities in energy efficiency, in renewable solar, wind, geothermal. We can combine these, we need to further develop energy storage. I urge this community to look at these safer ways that use less water and don't threaten the economy with potential disaster. (0017-15-11 [Hadden, Karen])

Comment: You also have to factor in the fact that right now – and this is probably one reason why Exelon is looking for an early site permit – right now bad economy is causing the projections for electricity demand to actually decline. The estimates of how much electricity we're going to need are being scaled back because the economy continues to be bad. The ESP stands for early site permit, but it also stands for extra sensory perception, and I think I just want to leave you with this, we don't need ESP to know that this is a bad idea. (0017-16-5 [Singleton, Robert])

Comment: City and county officials want the nuclear plant for Victoria. Put it in your backyard north of Victoria next to the mall. Victoria has Caterpillar already which is an environmentally safe company. You be the judge of this right now, 10 years from now, years from now, especially when the plant will be paying Refugio school taxes. (0019-17-5 [Dolezal, Harold])

Comment: Yes, it's in my backyard; yes, I don't like it in my backyard. I moved there as retirement and for hunting and for the peace and quiet which I won't have now. I'll have the noise, the dust, the lights and still the worry what's going to happen. (0019-9-3 [McMaster, Connie])

Comment: Craig Nesbitt, vice president of communications for Exelon, on May 7, 2008, was quoted in the *Victoria Advocate* as saying the refusal for the Paradise Ranch landowners to enter the proposed agreement, refusal for them to enter the proposed agreement won't stop the project of this size from coming to fruition. I feel they can be careless real easy out there. There again, how do I get out from across the Guadalupe? I think that makes Victoria pretty much of a target. I've not seen anything or heard anything about what they plan to do. And safety is a main concern. (0019-9-6 [McMaster, Connie])

Response: *These comments provide general information in opposition to the applicant's early site permit and will not be assessed further. The NRC will carefully review the application against its regulations that are intended to protect public health and safety and the environment.*

2.26 General Comments in Opposition to Nuclear Power

Comment: We bought into the South Texas Nuclear Project, Austin, because our mayor then – who eventually became Carol Strayhorn, one tough grandmother running for governor and now in total obscurity in Austin where she tried to run for mayor and couldn't get elected – but Carol's strategy was simply to try till she got it right. We had three referendums to buy into the South Texas Nuclear Project. Finally on the third time was apparently the charm because that was the only yes vote out of the three. What we found, though -- we were told the plant was going to be, quote, too cheap to meter – what we found, though, was that 42 percent of every dollar we paid to Austin Energy in the '90s was going for debt service on the South Texas Nuclear Project – 42 percent of every dollar was going for debt service. That doesn't sound to me like it's too cheap to meter. It's such a bad deal economically that Austin has tried several times to sell our share. The voters, in fact, passed a referendum directing the city council to try to sell our share. Guess what? We couldn't find anybody who wanted it at any price. Sixteen percent of a nuclear power plant that is up and running and producing electricity and nobody with any sense wants our share of this. That's not surprising. We don't want our share of this either. The plant cost nine times as much as the first estimate. That's cheap compared to Comanche Peak which cost 16 times what the people in North Texas were told that one was going to cost. Any figure you hear about how much this plant is going to cost, you should multiply by at least five or six, probably more than that because they're not even talking about building now. (0017-16-2 [Singleton, Robert])

Response: *The comment provides general information in opposition to nuclear power and will not be evaluated further.*

2.27 Comments Concerning Issues Outside Scope – Emergency Preparedness

Comment: We would ask the NRC to require Exelon to prepare studies showing the consequences of a catastrophic release (due to terrorist attack, explosion, or natural disaster) and provide information as to what would be done for the residents in the Victoria and Guadalupe River communities. (0013-8 [McKenzie, Sandra])

Comment: Now, when we started what's called the FEMA RAI process – or that's the reasonable assurance inspection – it's basically FEMA has to say that this community can plan for, respond to and support this project and we have a reasonable assurance that that is true, that their plans are adequate and that they'll actually be able to do them. We have to do this both for the COLA process and we have to do it for the early site permit. So when we started that process there were 15 key points and a number of areas in each of those 15 key points that we had to satisfy in order to say yes, we have a finding of reasonable assurance that this is the right community and that the community can support it. Now, in February of 2010 the Federal Emergency Management Agency sent a letter to the NRC stating that they found reasonable assurance, both that our plans were sufficient or that we could implement them in the event we needed to. Now, I don't think that's enough. I'm sure that if we took the time and we had the fiscal investment – which many of you will agree a nuclear power provider is probably going to be capable of doing that – with that fiscal investment you could probably finally get to the point where you could get all 15 of those points filled. Right? I think you could. What I think is important about Victoria that separates us from the rest of the alternatives is that we've already demonstrated that we go above and beyond to partner with the private sector to develop resilience in a whole community sense. Within this community we have developed programs with the Victoria Economic Development Corporation, the University of Houston Small Development Center, like our Partners in Preparedness programs that actually tie our private sector and our public sector together for planning, for training, for exercise, for response and for recovery. We have gone above and beyond in this community to make sure that the public sector and the private sector are tied together, that we are supporting one another and that we are on the same team during times of emergency. Furthermore, Victoria County has taken the additional steps to commit itself to protecting our environment during emergency, during disaster and even during times of relative peace. Victoria County has agreed with TCEQ to enter into a mutual aid agreement to support them in any type of emergency event within this community or within the surrounding ones, a partnership that would allow us to more efficiently respond to any type of environmental emergency.

More importantly than even that is that last year the Victoria County Commissioners Court approved a memorandum of agreement with the EPA stating that if we did have any type of emergency related to the environment or ecological concerns that we would support them, both in material and manpower, to ensure that they could respond effectively to an emergency within our community. Our emergency response forces from the sheriff's office, the police department, the fire department, the Office of Emergency Management are prepared thoroughly to support this project, and I hope that it reflects. (0017-6-3 [Lacey, Jeb])

Comment: The Victoria Chamber of Commerce further supports the proposed plan by Exelon for emergency preparedness. Exelon has made it a top priority and combined with the oversight of the NRC and FEMA, Exelon will become a partner in the safety of the area's citizens. (0019-11-5 [Lyon, Jeff])

Comment: Also, the emergency information that was gathered by Exelon before, we were never included in that, your closest neighbor; we were never even notified about it. We still have a question of how we'd get out if there was an emergency. (0019-9-4 [McMaster, Connie])

Response: *As part of its site safety review, the NRC staff will determine, after consultation with the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA), whether there are any significant impediments to the development of emergency plans and whether the major features of emergency plans submitted by Exelon are acceptable (see 10 CFR 52.18).*

2.28 Comments Concerning Issues Outside Scope – Safety

Comment: There are just a couple of things for those of you unfamiliar with Exelon that I wanted to share with you, and the first and the foremost is the safety commitment that we have to operating our plants. We operate 17 units at 10 different sites. We are the largest nuclear reactor in the United States, and we take the safe operation of those plants as the number one priority. (0017-3-2 [Kray, Marilyn])

Comment: The water circulated in the system will be no more toxic than the hot water we bathe in every day. (0002-3 [Riesz, Peter B.])

Comment: The NRC should consider Exelon's operating history and lessons-learned in determining whether Exelon should be allowed to construct a facility on the delicate ecosystem of the Guadalupe River community. Enforcements actions taken by the State of Illinois due to tritium leaks and contamination indicate a corporate operating history that required state legal action before compliance. As the attached exhibit shows, Exelon owns at least nine facilities where tritium has been released into the environment on numerous occasions, even after the State of Illinois enforcement actions. The question remains: once the water is contaminated, where do we, in our dry climate, get clean, fresh water? (0013-10 [McKenzie, Sandra])

Comment: We face these measured risks every day, whether it's the radioisotopes being brought into and through Victoria every day, or it's the hazardous waste that's being trucked out of Victoria every day, or whether it's the radiation exposure that we face every day through our diagnostic radiology programs and radiation therapy, etcetera. It's all a measured risk, whether we're talking about chemical plants south of Victoria, it doesn't matter what those risks are as long as we recognize them, measure them and do something about it. Certainly we have adequate political, technical, environmental and social bureaucracies to do that and we have a partner in Exelon Corporation that will see to protecting all of our interests in giving us the benefit of this major project. (0017-7-2 [Brown, David])

Comment: The Chamber further supports Exelon's proposal of building a nuclear energy plant that will be constructed with comprehensive modern safety systems with every system having independent backups. (0019-11-6 [Lyon, Jeff])

Comment: There have been several oil wells that have been drilled out there in the '50s, '60s and 2009 that have had blowout holes. There is one with a derrick and all the Haliburton trucks and everything in that hole on that ranch. Has the soil really been tested? Is it safe? (0019-17-4 [Dolezal, Harold])

Comment: Nuclear plants are among the safest commercial installations in our country. Containment structures where the reactors are strong enough to withstand enormous force including direct aircraft impact. (0019-18-3 [Forbes, Tom])

Comment: There's just three quick things that I would like for you to know about Exelon if you don't already, the first of which, safe operations, is the cornerstone of our company, not just of the individual plants, not just of the nuclear generation but of the corporation. Nuclear operations are truly the backbone of our company and the safe operation is what makes that successful. (0019-4-2 [Kray, Marilyn])

Comment: So I guess with those comments I would just like to throw a question out to NRC and the Army Corps of Engineers: Through this environmental impact study, is my health, safety and welfare going to be protected? (0019-7-2 [Figer, John])

Response: *The issues raised in the comments are outside the scope of the environmental review and are not addressed in the EIS. That said, the following are examples of how NRC addresses operational safety issues. NRC maintains resident inspectors at each reactor site. These inspectors monitor the day-to-day operations of the plant and perform inspections to ensure compliance with NRC requirements. In addition, the NRC has an operational experience program that ensures that the safety issues that are found at one plant are properly addressed at the others, as appropriate. Finally, the design of any new reactors or storage facility will have already benefited from lessons learned at existing reactors and incorporate new safety features that would be impracticable to backfit onto existing plants. The NRC will only issue a license or permit if it can conclude that there is reasonable assurance: (1) that the activities authorized by the license or permit can be conducted without endangering the health and safety of the public, and (2) that such activities will be conducted in compliance with the rules and regulations of the Commission.*

2.29 Comments Concerning Issues Outside Scope – Security and Terrorism

Comment: It's close to you say a secure border. Is it secure? We don't know. Terrorists could drive over here in the morning, terrorize it and be back across the border by the afternoon. I mean, it's something we have to look at. RPG from Highway 77 could do some damage. (0019-17-3 [Dolezal, Harold])

Response: *Comments related to aspects of the security plan, including a safeguards contingency plan, a physical security plan, and a guard training and qualifications plan are safety issues that are not within the scope of the staff's environmental review. As part of its mission to protect public health and safety and the common defense and security pursuant to the Atomic Energy Act of 1954, the NRC staff is conducting vulnerability assessments for the domestic use of radioactive material. Since the events of September 11, 2001, the NRC has identified the need for license holders to implement compensatory measures and has issued several orders to license holders imposing enhanced security requirements. The NRC has taken actions to ensure that applicants and license holders maintain vigilance and a high degree of security awareness. Consequently, the NRC will continue to consider measures to prevent and mitigate the consequences of acts of the terrorism in fulfilling its safety mission. Additional information about the NRC staff's actions regarding physical security since September 11, 2001, can be found on the NRC's public website (www.nrc.gov).*

Summary

By letter dated March 25, 2010, Exelon submitted to the NRC an application for an ESP for Victoria County site in Victoria, Texas.

On November 2, 2010, in accordance with 10 CFR 51.26, the NRC initiated the scoping process by publishing a Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process in the *Federal Register* (75 FR 67406). The notice of intent (NOI) notified the public of the staff's intent to prepare an EIS and conduct scoping for an ESP application. Through the notice, the NRC also invited applicant; Federal, Tribal, State, and local government agencies; local organizations; and individuals to participate in the scoping process by providing oral comments at two public scoping meetings and/or by submitting written comments no later than January 3, 2011. Public scoping meetings were held at the Victoria Community Center Dome located at 2905 East North Street, Victoria, Texas, on Thursday, December 2, 2010. Comments were consolidated and categorized according to topic within the EIS or according to the general topic if outside the scope of the EIS. The comments, along with the responses prepared by the NRC staff, are presented in this Scoping Summary Report.

The draft EIS for Exelon's ESP application will address the relevant environmental issues raised during the scoping process. The draft EIS will be made available for public comment. Interested Federal, Tribal, State, and local government agencies; local organizations; and members of the public will be given the opportunity to provide comments on the draft EIS. The review team will consider these comments during the development of the final EIS.