PMVictoriaESPPEm Resource

From: Terry, Tomeka
Sent: Friday, December 02, 2011 9:53 AM
To: Herrington.Jim@epamail.epa.gov
Cc: Kitto.Alison@epamail.epa.gov; Parrish.Sharon@epamail.epa.gov; Lawrence.Rob@epamail.epa.gov; Smith.Rhonda@epamail.epa.gov; VictoriaESP Resource; Williamson, Alicia; Cushing, Jack; Hudson, Jayson M SWG; Hsia, Anthony
Subject: RE: Victoria Site Audit
Attachments: Victoria County Station.docx; site map.pdf; Corps PJD.pdf

Jim

Alicia Williamson, Jack Cushing, and I'll arrive around 1:30pm at EPA office on Monday, December 5, 2011. I have attached additional information about the Victoria early site permit (ESP) environmental review. The Victoria ESP environmental report (ER) application is located on NRC website http://www.nrc.gov/reactors/new-reactors/esp/victoria.html. Also, GIS coordinates are located in Chapter 2 of the ER. I'm looking forward to meeting with you on Monday.

Thanks!
Tomeka

From: Herrington.Jim@epamail.epa.gov [mailto:Herrington.Jim@epamail.epa.gov]
Sent: Wednesday, November 30, 2011 12:34 PM
To: Terry, Tomeka
Cc: Kitto.Alison@epamail.epa.gov; Parrish.Sharon@epamail.epa.gov; Lawrence.Rob@epamail.epa.gov; Smith.Rhonda@epamail.epa.gov
Subject: RE: Victoria Site Audit

Hi Tomeka,

Great. I will plan on traveling to Dallas Monday morning and meeting with you on Monday afternoon, December 5. You will need to check in on the 7th floor for a visitors pass. Please ask the receptionist to call Sharon Parrish (my supervisor) at (214) 665-7275 for an escort.

In the meantime, for everyone's benefit, could you send a brief description and location of the proposed nuclear facility near Victoria, Texas? A planview map of the site and GIS coordinates would be helpful so that I can map the area prior to our meeting.

I appreciate it and see you on Monday.

Thanks,
Jim Herrington
Wetlands Section
EPA, Region 6
(254) 774-6042 (O)
(254) 774-6001 (F)

From: "Terry, Tomeka" <Tomeka.Terry@nrc.gov>
To: Jim Herrington/R6/USEPA/US@EPA
Date: 11/29/2011 06:22 PM
Subject: RE: Victoria Site Audit

Jim,

I will check to see if I can arrive little early on Monday, so I can meet you at the Dallas office on Monday afternoon. I will let you know something tomorrow.

Thanks!
Tomeka

From: Herrington.Jim@epamail.epa.gov [mailto:Herrington.Jim@epamail.epa.gov]
Sent: Wednesday, November 23, 2011 11:19 PM
To: Terry, Tomeka
Subject: Re: Victoria Site Audit

Hi Tomeka,

I will call you about this event next week.

Thanks,
Jim Herrington
Wetlands Section
EPA, Region 6
(254) 774-6042 (O)
(254) 774-6001 (F)

From: "Terry, Tomeka" <Tomeka.Terry@nrc.gov>
To: "Larisa_Ford@fws.gov" <Larisa_Ford@fws.gov>, Mark Fisher <MFISHER@tceq.state.tx.us>, Cathy Gilmore/R6/USEPA/US@EPA, "amy.turner@tpwd.state.tx.us" <amy.turner@tpwd.state.tx.us>, "amy.hanna@tpwd.state.tx.us" <amy.hanna@tpwd.state.tx.us>, "kathy.boydston@tpwd.state.tx.us" <kathy.boydston@tpwd.state.tx.us>, "ruben.cortez@dshs.state.tx.us" <ruben.cortez@dshs.state.tx.us>, Jim Herrington/R6/USEPA/US@EPA, "rusty.swafford@noaa.gov" <rusty.swafford@noaa.gov>, Michael Jansky/R6/USEPA/US@EPA
Cc: "Williamson, Alicia" <Alicia.Williamson@nrc.gov>, "'Avci, Halil I.'" <avci@anl.gov>, "Wescott, Konstance L." <wescott@anl.gov>, VictoriaESP Resource <VictoriaESP.Resource@nrc.gov>, "Hudson, Jayson M SWG" <Jayson.M.Hudson@usace.army.mil>
Date: 11/23/2011 10:47 AM
Subject: Victoria Site Audit

Hello!

My name is Tomeka Terry, Environmental Project Manager for the Victoria County Station Early Site Permit (ESP) application, at the NRC for the environmental review. NRC will conduct a site audit for the environmental review of the Victoria ESP application in Victoria, Texas the week of January 9-13, 2012 and would like to invite interested agencies to attend the audit.

The audit will consist of a site tour, some presentations by the applicant, on selected topics, and review of documents made available by the applicant. Although the purpose of the audit is to allow the NRC staff to gather additional information for its review, we recognize that there is great value in having other agencies involved because (1) it allows the NRC staff additional time to work with the agencies and (2) it gives the agencies a good opportunity to see the site and interface with both the NRC and the applicant.

Finally, we do need to manage the number of people who attend the site audit. In general we'd like to limit attendance from each agency to one staff member unless special circumstances dictate that more are needed. If you feel that is the

case, please contact me to discuss having additional staff attend the audit. In any case, please let us know who will attend the site audit no later than December 19, 2011. If you have any questions, please contact me at (301) 415-1488 or Tomeka.Terry@nrc.gov.

Background

The NRC is reviewing an application from Exelon Nuclear Texas Holdings, LLC (Exelon) for an early site permit at the Victoria County Station in Victoria, Texas. The application was submitted on March 25, 2010. The Army Corps of Engineers- Galveston District (Corps) is a cooperating agency with the NRC on the environmental review. As part of their reviews, the NRC and the Corps are working together to develop an environmental impact statement (EIS) for the proposed action. Public scoping meetings on the Victoria ESP application were held on December 2, 2010, as part of the scoping process.

Tomeka L. Terry
Environmental Project Manager
Environmental Projects Branch 2
Division of Site & Environmental Reviews
Office of New Reactors
telephone 301-415-1488
E-mail tomeka.terry@nrc.gov

Hearing Identifier: Victoria_ESP_Public
Email Number: 408

Mail Envelope Properties (0A64B42AAA8FD4418CE1EB5240A6FED15D5A1F13A5)

Subject: RE: Victoria Site Audit
Sent Date: 12/2/2011 9:53:28 AM
Received Date: 12/2/2011 9:53:37 AM
From: Terry, Tomeka

Created By: Tomeka.Terry@nrc.gov

Recipients:
"Kitto.Alison@epamail.epa.gov" <Kitto.Alison@epamail.epa.gov>
Tracking Status: None
"Parrish.Sharon@epamail.epa.gov" <Parrish.Sharon@epamail.epa.gov>
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"Cushing, Jack" <Jack.Cushing@nrc.gov>
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"Hudson, Jayson M SWG" <Jayson.M.Hudson@usace.army.mil>
Tracking Status: None
"Hsia, Anthony" <Anthony.Hsia@nrc.gov>
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Post Office: HQCLSTR02.nrc.gov

Files	**Size**	**Date & Time**
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Victoria County Station.docx	17915	
site map.pdf	297777	
Corps PJD.pdf	2982981	

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

Victoria County Station
Early Site Permit
Environmental Review

Project Description

Exelon Nuclear Texas Holdings, LLC (Exelon) submitted an application for an early site permit (ESP) at the Victoria County Station (VCS) site on March 25, 2010. The NRC staff accepted the application for docketing on June 7, 2010. The VCS is a greenfield site located on approximately 11,532 undeveloped acres (classified as rangeland, forestland, or wetland), approximately 13.3 miles south of Victoria, Texas. Linn Lake is located along a portion of the site's eastern boundary, while further east, the Guadalupe River angles toward the site (approximately 3 miles east of the northern tip of the site, but less than 0.25 miles east of the southeastern corner of the site). Exelon estimates that 7,129 acres of this site will be disturbed during the preparation and construction phase of the project, of which a total about 6,345 acres will be permanently dedicated to the reactors and their supporting facilities including a 5,785-acre cooling water basin.

The ESP application was prepared using the plant parameter envelope (PPE) approach, which uses the surrogate bounding reactor conditions derived from a combination of available technical information supplied by the reactor vendors. Exelon has indicated they will not submit an application for a combined license anytime soon. Within the ESP application, Exelon is using five possible reactor technologies; ABWR, AP1000, ESBWR, APWR, and mPower. This is the first ESP application submitted using the mPower design. This may require an increased level of effort to appropriately consider it. Exelon estimates that the selected reactor or reactors will be capable of generating a combined core thermal power level of up to 9000 MWt (3400 MWe).

By letter dated November 19, 2010, the U.S. Army Corps of Engineers (Corps), Galveston District became a cooperating agency with the NRC in preparing the EIS for the VCS ESP application. Exelon has not submitted a permit application to the Corps, and does not plan to submit it until the combined license application phase.

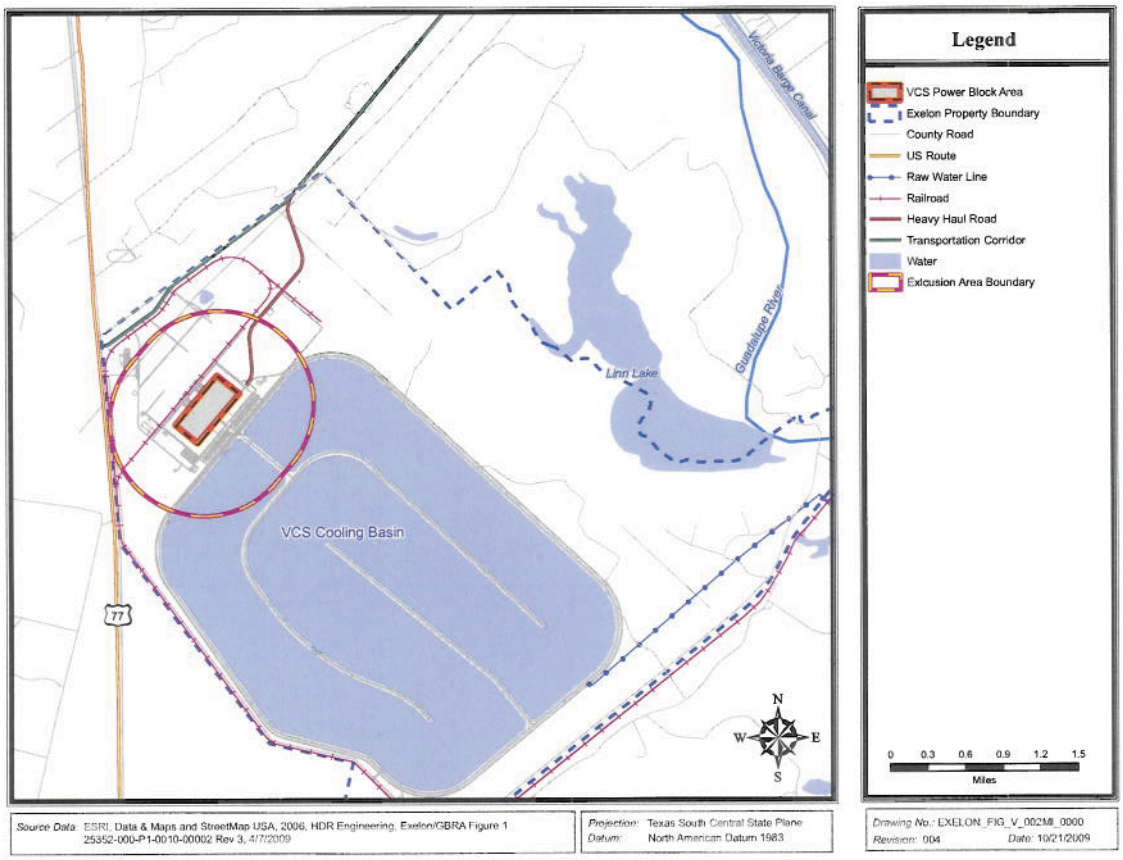


Figure 2.1-1 Victoria County Station Site and Proposed Plant Footprint

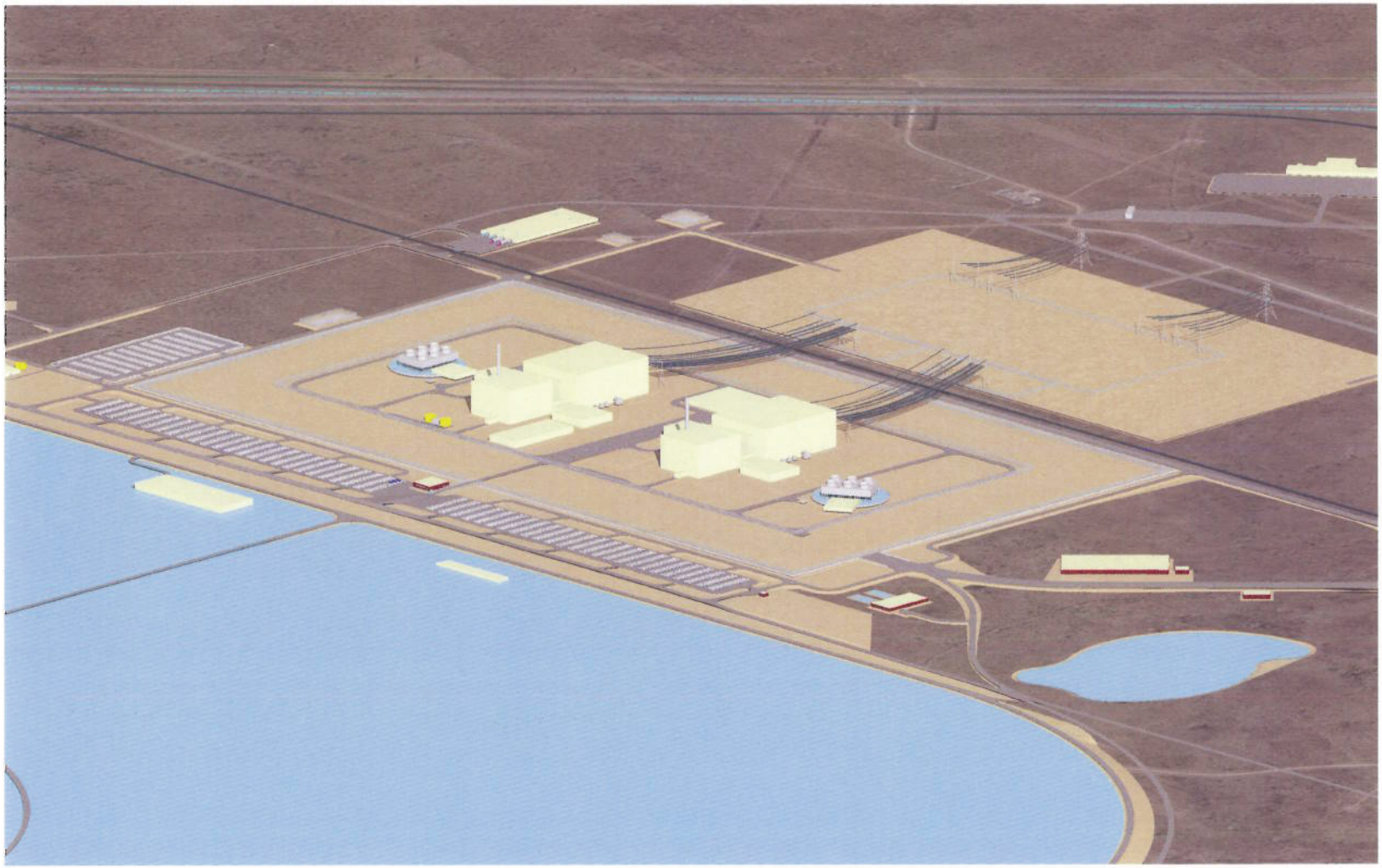


Figure 2.1-4 Oblique Aerial Photograph of the VCS Site (Typical)

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
CORPUS CHRISTI REGULATORY FIELD OFFICE
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI TX 78411-4318

July 28, 2011

REPLY TO
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Jurisdictional Determination SWG-2008-00694

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

Dear Mr. Trembley:

This is in reference to a September 9, 2010 letter, by which Exelon Generation Company, LLC submitted a wetland delineation report and requested a preliminary jurisdiction determination (PJD) pursuant to Section 404 of the Clean Water Act for an approximate 11,000 acre nuclear power plant project area. The project area and subject wetlands and waters are located approximately 13 miles south of Victoria, on the east side of State Highway 77, Victoria County, Texas, as shown on the attached 16 sheets.

We have counter executed the PJD form that was attached to our letter, dated May 13, 2011, and subsequently provided in your letter dated June 2, 2011. Accordingly, please find attached your copy of the final executed PJD form. The wetlands and waters contained in this PJD are subject to regulation under Section 404 of the Clean Water Act. As such, a Department of the Army permit is required prior to the discharge of dredged or fill material into these subject wetlands and waters. Please note that this PJD pertains to those wetland areas that could be disturbed, and does not include all jurisdictional wetlands and waters which are in the project area but outside the "Limit of Disturbance" as shown on the attached Figure 1, titled "Conservative Limit of Disturbance – VCS Preliminary Jurisdictional Determination (PJD) Request". Jurisdictional wetlands also occur outside the Limit of Disturbance area and are not included in this PJD, except for wetland Wp1, which may be used to support future mitigation planning activities.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Although PJD's are not appealable, the enclosed combined Notification of Administrative Appeal Options and Process and Request for Appeal form contains procedural information for PJD's. Please reference determination number **SWG-2008-00694** in future correspondence pertaining to this subject.

If you have any questions concerning this determination, please contact John Wong at the letterhead address or by telephone at 361-814-5847. To assist us in improving our service to you, please complete the survey found at http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Lloyd Mullins
Supervisor
Corpus Christi Regulatory Field Office

Enclosures

Copy Furnished:

Mr. Jayson Hudson, CESWG-PE-RB

Figure 1. Conservative Limit of Disturbance - VCS Preliminary Jurisdictional Determination (PJD) Request

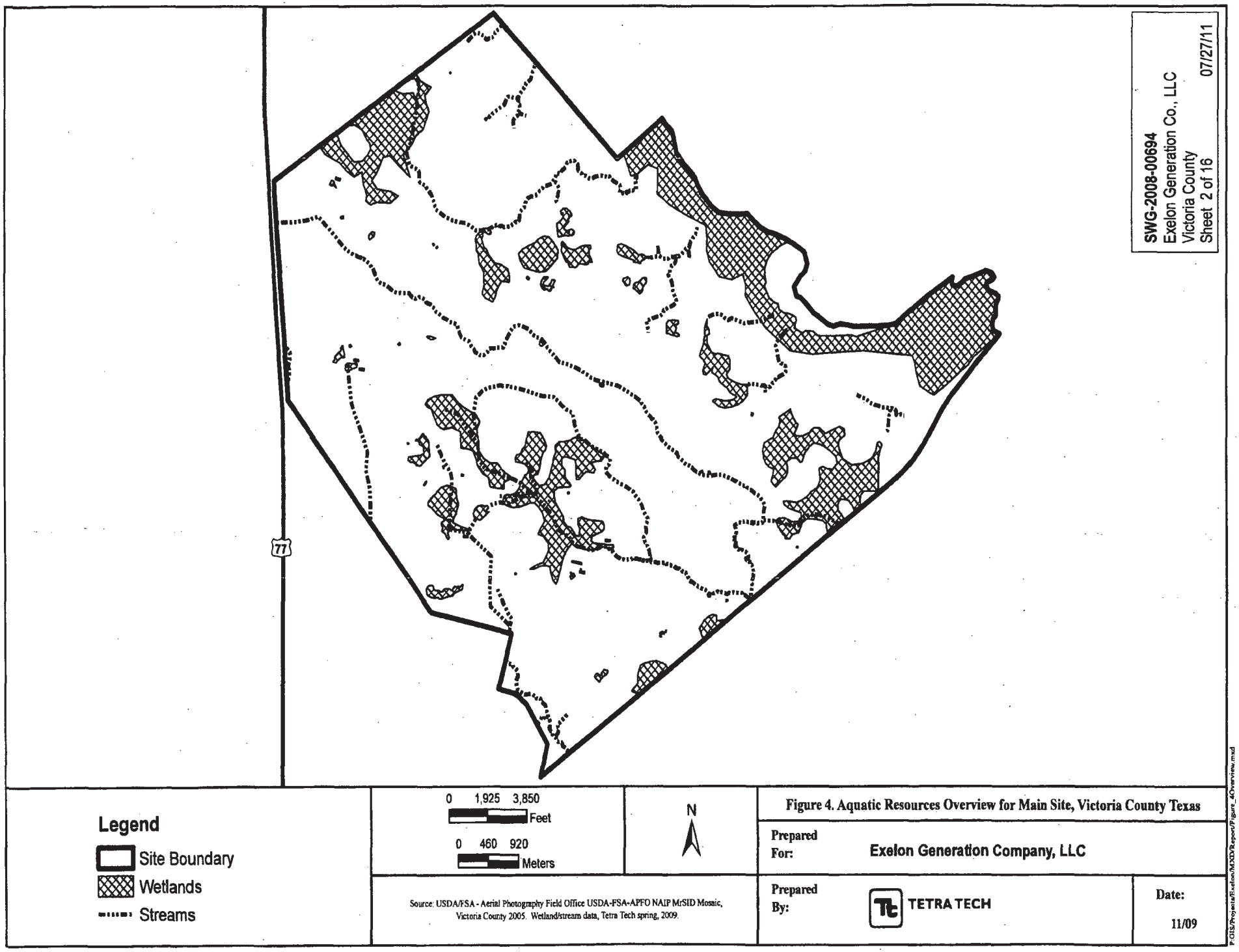
Notes:

1. The "Conservative Limit of Disturbance" presented herein is provided for the sole purpose of delineating those wetlands that are included in the VCS PJD request. See VCS Early Site Permit (ESP) Application Environmental Report (ER) Figure 4.1-1 for the anticipated VCS Construction Area of Disturbance.

2. Although wetland Wp1 is located beyond the Conservative Limit of Disturbance, Exelon is requesting a preliminary determination of the jurisdictional status to support future mitigation planning activities.

3. This figure is adapted from VCS ESP Application ER Figure 2.3.1-11 "Existing Streams and Wetlands".

4. Figure 1 was revised to Rev. 1 on 7/8/11 by Joshua Trembley of Exelon, replacing Figure 1 in Exelon's June 2, 2011 letter to the USACE.


SWG-2008-00694
Exelon Generation Co., LLC
Victoria County
Sheet 2 of 16
07/27/11
77
Legend
Site Boundary
Wetlands
Streams
0 1,925 3,850
Feet
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Meters
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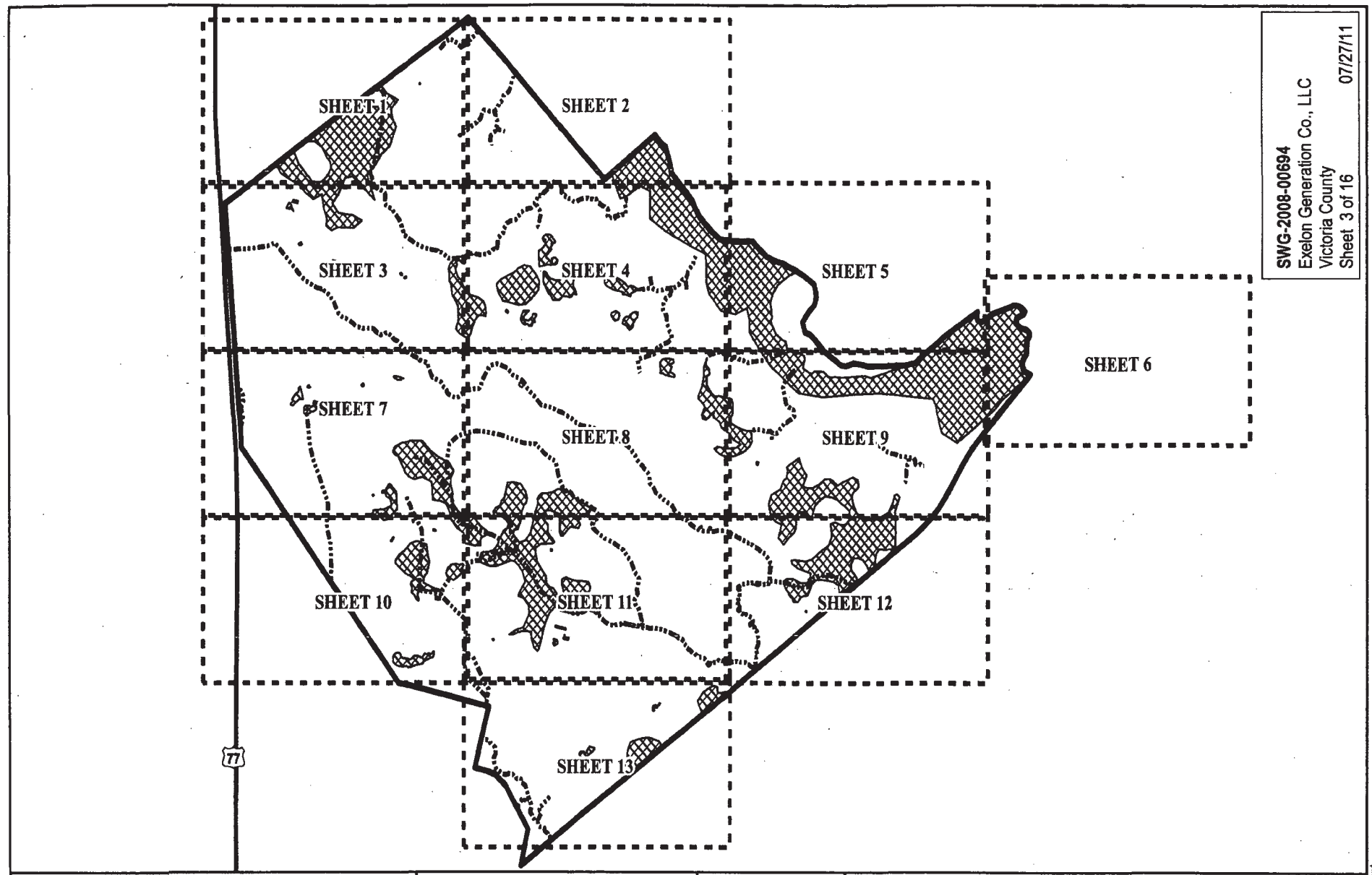
Source: USDA/FSA - Aerial Photography Field Office USDA-FSA-APFO NAIP MrSID Mosaic, Victoria County 2005. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Overview for Main Site, Victoria County Texas
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 11/09
P:\GIS\Projects\Exelon\MXD\Report\Figure_4Overview.mxd



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Exelon Generation Co., LLC
Victoria County
Sheet 3 of 16
07/27/11

Legend

- Site Boundary
- Sheet Boundaries
- Wetlands
- Streams

0 1,925 3,850 Feet

0 460 920 Meters

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Source: USDA/FSA - Aerial Photography Field Office USDA-FSA-APFO NAIP MrSID Mosaic, Victoria County 2005. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Sheet Key for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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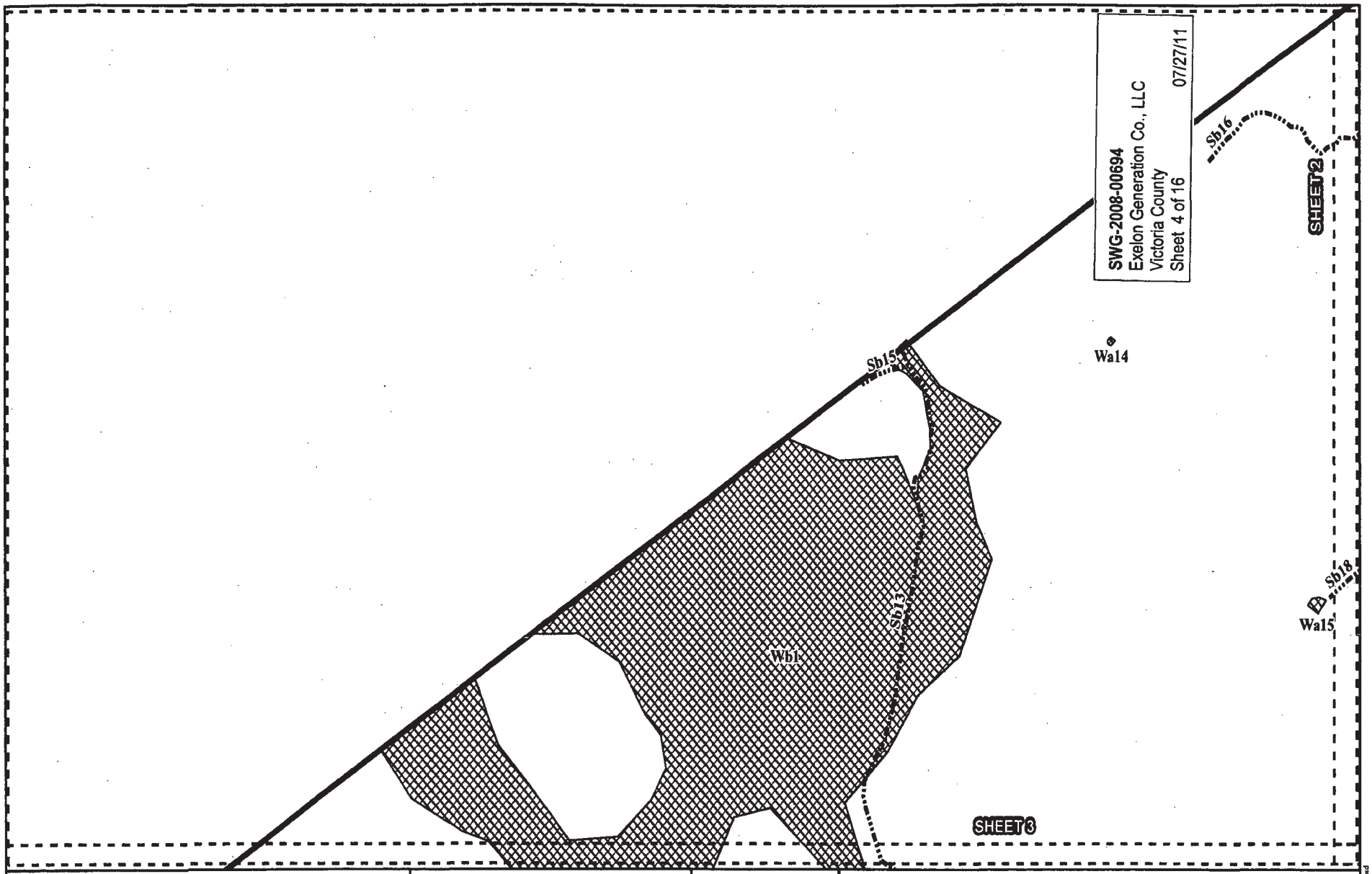

Legend

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

0 375 750 Feet

0 90 180 Meters

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SHEET 1

Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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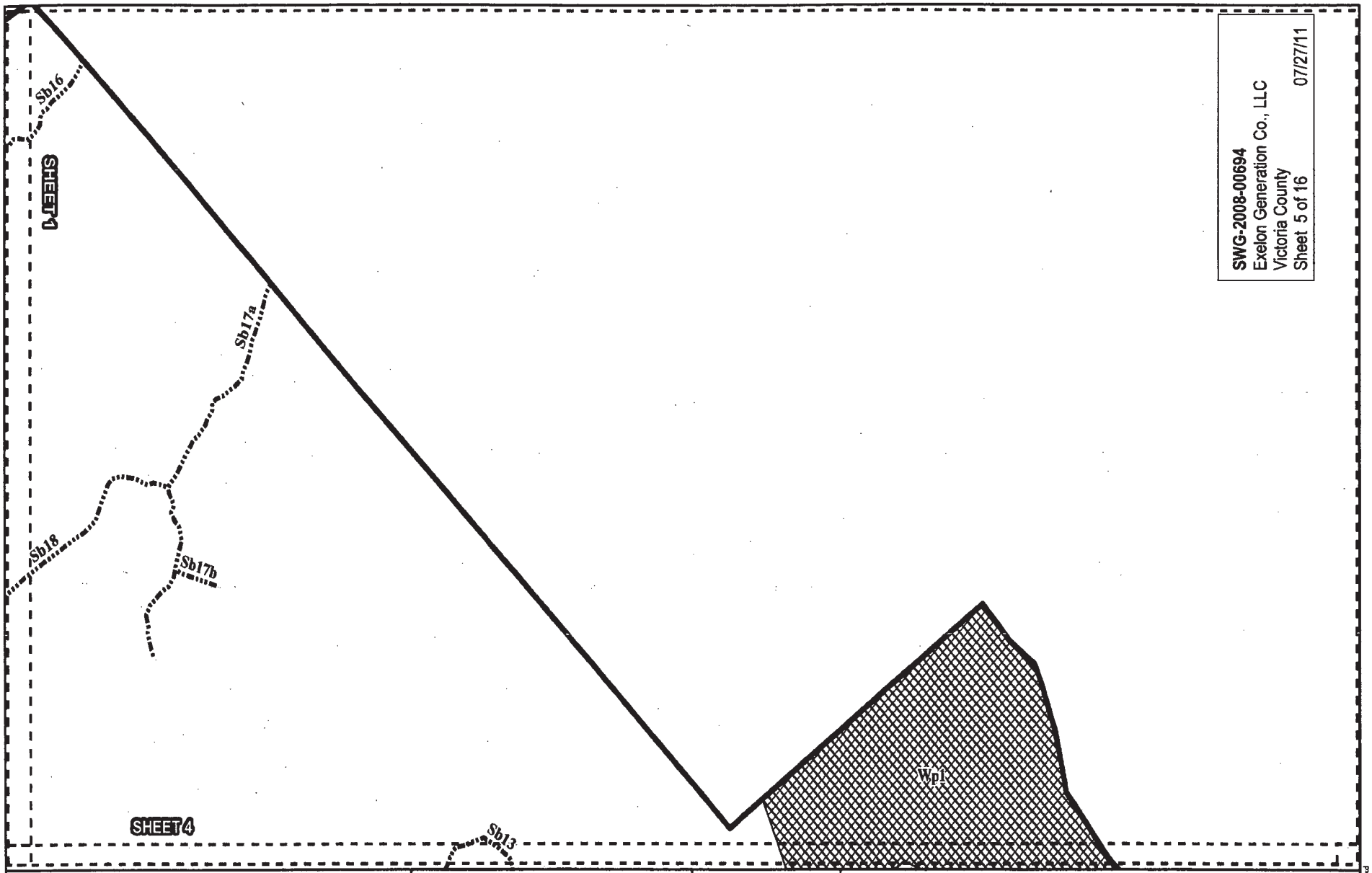
SWG-2008-00694
Exelon Generation Co., LLC
Victoria County
Sheet 5 of 16
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Sb16
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Sb17a
Sb18
Sb17b
Wp1
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Upland Areas in Wetlands
Site Boundary
Sheet Boundaries
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SHEET 2
Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 11/09
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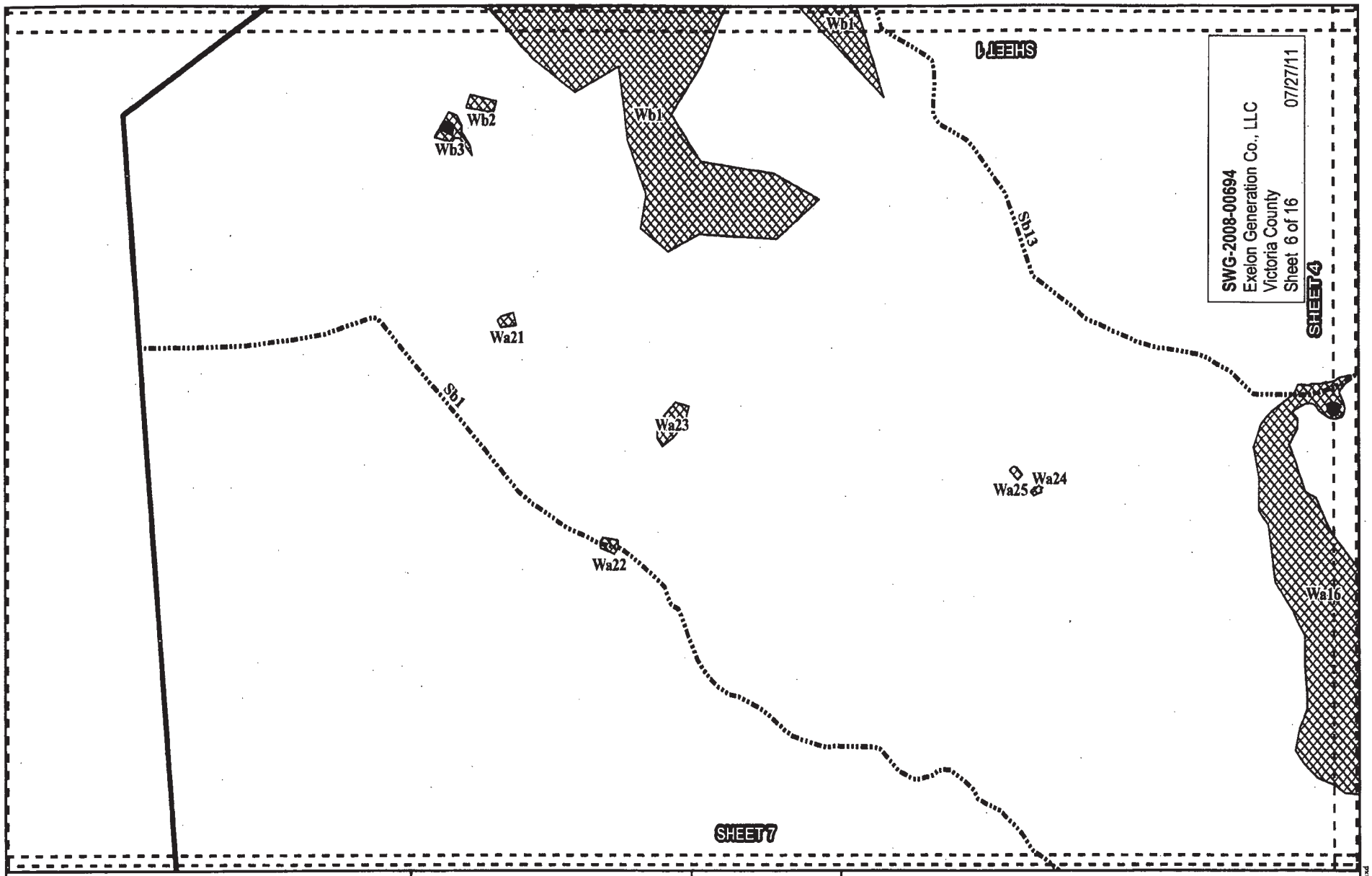

Legend

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

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0 90 180 Meters

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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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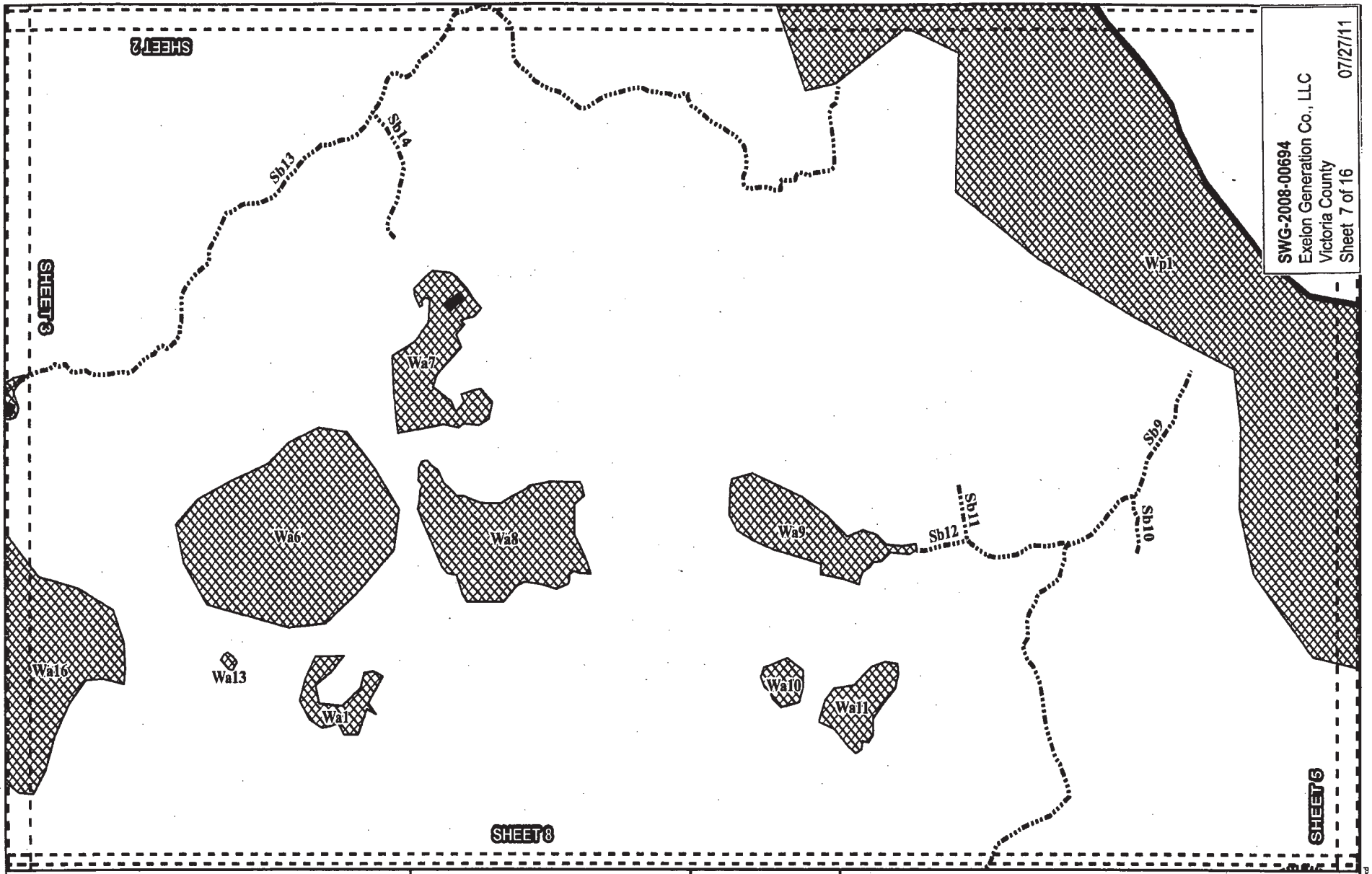

Legend

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

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SHEET 4

Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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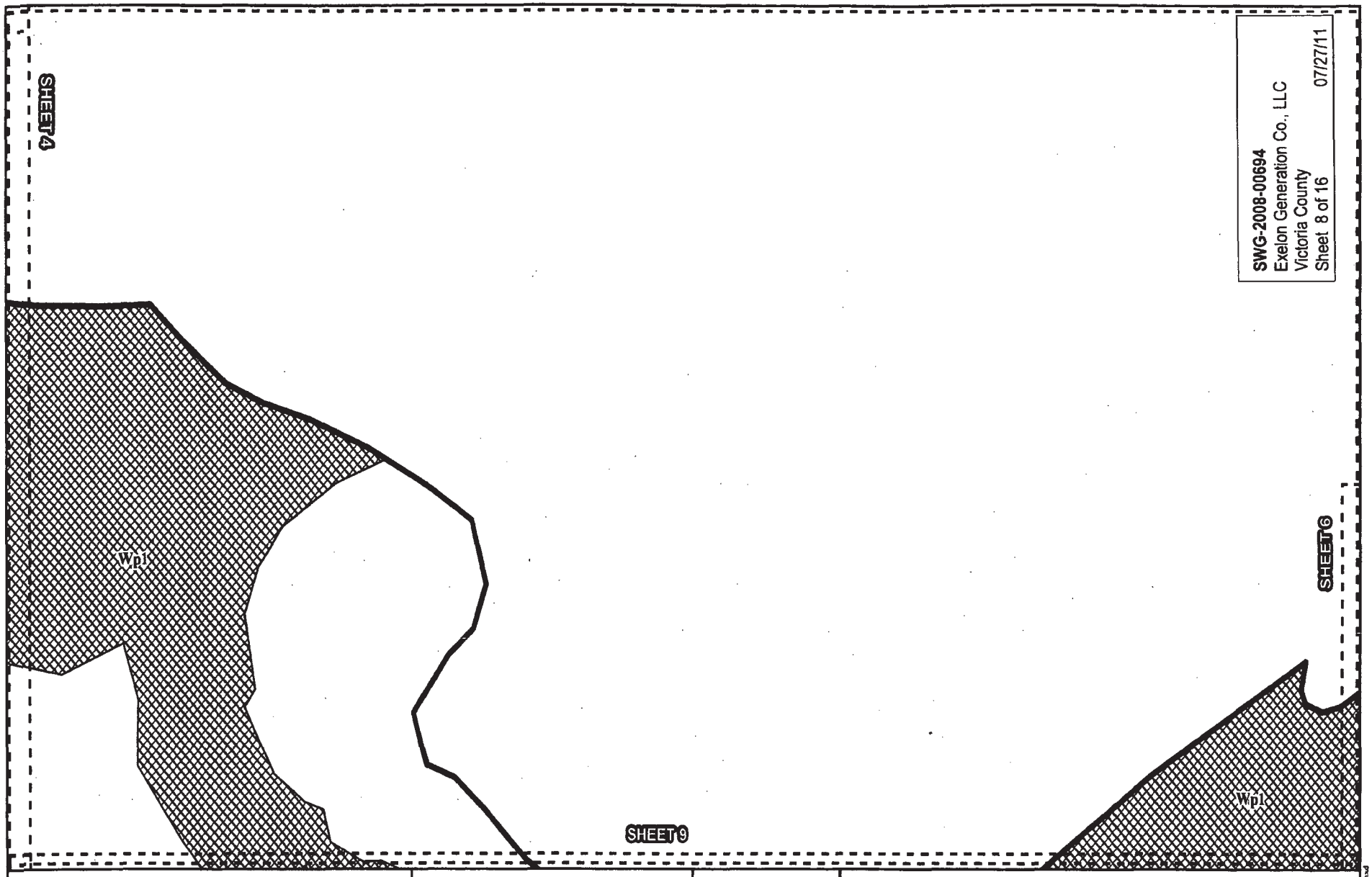

Legend

- Streams
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- Site Boundary
- Sheet Boundaries

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SHEET 5

Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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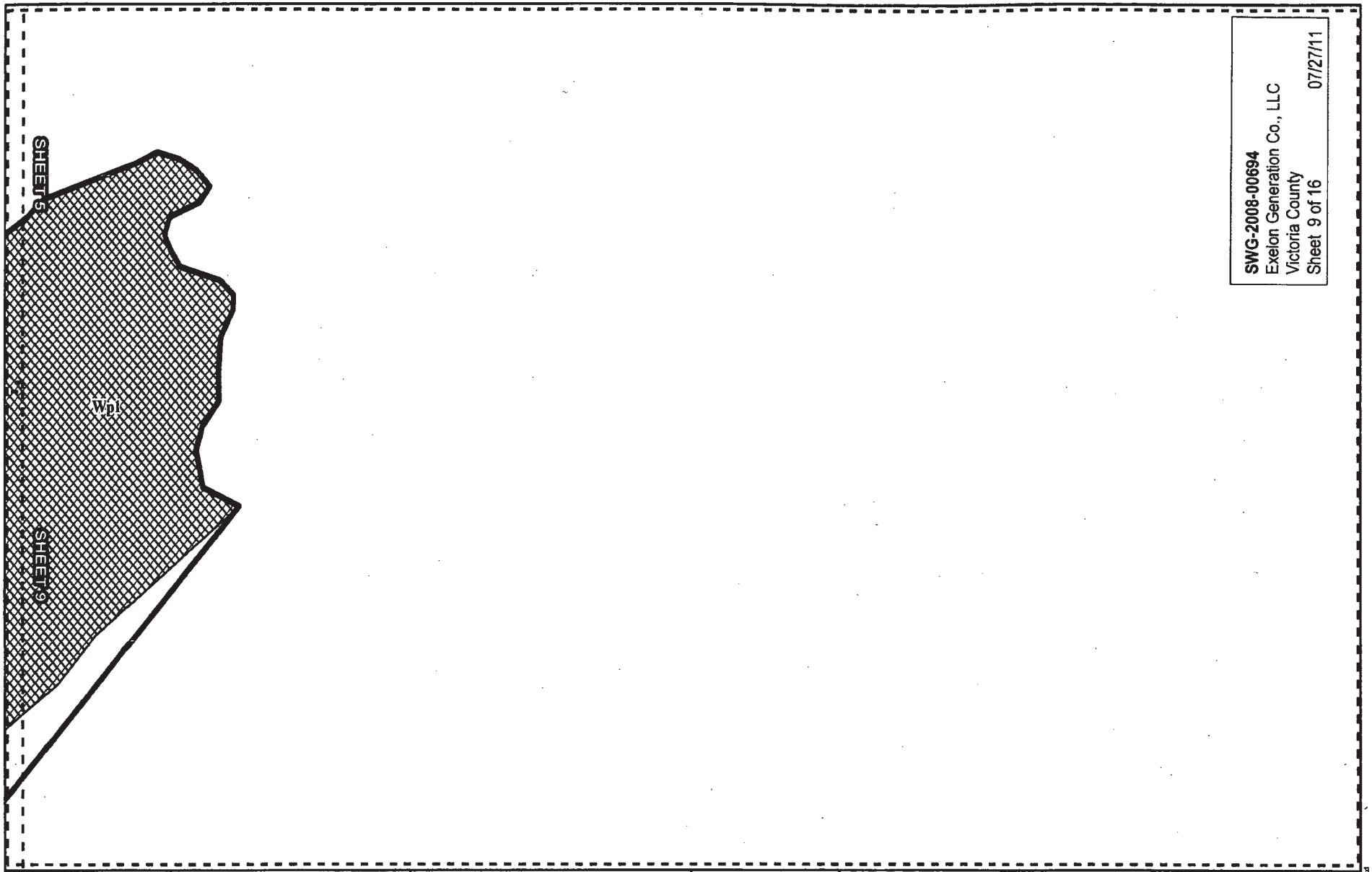

SWG-2008-00694
Exelon Generation Co., LLC
Victoria County
Sheet 9 of 16
07/27/11

Legend

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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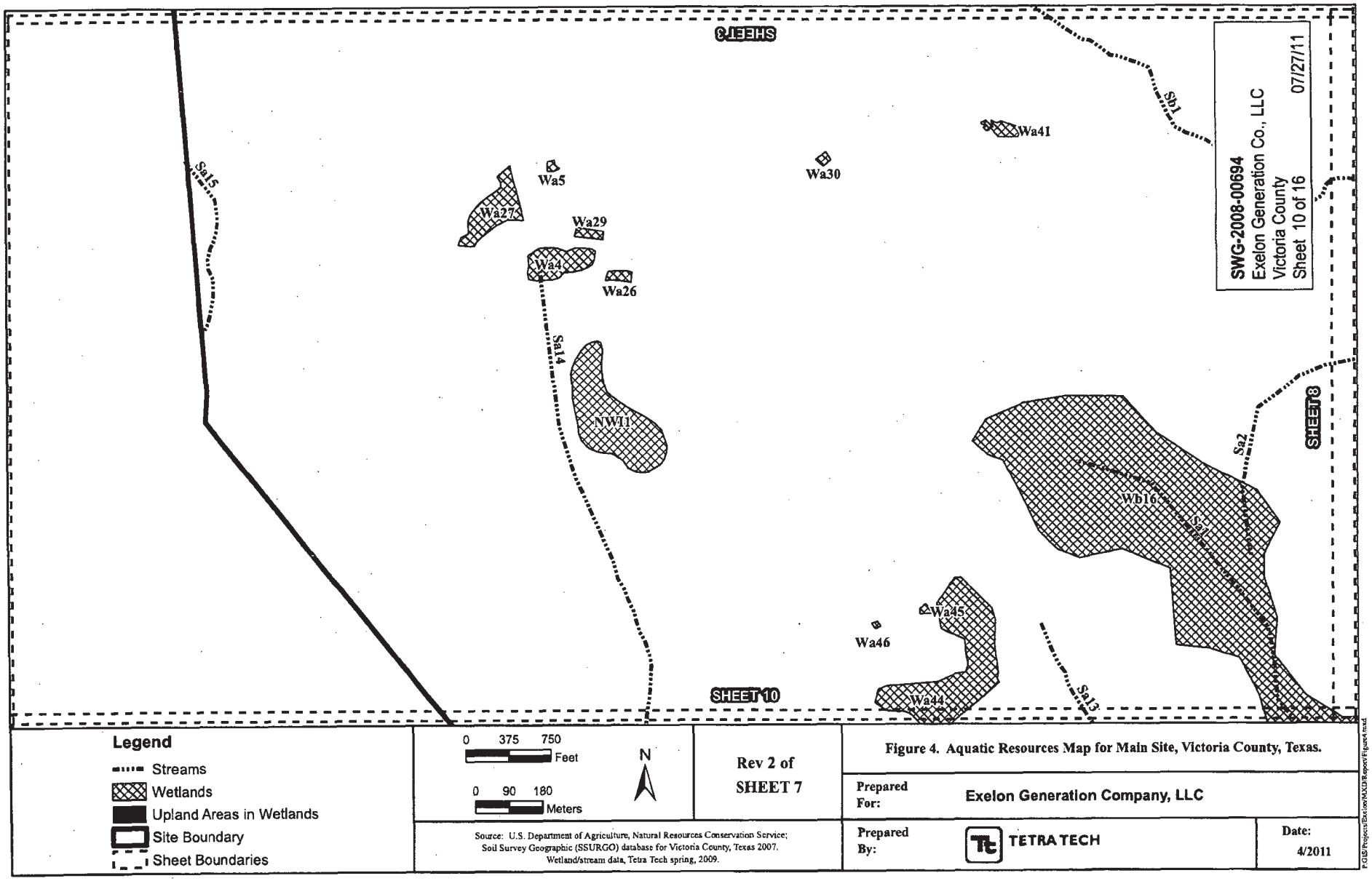
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 4/2011
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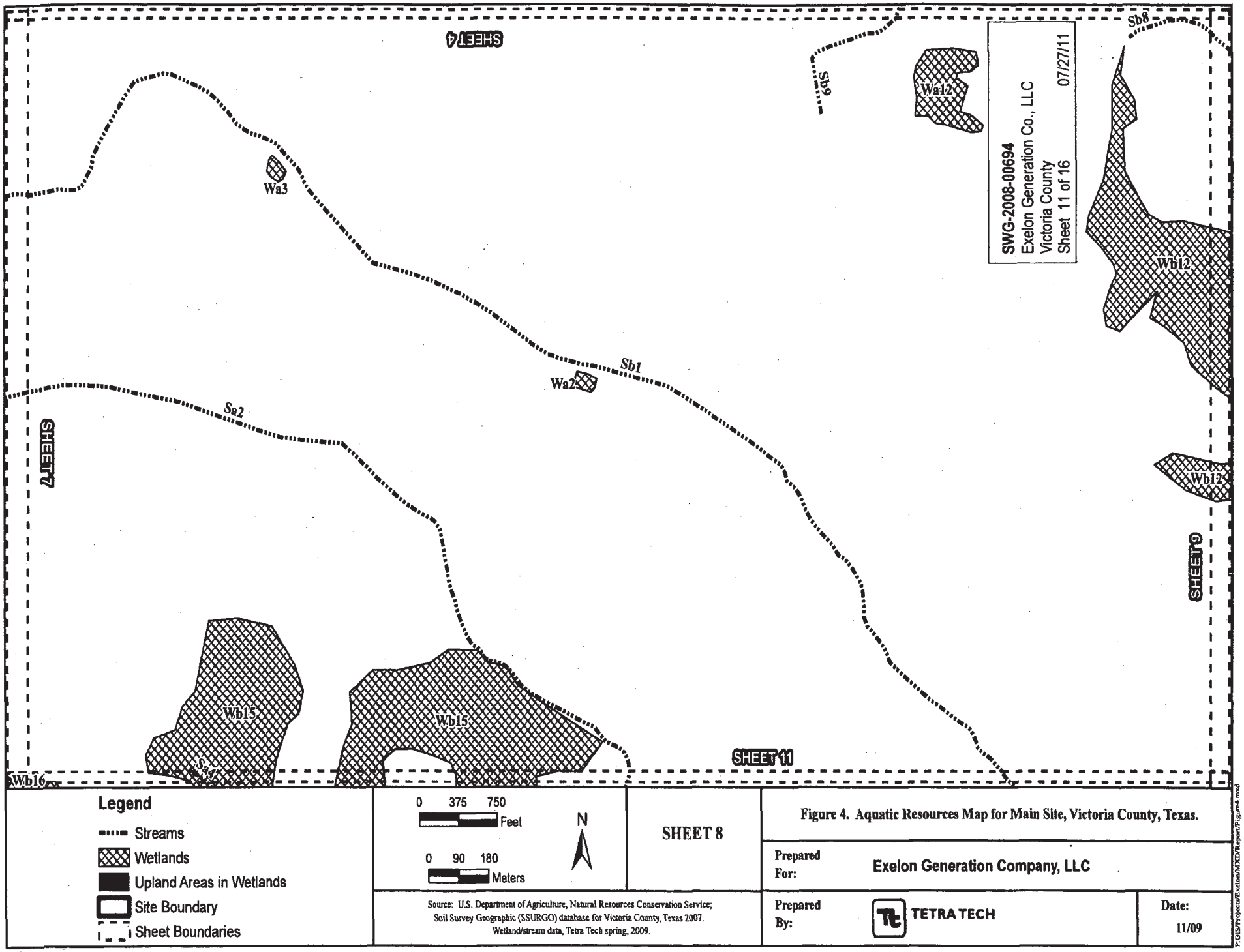
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Exelon Generation Co., LLC
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 11/09
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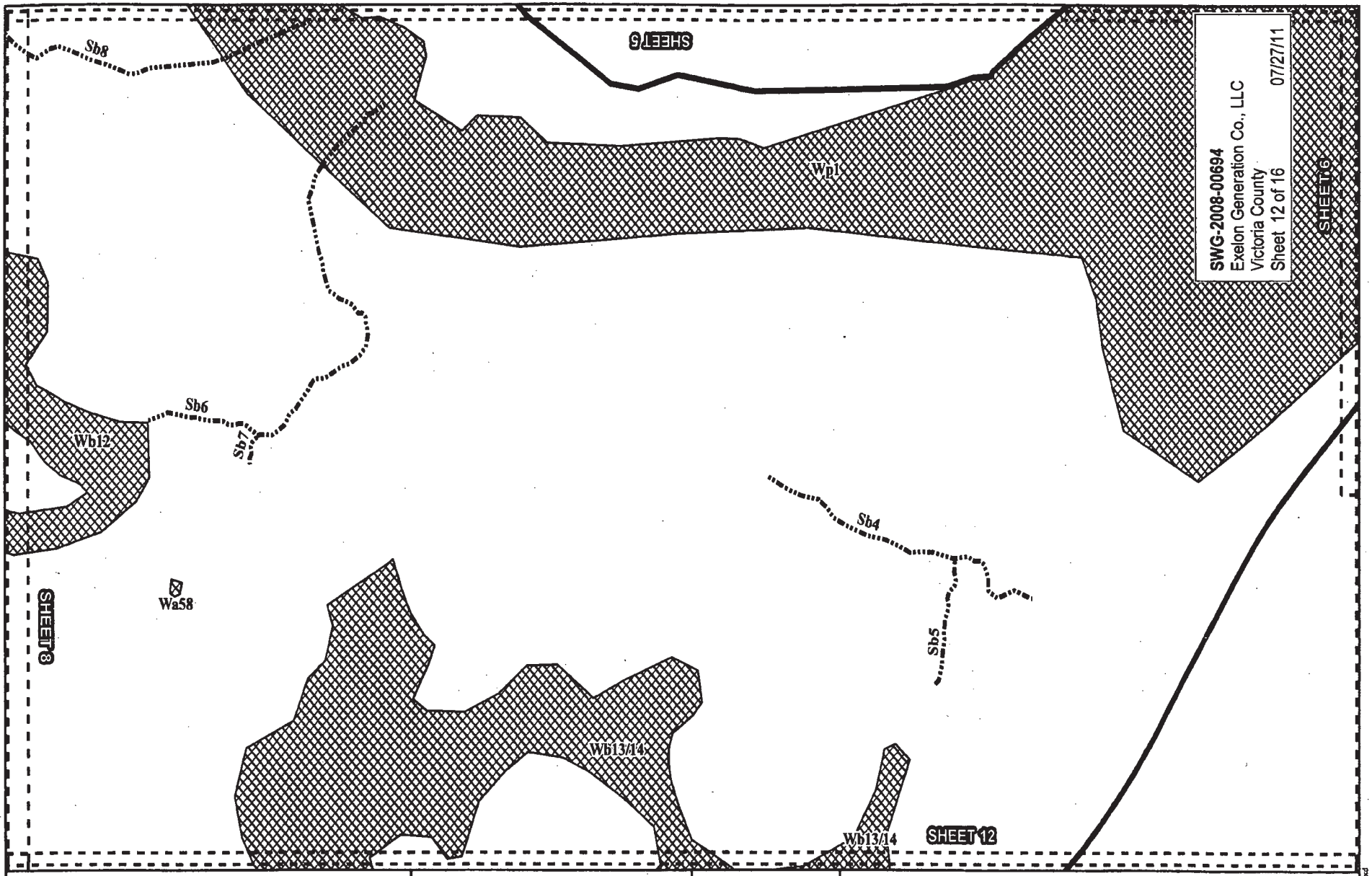
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Exelon Generation Co., LLC
Victoria County
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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 11/09
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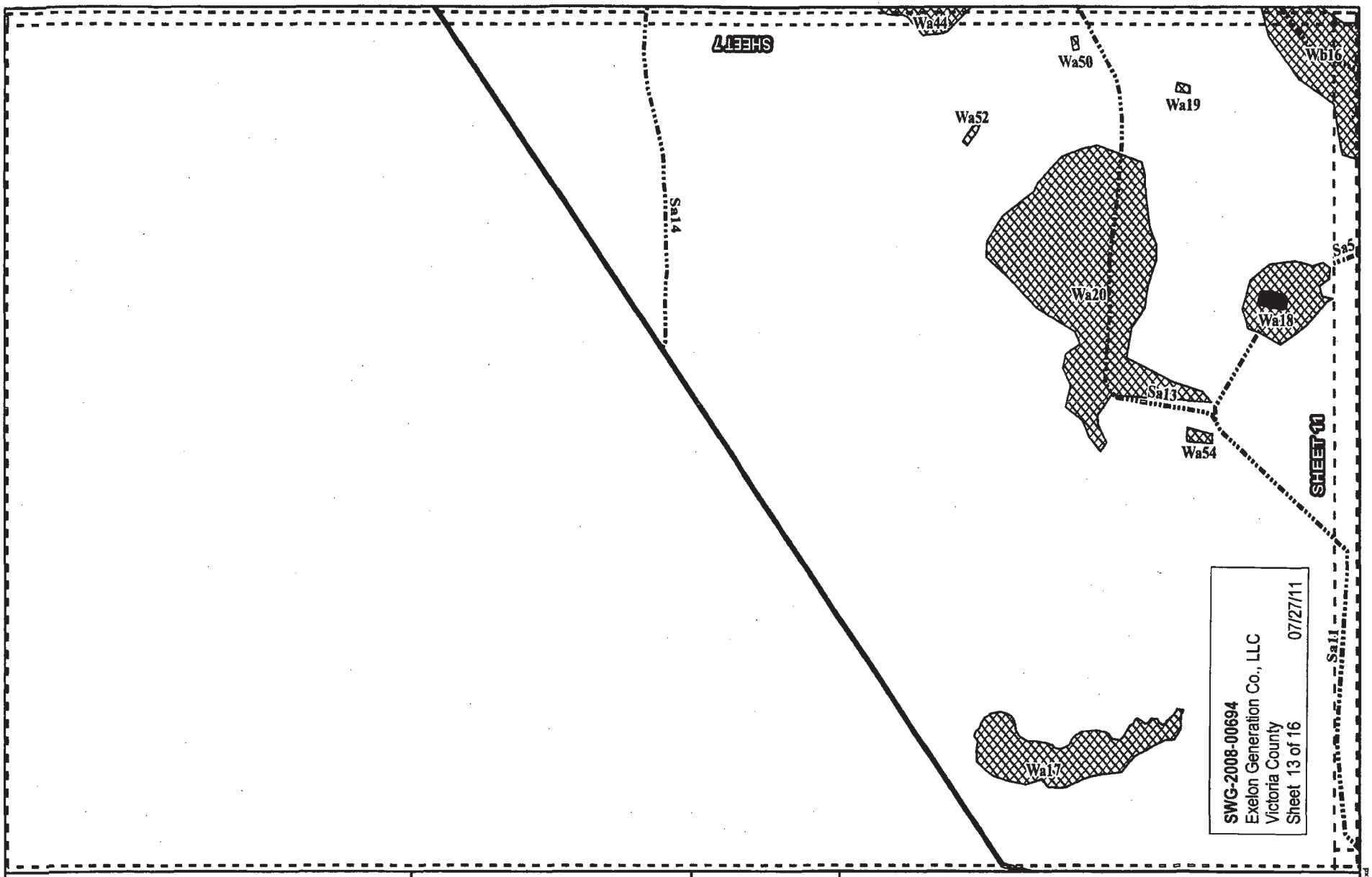

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- Sheet Boundaries

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Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For: Exelon Generation Company, LLC

Prepared By: TETRA TECH

Date: 11/09

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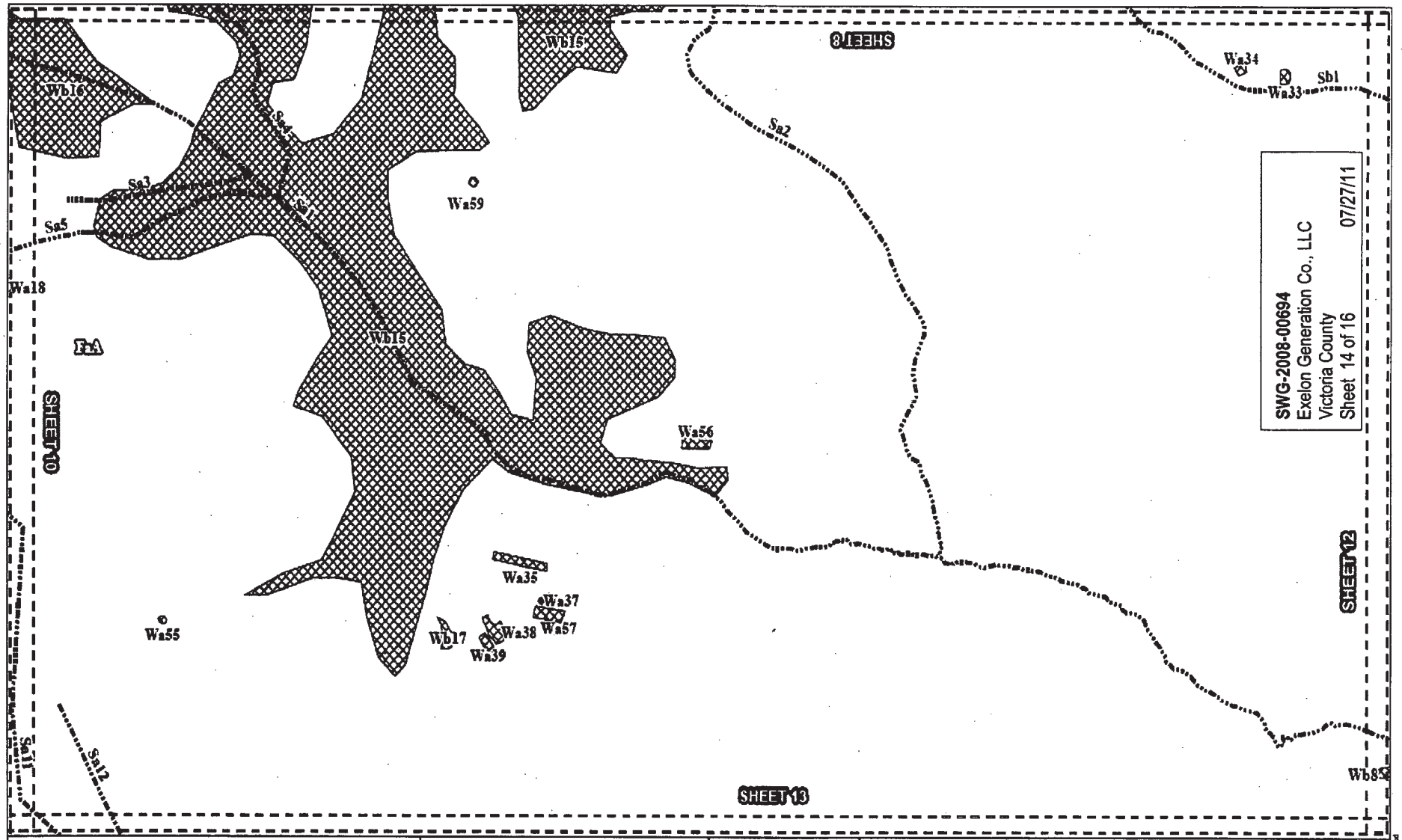
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Exelon Generation Co., LLC
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SHEET 10
Wa56
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Wa35
Wa37
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Sa11
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Legend
Streams
Wetlands
Upland Areas in Wetlands
Site Boundary
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Feet
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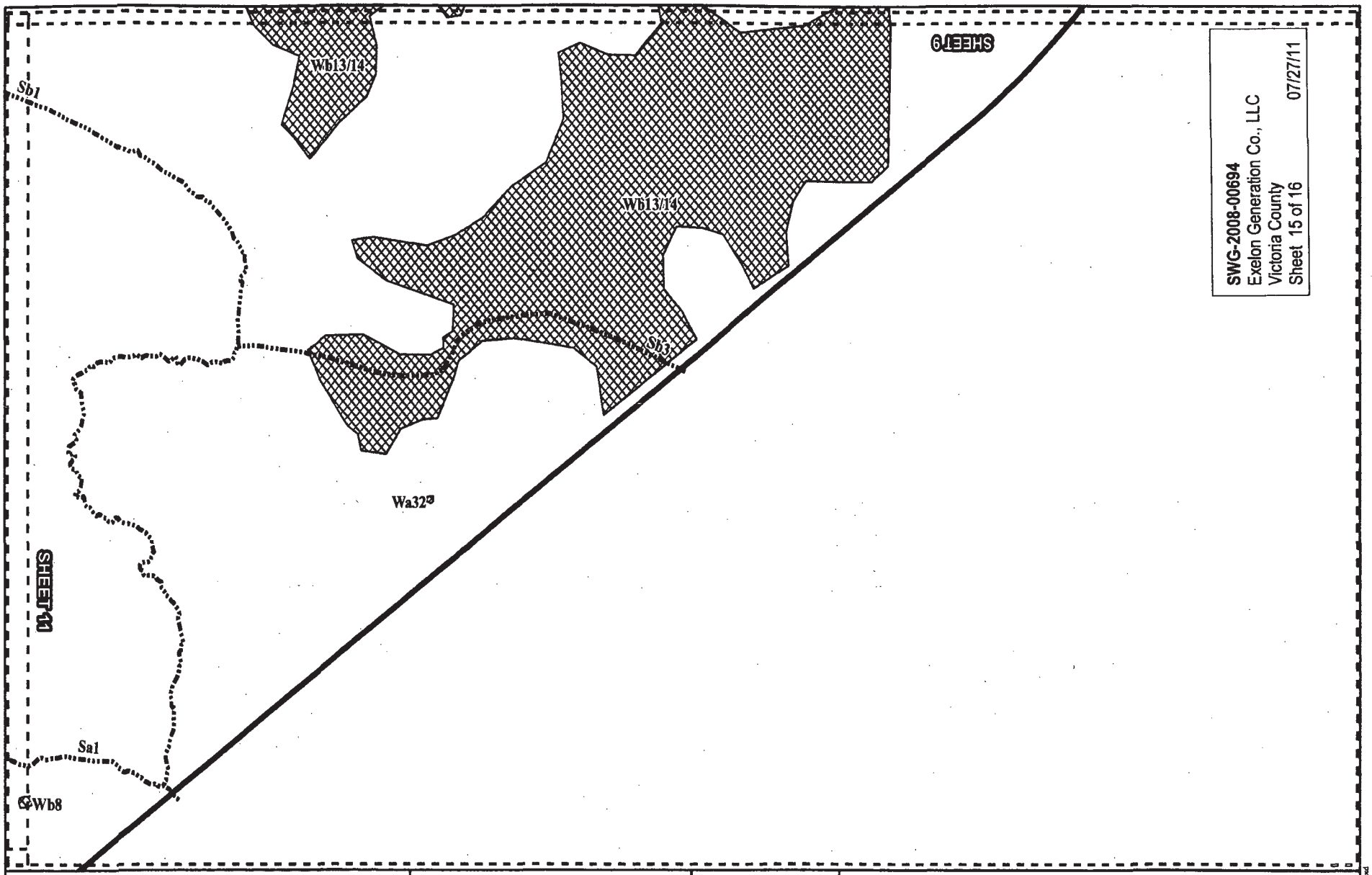
Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech: spring, 2009.
Rev 1 of SHEET 11
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 4/2011


Wb13/14
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Sa1
Wb8
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SHEET 9
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Legend
Streams
Wetlands
Upland Areas in Wetlands
Site Boundary
Sheet Boundaries
0 375 750
Feet
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Meters
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SHEET 12
Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007. Wetland/stream data, Tetra Tech spring, 2009.
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.
Prepared For: Exelon Generation Company, LLC
Prepared By: TETRA TECH
Date: 11/09
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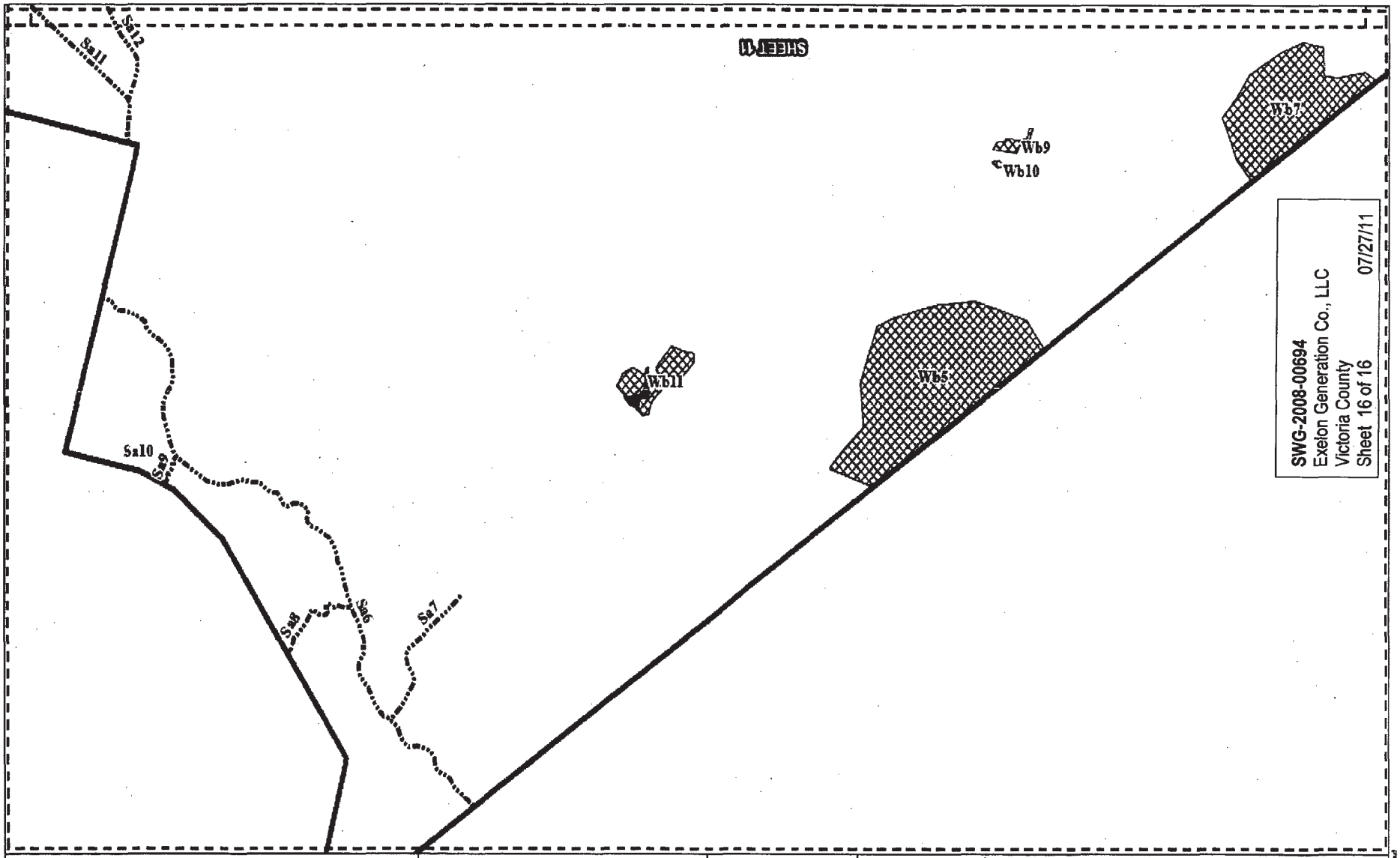


Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For:	Exelon Generation Company, LLC	
Prepared By:	TETRA TECH	Date: 4/2011

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): SWG-2008-00694

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Exelon Generation Company, LLC.; 300 Exelon Way, Kennett Square, Pennsylvania 19348

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:Galveston, Exelon Victoria County Station Site, SWG-2008-00694

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: 13 miles south of Victoria, east side of State Highway 77, Victoria County, TX
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State:TX County/parish/borough: Victoria City: Victoria
Center coordinates of site (lat/long in degree decimal format): Lat. 28.7963° **N**, Long. -96.9715° **E.**
Universal Transverse Mercator: 14
Name of nearest waterbody: Guadalupe River and Linn Lake

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 147,059 linear feet: width (ft) and/or acres.
Cowardin Class: Riverine
Stream Flow:
Wetlands: 1849.34 acres.
Cowardin Class: Emergent

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: January to May 2011
☒ Field Determination. Date(s): 8/26/08 & 4/7/09

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party

who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:Tetra Tech Inc.; dated January 2010.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☒ Office concurs with data sheets/delineation report.
- ☒ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name:1:24000; Bloomington, Bllomington SW, Raisin, McFaddin.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Soil Survey Geographic (SSURGO) for Victoria County, 2007.

☒ National wetlands inventory map(s). Cite name:NWI webbase wetland mapper: http://137.227.242.85/wetland/wetland.html.

☐ State/Local wetland inventory map(s): .

☒ FEMA/FIRM maps:480637 0175B; 9/18/87.

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date):USDA 2005, NAIP 2004 & 2010, GoogleEarth (1/14/95, 1/27/96, 10/22/05, 10/31/08, 1/31/09), Bing (USGS 2010).

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

☒ Other information (please specify):Aerial Survey and Topographic Map of Exelon Victoria County Station Site by P2 Energy Solutions; dated 4/22/09; 428 sheets; 1 foot contours; site inspection dated 8/26/08 & 4/7/09.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

7/27/11
Signature and date of
Regulatory Project Manager

Marilyn Kray 6/2/11
Signature and date of
person requesting preliminary JD

Waters_Name	Cowardin_Code	Area (acres)	Linear (ft)	Latitude(dd nad83)	Longitude dd nad83)	JD Class
Wa1	PEM1A	3.72		28.6128	-97.0072	Sec. 404
Wa4	PEM1A	2.58		28.6035	-97.0351	Sec. 404
Wa5	PEM1C	0.14		28.6057	-97.0348	Sec. 404
Wa6	PEM1F	38.51		28.6177	-97.0085	Sec. 404
Wa7	PEM1A	10.64		28.6208	-97.0054	Sec. 404
Wa8	PEM1A	18.95		28.6167	-97.006	Sec. 404
Wa9	PEM1A	10.92		28.6157	-96.9971	Sec. 404
Wa10	PEM1A	1.88		28.6126	-96.9974	Sec. 404
Wa11	PEM1A	4.69		28.6123	-96.9967	Sec. 404
Wa12	PEM1A	6.04		28.608	-96.9918	Sec. 404
Wa16	PEM1C	41.88		28.6119	-97.0167	Sec. 404
Wa17	PEM1A	10.68		28.5784	-97.024	Sec. 404
Wa18	PEM1A	6.39		28.5877	-97.0236	Sec. 404
Wa20	PEM1A	36.71		28.5882	-97.0221	Sec. 404
Wa22	PUSCx	0.27		28.6154	-97.0338	Sec. 404
Wa23	PEM1A	1.01		28.6175	-97.0321	Sec. 404
Wa24	PEM1A	0.09		28.6166	-97.0231	Sec. 404
Wa26	PEM1A	0.38		28.6029	-97.0333	Sec. 404
Wa27	PEM1A	3.14		28.6054	-97.0361	Sec. 404
Wa29	PEM1Cx	0.36		28.6041	-97.0342	Sec. 404
Wa32	PUBFx	0.05		28.5831	-96.974	Sec. 404
Wa35	PEM1Ax	0.55		28.5813	-97.0035	Sec. 404
Wa37	PUSCx	0.03		28.5806	-97.0035	Sec. 404
Wa38	PUSCx	0.44		28.5798	-97.0047	Sec. 404
Wa39	PEM1Fx	0.17		28.5797	-97.0048	Sec. 404
Wa44	PEM1A	11.63		28.5946	-97.0244	Sec. 404
Wa45	PEM1Cx	0.13		28.5951	-97.0258	Sec. 404
Wa46	PEM1Cx	0.06		28.5946	-97.027	Sec. 404
Wa54	PEM1A	0.37		28.5836	-97.0189	Sec. 404
Wa55	PEM1C	0.06		28.5803	-97.0124	Sec. 404
Wa56	PEM1Ax	0.35		28.5839	-96.9995	Sec. 404
Wa57	PEM1Ax	0.42		28.5802	-97.0031	Sec. 404
Wa59	PUSCx	0.08		28.5892	-97.0052	Sec. 404
Wb1	PEM1A	207.16		28.6305	-97.0286	Sec. 404

Wb2	PUSCx	0.44		28.6241	-97.0363	Sec. 404
Wb3	PEM1C	0.72		28.6236	-97.0374	Sec. 404
Wb5	PEM1A	25.67		28.5682	-96.9946	Sec. 404
Wb7	PEM1A	12.97		28.5735	-96.9861	Sec. 404
Wb8	PUBFx	0.15		28.5771	-96.9837	Sec. 404
Wb9	PUBFx	0.43		28.5737	-96.9922	Sec. 404
Wb10	PEM1A	0.07		28.5734	-96.9925	Sec. 404
Wb11	PEM1C	2.69		28.5685	-97.0012	Sec. 404
Wb12	PEM1A	50.01		28.6039	-96.9838	Sec. 404
Wb13 / Wb14	PEM1A	245.42		28.5949	-96.9762	Sec. 404
Wb15	PEM1Ad	222.21		28.589	-97.0102	Sec. 404
Wb16	PEM1A	88.92		28.5902	-97.0144	Sec. 404
Wp1	L1UBH	769.75		28.6178	-96.9805	Sec. 404
NWI 1	PEM1A	9.41		28.5995	-97.0334	Sec. 404
Wb17	PEM1A	0.34		28.5799	-97.0058	Sec 404
Stream Sa1 (Unnamed)	R4UB		17,522	28.5903	-97.0117	Sec. 404
Stream Sa2 (Unnamed)	R4UB		13,781	28.5863	-96.9946	Sec. 404
Stream Sa3 (Unnamed)	R6UB		1,399	28.5886	-97.0123	Sec. 404
Stream Sa4 (Unnamed)	R6UB		1,656	28.5908	-97.0103	Sec. 404
Stream Sa5 (Unnamed)	R6UB		2,083	28.5877	-97.016	Sec. 404
Stream Sa6 (Kuy Creek)	R2UB		5,408	28.5602	-97.0052	Sec. 404
Stream Sa7 (Unnamed)	R6UB		1,163	28.5462	-97.0055	Sec. 404
Stream Sa8 (Unnamed)	R4UB		775	28.5633	-97.0092	Sec. 404
Stream Sa9 (Unnamed)	R4UB		238	28.5664	-97.0128	Sec. 404
Stream Sa10 (Unnamed)	R4UB		183	28.5672	-97.0122	Sec. 404
Stream Sa11 (Unnamed)	R4UB		5,636	28.5781	-97.0159	Sec. 404
Stream Sa12 (Unnamed)	R6UB		1,641	28.5784	-97.0148	Sec. 404
Stream Sa13 (Unnamed)	R6UB		4,485	28.59	-97.0211	Sec. 404
Stream Sa14 (Unnamed)	R6UB		6,484	28.6007	-97.0347	Sec. 404
Stream Sa15 (Unnamed)	R6UB		1,627	28.6057	-97.0435	Sec. 404
Stream Sb1 (Dry Kuy Creek)	R4UB		33,506	28.6196	-97.0386	Sec. 404
Stream Sb3 (Unnamed)	R4UB		3,729	28.5857	-96.9682	Sec. 404
Stream Sb4 (Unnamed)	R6UB		2,419	28.5987	-96.9624	Sec. 404
Stream Sb5 (Unnamed)	R6UB		950	28.5961	-96.9618	Sec. 404
Stream Sb6 (Unnamed)	R6UB		4,200	28.6024	-96.9757	Sec. 404
Stream Sb7 (Unnamed)	R6UB		225	28.6008	-96.9782	Sec. 404

6/9/11 * JW 6/15/11 **

Wb17

* ADDED BY JOSHUA TREMBLEY, EXELON GENERATION CO., 6/9/11

** ACCEPTED BY JOHN WONG, CESWF-RO 6/15/11

Stream Sb8 (Unnamed)	R6UB		3,205	28.6088	-96.9842	Sec. 404
Stream Sb9 (Unnamed)	R4UB		5,747	28.6079	-96.9947	Sec. 404
Stream Sb10 (Unnamed)	R6UB		428	28.6163	-96.989	Sec. 404
Stream Sb11 (Unnamed)	R4UB		1,254	28.6155	-96.9953	Sec. 404
Stream Sb12 (Unnamed)	R6UB		397	28.6152	-96.9953	Sec. 404
Stream Sb13 (Unnamed)	R4UB		18,299	28.632	-97.0259	Sec. 404
Stream Sb14 (Unnamed)	R6UB		1,020	28.6238	-97.0072	Sec. 404
Stream Sb15 (Unnamed)	R6UB		389	28.6349	-97.0272	Sec. 404
Stream Sb16 (Unnamed)	R6UB		2,142	28.6394	-97.0189	Sec. 404
Sb17a (Unnamed)	R6UB		3,054	28.6297	-97.0124	Sec. 404
Sb17b (Unnamed)	R6UB		343	28.6312	-97.0113	Sec. 404
Stream Sb18 (Unnamed)	R6UB		1,671	28.6308	-97.0162	Sec. 404
TOTAL		~~1849.34~~ 1849.68	147,059			

* 6/9/11

** 6/15/11

REVISED BY:
* Joshua Trembley
EXELON GENERATION CO.
6/9/11

Accepted By:
** John Wang
CLRFD
4/15/11

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Exelon Generation Company, LLC	File Number: SWG-2008-00694	Date: 28 July 2011
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

-

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

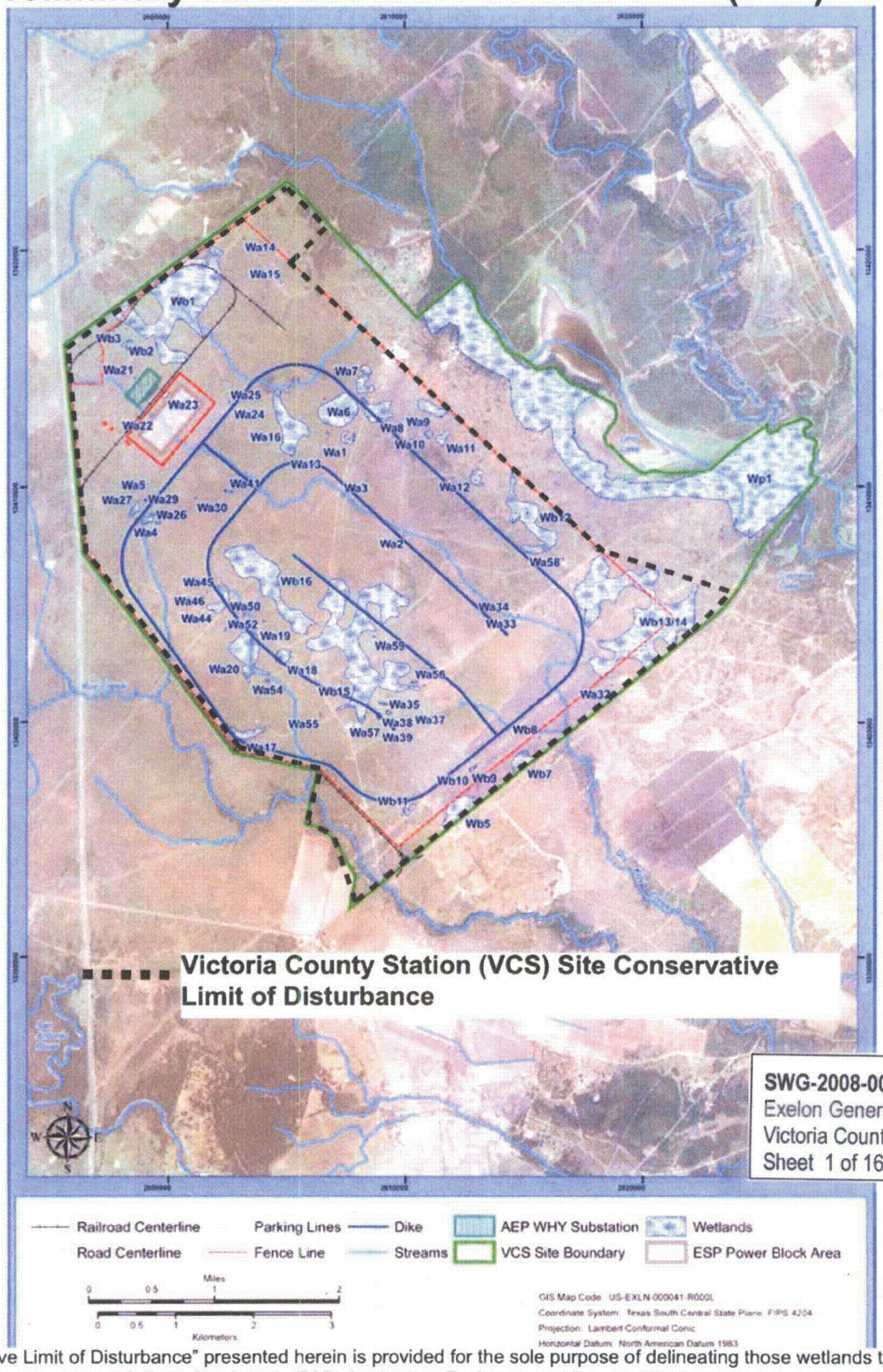
POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact: Mr. Elliott Carman Administrative Appeals Review Officer (CESWD-PDO) U.S. Army Corps of Engineers 1100 Commerce Street, Suite 831 Dallas , Texas 75242 469-487-7061 (phone)

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

Figure 1. Conservative Limit of Disturbance - VCS Preliminary Jurisdictional Determination (PJD) Request



SWG-2008-00694
Exelon Generation Co., LLC
Victoria County
Sheet 1 of 16 07/27/11

Notes:

1. The "Conservative Limit of Disturbance" presented herein is provided for the sole purpose of delineating those wetlands that are included in the VCS PJD request. See VCS Early Site Permit (ESP) Application Environmental Report (ER) Figure 4.1-1 for the anticipated VCS Construction Area of Disturbance.

2. Although wetland Wp1 is located beyond the Conservative Limit of Disturbance, Exelon is requesting a preliminary determination of the jurisdictional status to support future mitigation planning activities.

3. This figure is adapted from VCS ESP Application ER Figure 2.3.1-11 "Existing Streams and Wetlands".

4. Figure 1 was revised to Rev. 1 on 7/8/11 by Joshua Trembley of Exelon, replacing Figure 1 in Exelon's June 2, 2011 letter to the USACE.