PMVictoriaESPPEm Resource

From:	Terry, Tomeka
Sent:	Wednesday, January 04, 2012 1:59 PM
То:	Alison Kitto
Cc:	VictoriaESP Resource
Subject:	RE: Jurisdictional determination for Victoria site
Attachments:	Corps PJD.PDF; site map.pdf; Victoria County Station.docx

Alison,

Yes, I did receive your message about the Corps PJD. Attached are Corps PJD, Victoria site map, and additional information about the site. Also, 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.

Please let me know if you need anything else.

Thanks! Tomeka

From: Alison Kitto [mailto:Kitto.Alison@epamail.epa.gov]
Sent: Tuesday, January 03, 2012 12:25 PM
To: Terry, Tomeka
Subject: Jurisdictional determination for Victoria site

Hi Tomeka,

I just left a message on your voicemail. I would like to receive a copy of the jurisdictional determination for the Victoria Station site prior to the site audit next week. Would you be able to send an electronic copy to Jim and myself as soon as possible?

Thank you, and I look forward to seeing you next week.

Sincerely,

Alison R. Kitto ORISE Post-graduate Intern USEPA Region 6 Wetlands Section, 6WQ-EM 1445 Ross Ave, Dallas, TX 75202 <u>kitto.alison@epa.gov</u> Phone (214) 665-7482 Hearing Identifier:Victoria_ESP_PublicEmail Number:552

Mail Envelope Properties (0A64B42AAA8FD4418CE1EB5240A6FED160DC5D9974)

Subject:RE: Jurisdictional determination for Victoria siteSent Date:1/4/2012 1:58:35 PMReceived Date:1/4/2012 1:58:42 PMFrom:Terry, Tomeka

Created By: Tomeka.Terry@nrc.gov

Recipients:

"VictoriaESP Resource" <VictoriaESP.Resource@nrc.gov> Tracking Status: None "Alison Kitto" <Kitto.Alison@epamail.epa.gov> Tracking Status: None

Post Office:	HQCLSTR02.nrc.gov

Files	Size	Date & Time
MESSAGE	1178	1/4/2012 1:58:42 PM
Corps PJD.PDF	2982981	
site map.pdf	297777	
Victoria County Station.docx	17	915

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



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 <u>http://per2.nwp.usace.army.mil/survey.html</u>.

Sincerely,

Lloyd Mullins Supervisor Corpus Christi Regulatory Field Office

Enclosures

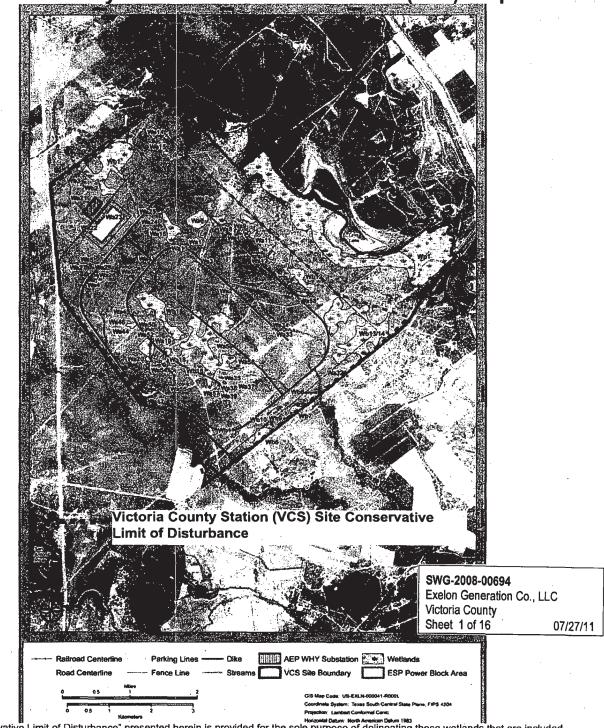
Copy Furnished:

Mr. Jayson Hudson, CESWG-PE-RB

REV. 1

Notes:

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

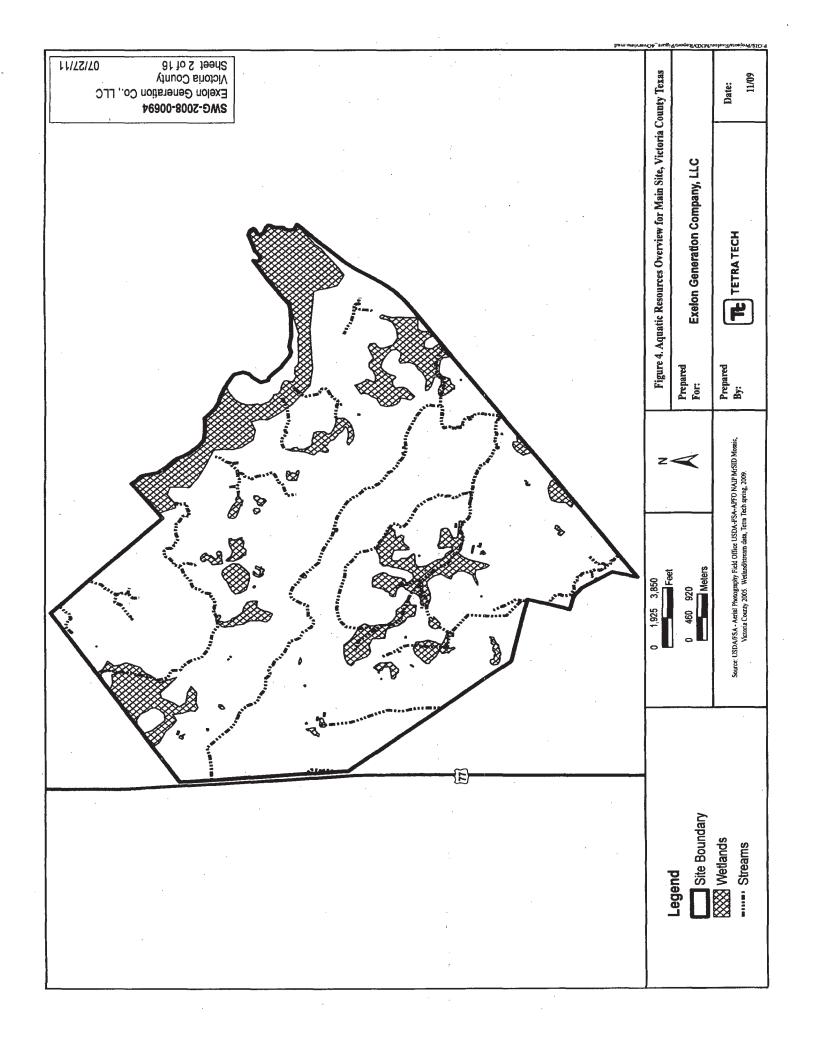


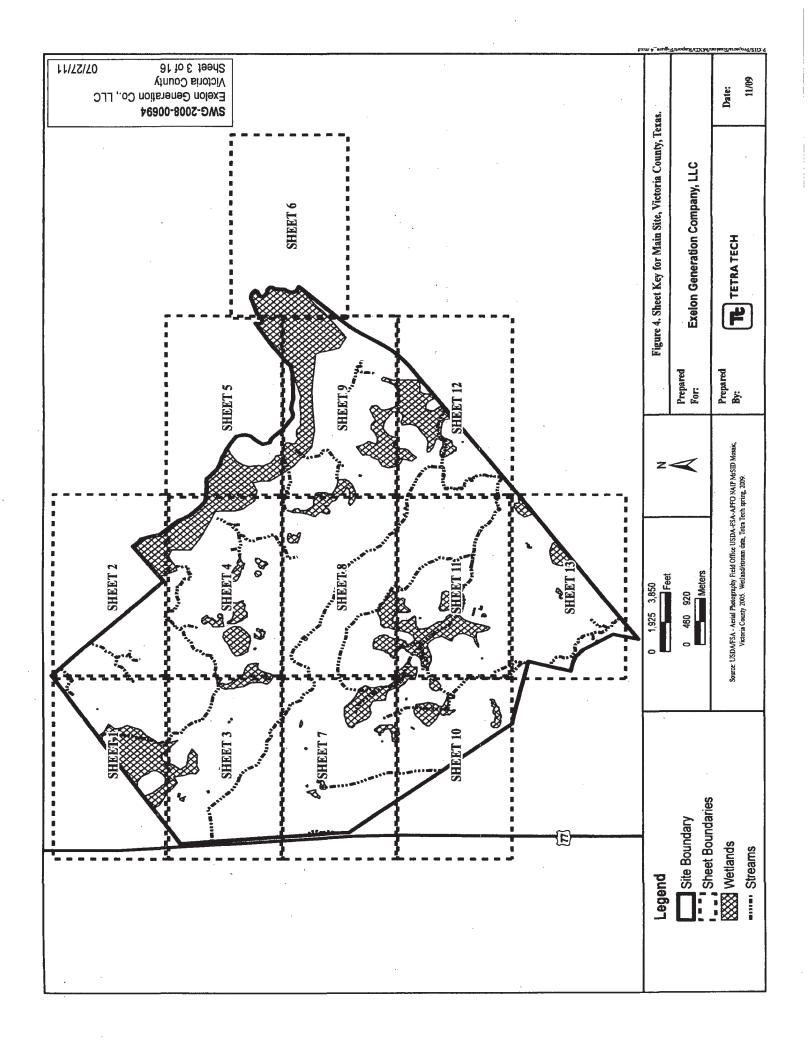
1. The "Conservative Limit of Disturbance" presented herein is provided for the sole purpose of delineating those wetlands that are included in the VCS PJD request. See VCS Early Site Permit (ESP) Application Environmental Report (ER) Figure 4.1-1 for the anticipated VCS Construction Area of Disturbance.

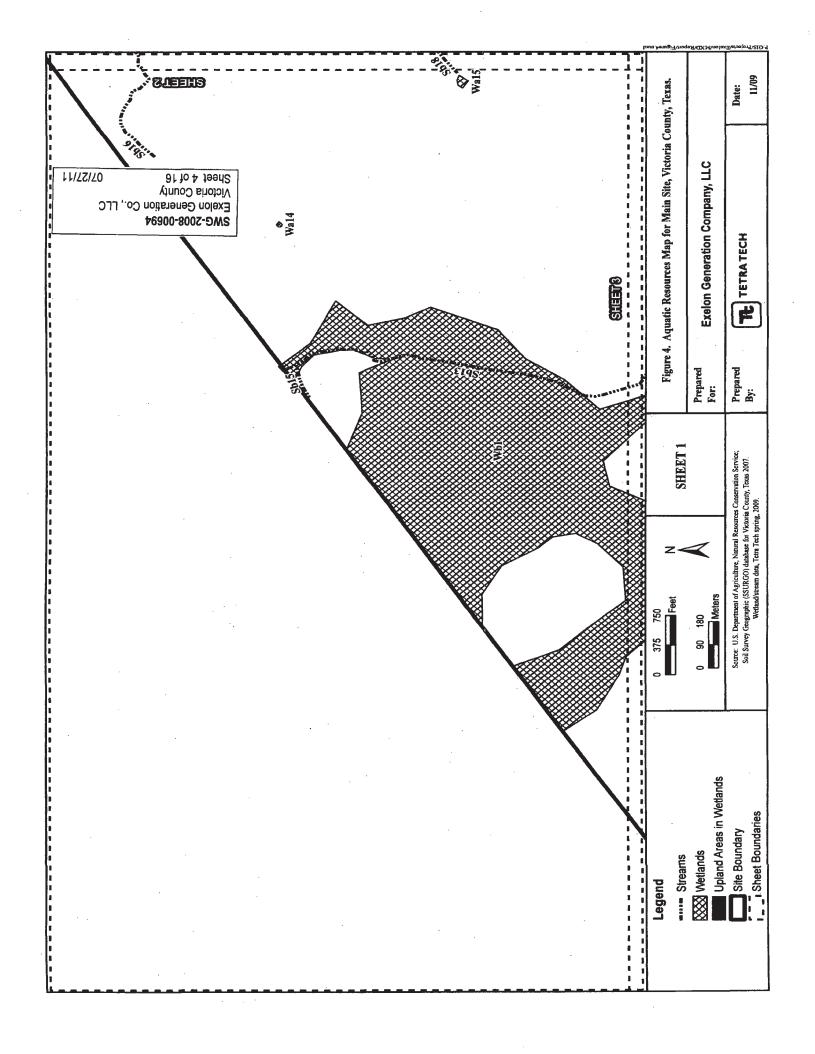
2. Although wetland Wp1 is located beyond the Conservative Limit of Disturbance, Exelon is requesting a preliminary determination of the jurisdictional status to support future mitigation planning activities.

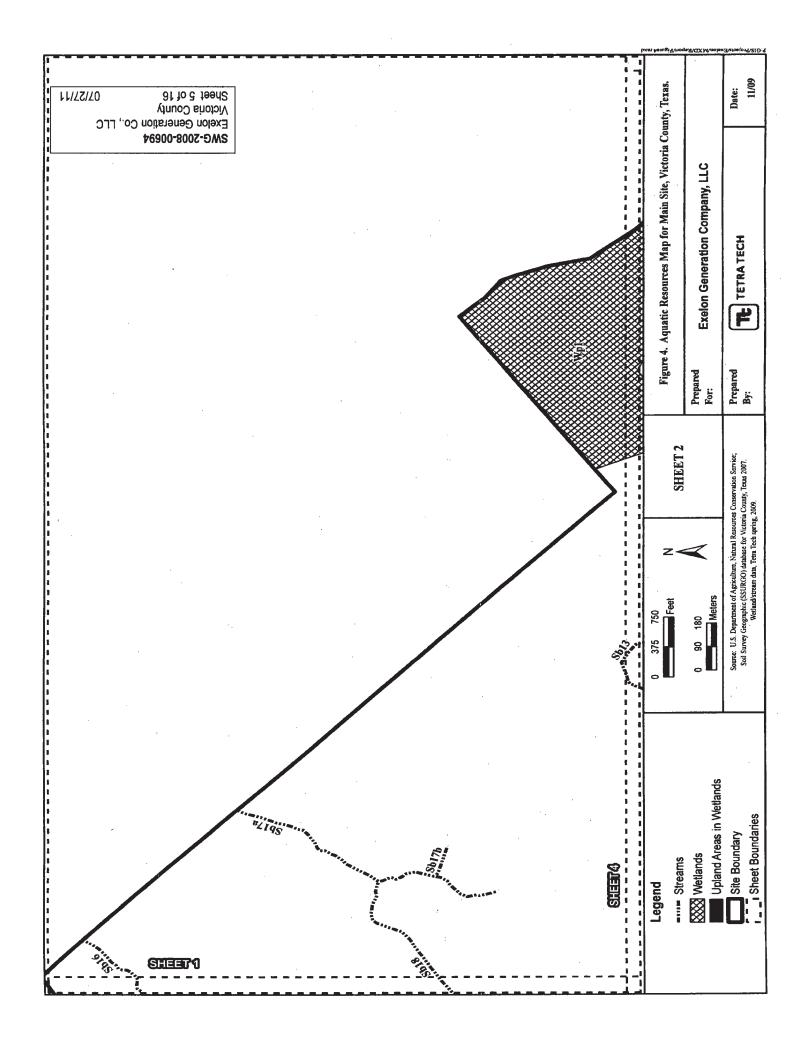
3. This figure is adapted from VCS ESP Application ER Figure 2.3.1-11 "Existing Streams and Wetlands".

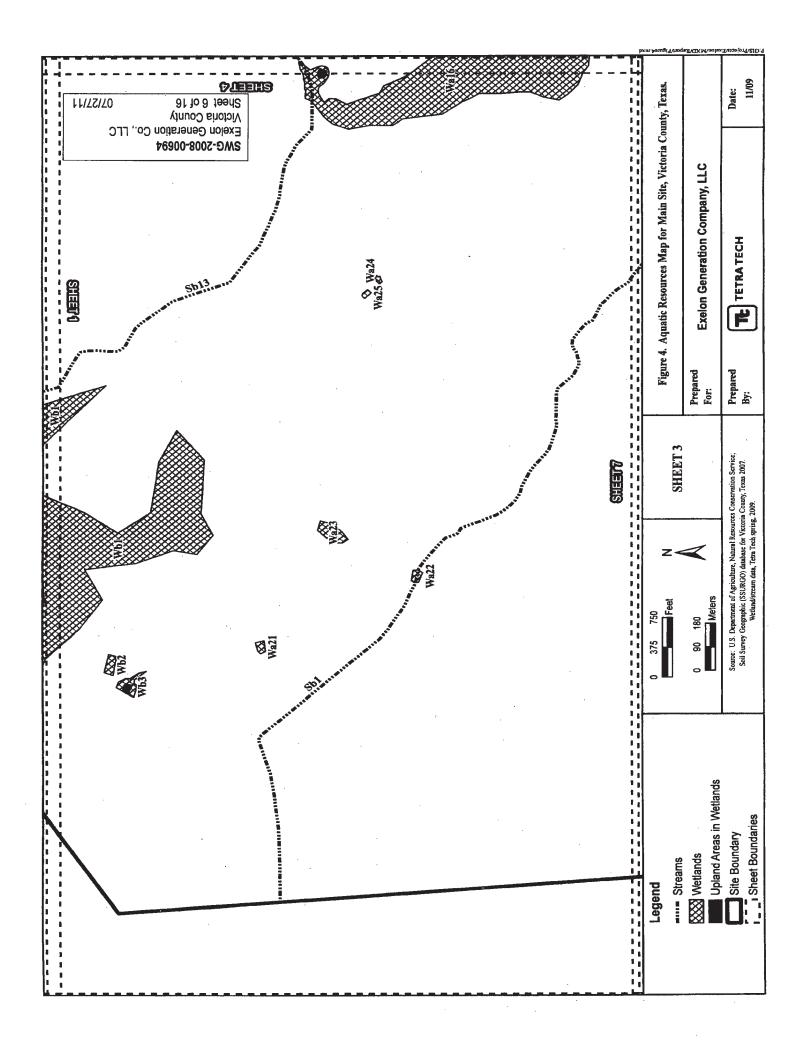
4. Figure 1 was revised to Rev. 1 on 7/8/11 by Joshua Trembley of Exelon, replacing Figure 1 in Exelon's June 2, 2011 letter to the USACE.

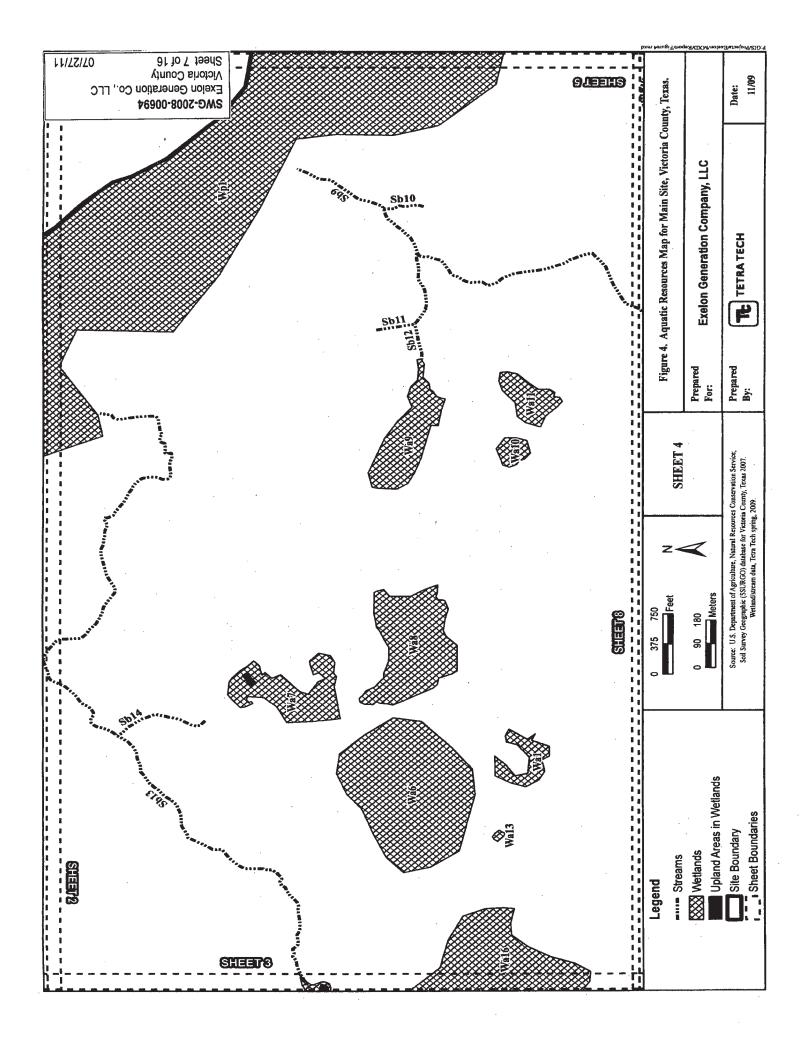


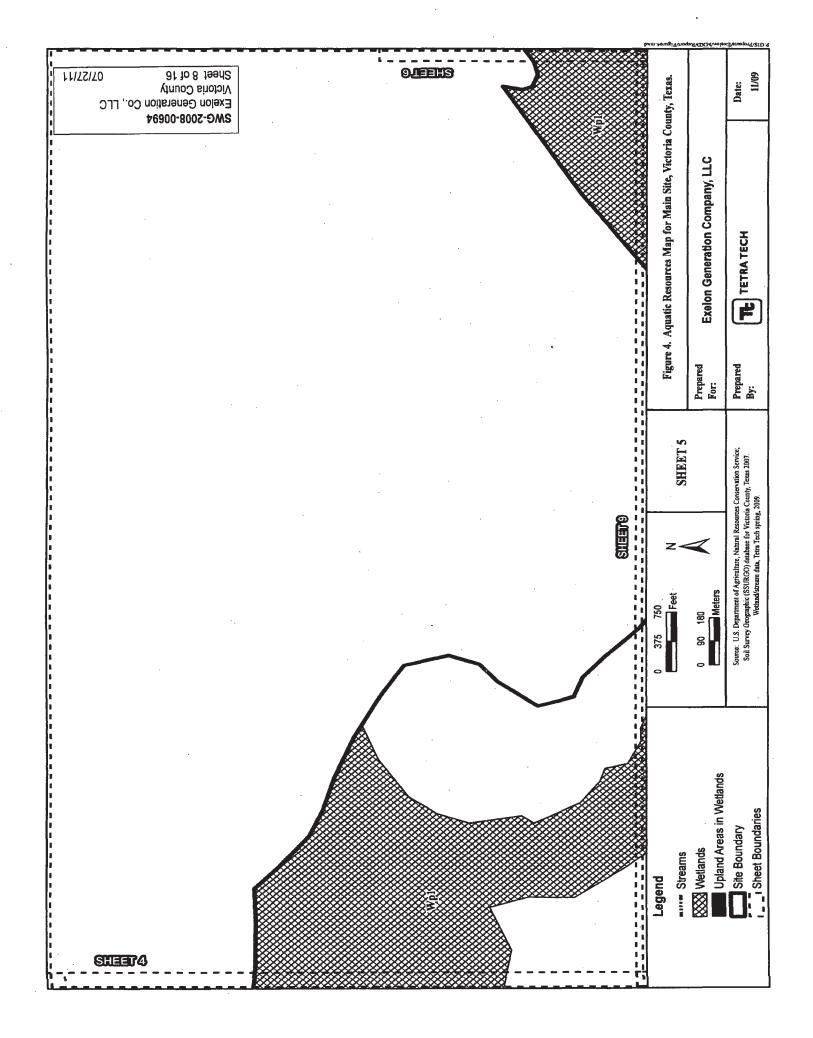




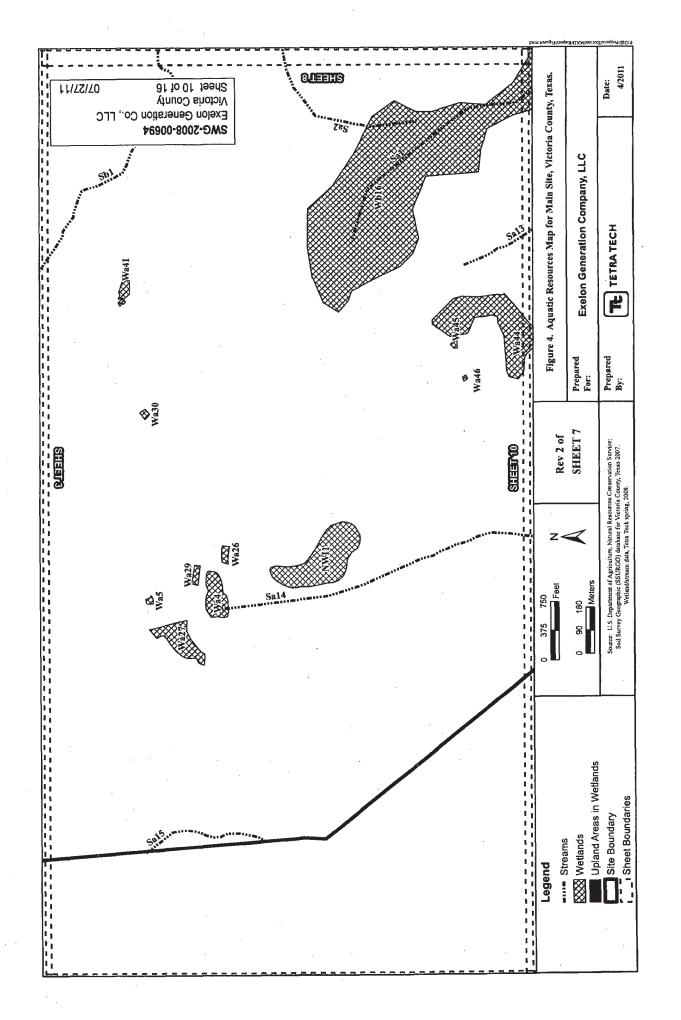


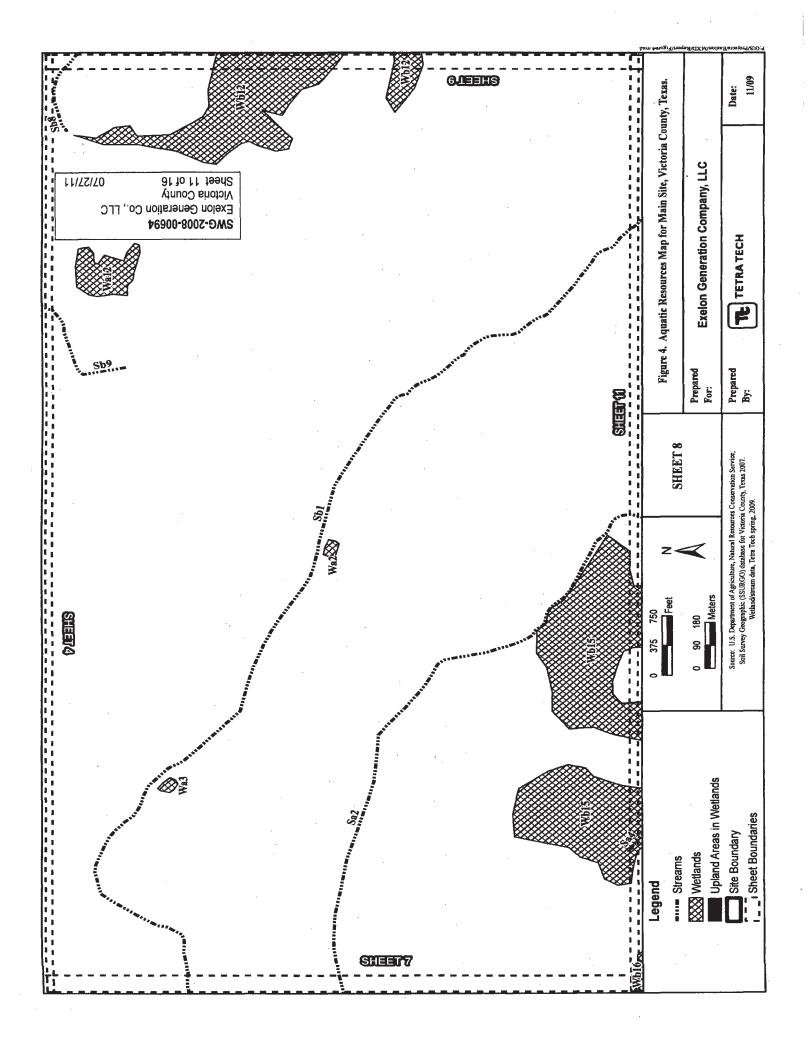


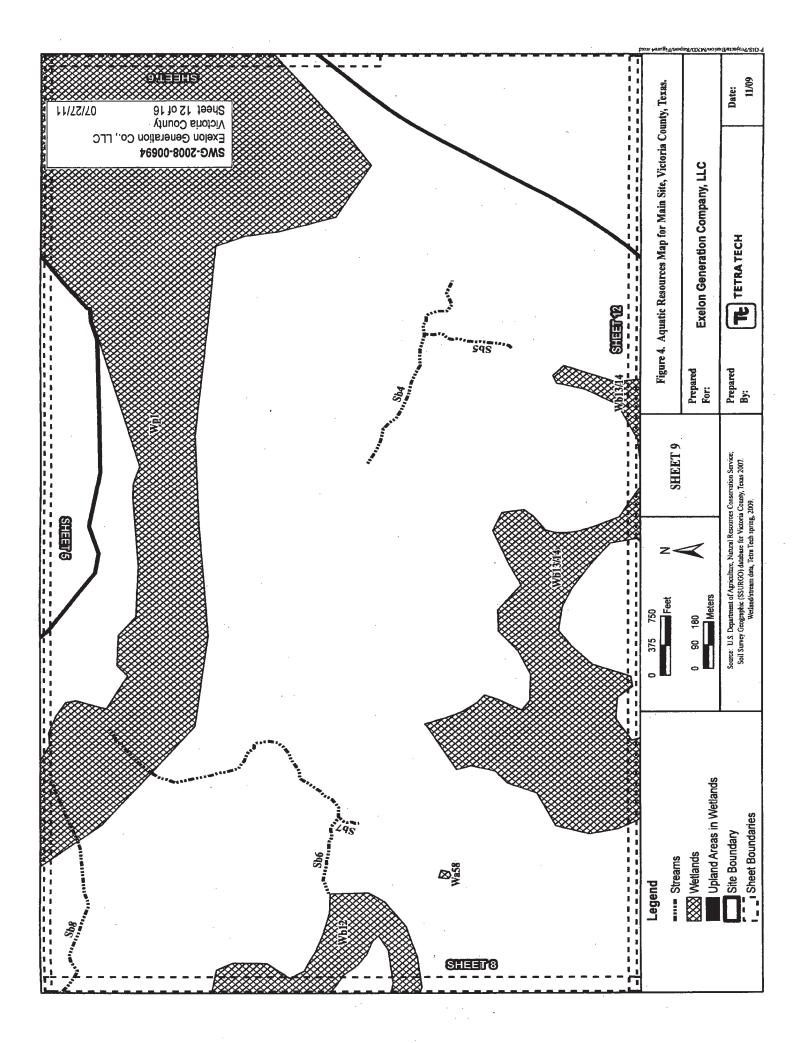


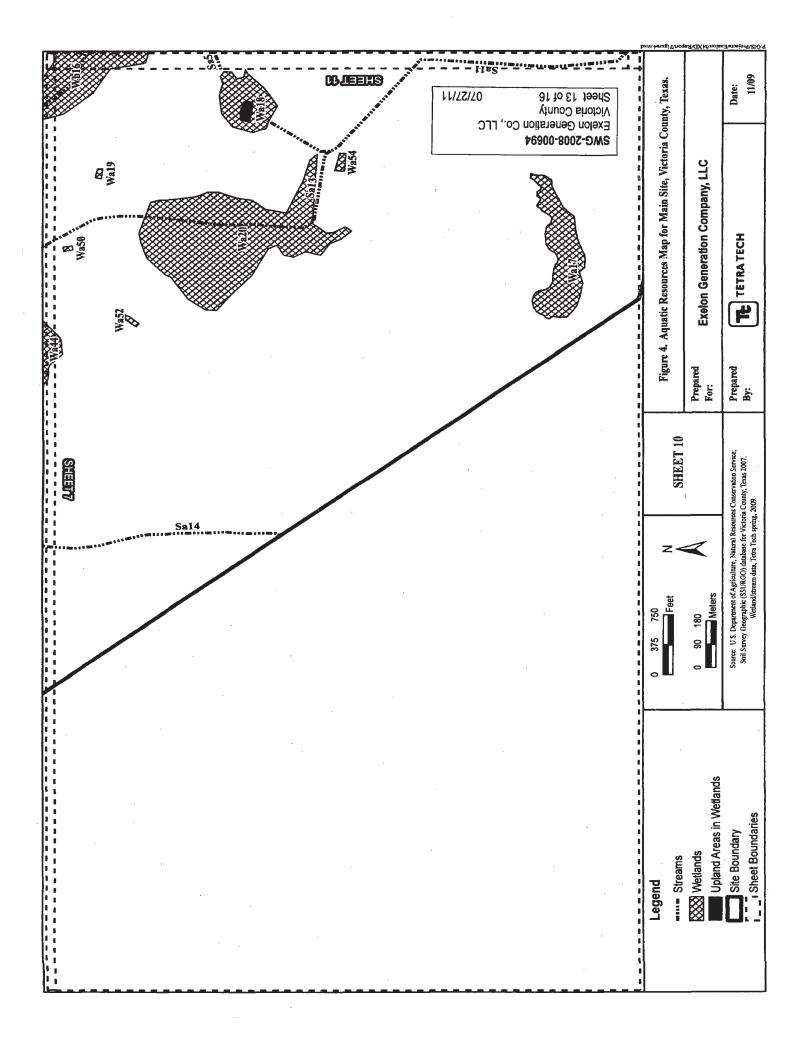


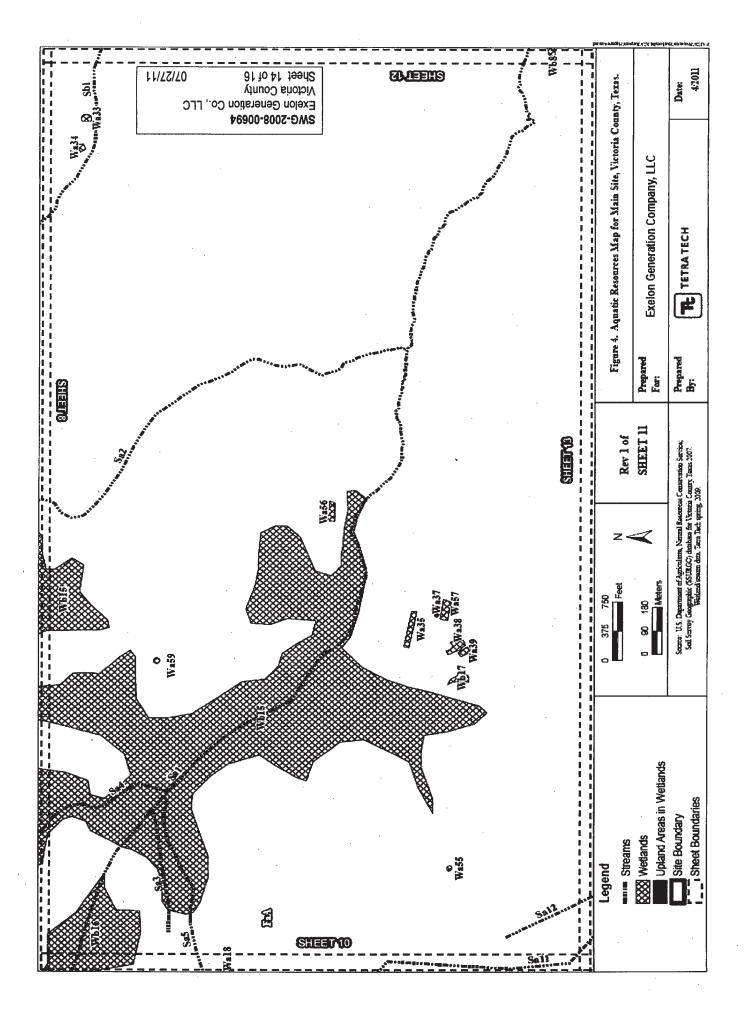
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5WG-2008-00694 Exelon Generation Co., LLC Victoria County Sheet 9 of 16 07/27/11 Sheet 9 of 16		ounty, Texas.		Date: 11/09
		Figure 4. Aquatic Resources Map for Main Sife, Victoria County, Texas.	ompany, LLC	
		ic Resources Map for	Exelon Generation Company, LLC	TL TETRATECH
· .		Figure 4. Aquati	Prepared For: Ex	Prepared By:
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		set ~		Source. U.S. Department of Agriculture, Network Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County, Tecas 2007. Wetlandsstream data, Tetra Tech spring, 2009.
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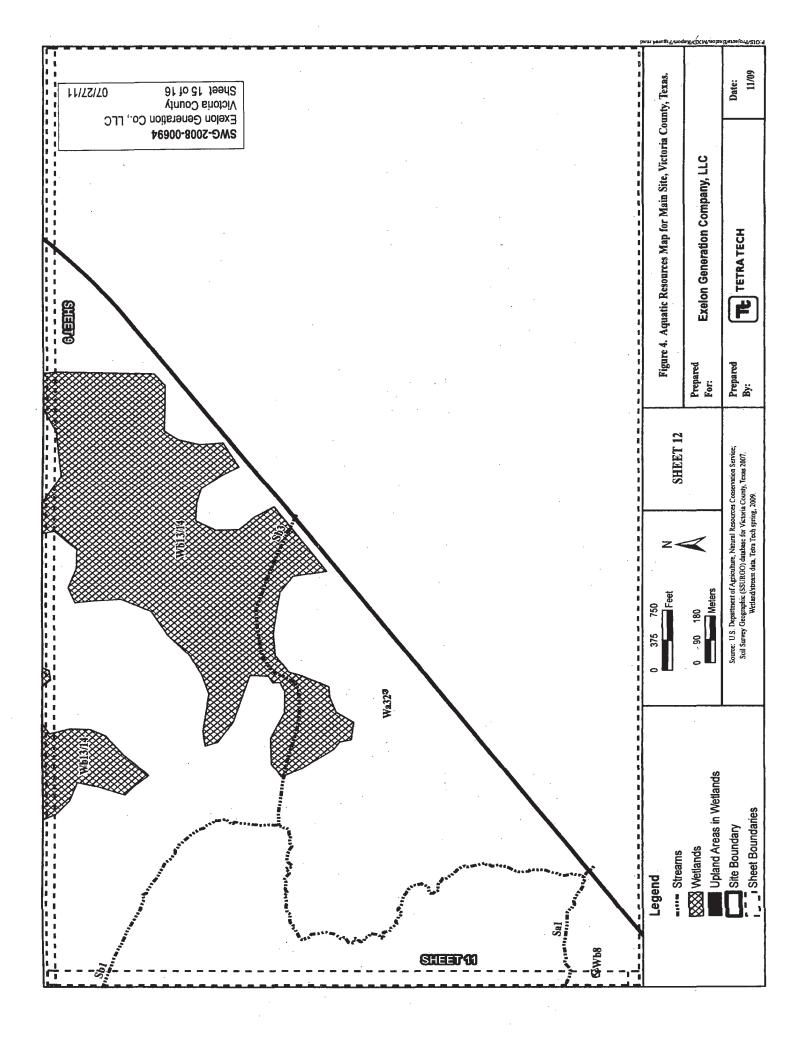


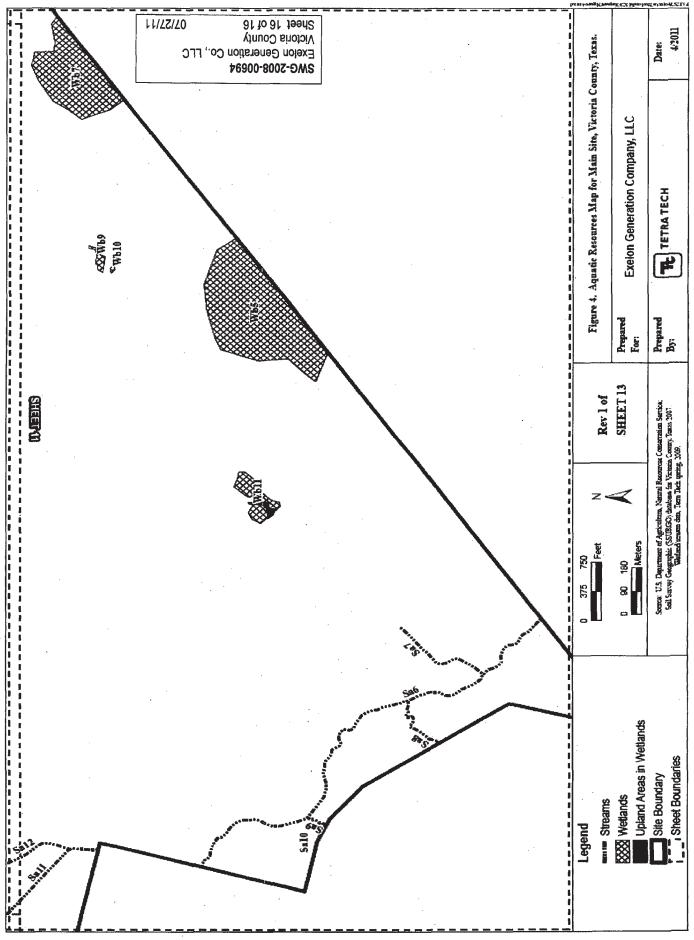












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ATTACHMENT

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

 \boxtimes 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, Blomington 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.

my 7/27/12

Signature and date of Regulatory Project Manager

Mauly Ckray 6/2/11 Signature and date of

person requesting preliminary JD

PRELIMINARY JURISDICTIONAL DETERMINATION for SWG-2008-00694 (Exelon Generation Co., LLC/Victoria Co. Site) 5/13/2011

PEMIA 3.72 2.86128 PEMIA 2.58 2.86035 PEMIA 10.61 2.86035 PEMIA 10.64 2.86035 PEMIA 10.64 2.86035 PEMIA 10.64 2.86035 PEMIA 10.64 2.86167 PEMIA 10.65 2.86167 PEMIA 10.69 2.86167 PEMIA 10.65 2.86167 PEMIA 10.85 2.86167 PEMIA 10.86 2.86167 PEMIA 10.69 2.86166 PEMIA 1.06 2.86166 PEMIA 0.09 2.86166 PEMIA 0.01 2.86166 PEMIA 0.01 2.86166 PEMIA 1.01 2.86175 PEMIA 0.036 2.86166 PEMIA 0.01 2.86166 PEMIA 0.055 2.86166 PEMIA 0.01 2.86166 PEMIA 2.86629 <t< th=""><th>Waters Name</th><th>Cowardin Code</th><th>Area (acres) Linear (ft)</th><th>Linear (ft)</th><th>Latitude(dd nad83)</th><th>Longitude dd nad83)</th><th>JD Class</th></t<>	Waters Name	Cowardin Code	Area (acres) Linear (ft)	Linear (ft)	Latitude(dd nad83)	Longitude dd nad83)	JD Class
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PEM1A 6.39 6.39 28.5877 2 PEM1A 36.71 36.71 28.582 2 PUSCx 0.27 2.8.582 2 2 PEM1A 1.01 28.6154 2 2 PEM1A 1.01 28.6166 2 2 2 PEM1A 0.09 2.8.6166 2 <td< th=""><th>Wa17</th><th>PEM1A</th><th>10.68</th><th></th><th>28.5784</th><th>-97.024</th><th>Sec. 404</th></td<>	Wa17	PEM1A	10.68		28.5784	-97.024	Sec. 404
PEM1A 36.71 28.5882 PUSCx 0.27 28.6154 PUSCx 0.27 28.6154 PUSCx 0.27 28.6156 PEM1A 1.01 28.6166 PEM1A 0.09 28.6166 PEM1A 0.38 28.6054 PEM1A 0.38 28.6054 PEM1A 0.36 28.5631 PUSCx 0.05 28.5691 PUSCx 0.03 28.5797 PUSCx 0.16 28.5996 PEM1A 11.63 28.5996 PEM1A 0.37 28.5996 PEM1A 0.37 28.5996 PEM1A 0.37 28.5996 PEM1A 0.35 28.5996 <	Wa18	PEM1A	6.39		28.5877	-97.0236	Sec. 404
PUSCx 0.27 28.6154 PEM1A 1.01 28.6155 PEM1A 1.01 28.6156 PEM1A 0.09 28.6166 PEM1A 0.38 28.6054 PEM1A 0.36 28.6054 PEM1A 0.05 28.503 PEM1A 0.05 28.591 PUSCx 0.17 28.5798 PUSCx 0.17 28.5798 PEM1A 11.63 28.5916 PEM1A 0.17 28.5916 PEM1A 0.16 28.5916 PEM1A 0.16 28.5916 PEM1A 0.16 28.5916 PEM1A 0.16 28.5916 PEM1A 0.176 28.5916 <td>Wa20</td> <td>PEM1A</td> <td>36.71</td> <td></td> <td>28.5882</td> <td>-97.0221</td> <td>Sec. 404</td>	Wa20	PEM1A	36.71		28.5882	-97.0221	Sec. 404
PEM1A 1.01 28.6175 28.6175 PEM1A 0.09 28.6166 28.6166 PEM1A 0.38 28.6054 28.6054 PEM1A 3.14 28.6054 28.6054 PEM1A 3.14 28.6054 28.6054 PEM1Cx 0.36 28.6041 28.6054 PUBFx 0.36 28.5606 28.6041 PUBFx 0.05 28.5813 28.5916 PUSCx 0.03 28.5806 28.5797 PUSCx 0.03 28.5797 28.5797 PUSCx 0.17 28.5796 28.5797 PUSCx 0.17 28.5797 28.5797 PEM1A 11.63 28.5946 28.5946 PEM1A 0.13 28.5936 28.5946 PEM1A 0.16 28.5946 28.5946 PEM1A 0.16 28.5946 28.5946 PEM1A 0.16 28.5946 28.5946 PEM1A 0.16 28.5936 28.5936	Wa22	PUSCX	0.27		28.6154	-97.0338	Sec. 404
PEM1A 0.09 28.6166 2 PEM1A 0.38 28.6029 2 PEM1A 0.36 28.6029 2 PEM1A 0.36 28.6054 2 PEM1A 0.36 28.6054 2 PUBFx 0.36 28.6051 2 PUBFx 0.05 28.5831 2 PUBFx 0.05 28.5831 2 PUBFx 0.05 28.5831 2 PUSCx 0.03 28.5831 2 PUSCx 0.17 28.5798 2 PEM1A 11.63 28.5946 2 PEM1A 0.17 28.5946 2 PEM1A 0.13 28.5936 2 PEM1A 0.37 28.5946 2 PEM1A 0.37 28.5836 2 PEM1A 0.16 28.5836 2 PEM1A 0.16 28.5836 2 PEM1A 0.26 28.5833 2	Wa23	PEM1A	1.01		28.6175	-97.0321	Sec. 404
PEM1A 0.38 0.38 28.6029 2 PEM1A 3.14 28.6054 2 PEM1Cx 0.36 28.6054 2 PEM1Cx 0.36 28.6054 2 PUBFx 0.36 28.6054 2 PUBFx 0.05 28.6054 2 PUBFx 0.05 28.6054 2 PUBFx 0.03 28.5831 2 PUSCx 0.44 28.5798 2 PUSCx 0.17 28.5798 2 PEM1Fx 0.17 28.5946 2 PEM1Cx 0.13 28.5946 2 PEM1Cx 0.16 28.5946 2 PEM1Cx 0.16 28.5946 2 PEM1Cx 0.16 28.5946 2 PEM1A 11.63 28.5936 2 PEM1A 0.37 28.5836 2 PEM1A 0.36 28.5836 2 PEM1A 0.35 2 28.5836	Wa24	PEM1A	0.09		28.6166	-97.0231	Sec. 404
PEM1A 3.14 28.6054 PEM1Cx 0.36 28.6051 PUBFx 0.36 28.6041 PUBFx 0.36 28.6041 PUBFx 0.55 28.5831 PUSCx 0.05 28.5813 PUSCx 0.03 28.5797 PUSCx 0.17 28.5796 PUSCx 0.17 28.5796 PUSCx 0.17 28.5796 PUSCx 0.17 28.5797 PUSCx 0.17 28.5966 PUSCx 0.17 28.5966 PEM1A 11.63 28.5966 PEM1A 0.16 28.5961 PEM1A 0.16 28.5961 PEM1A 0.37 28.5936 PEM1A 0.36 28.5839 PEM1A 0.36 28.5839 PEM1A 0.35 28.5839 PEM1A 0.42 28.5839 PEM1A 0.42 28.5892 PEM1A 2.016 28.5892 PEM1A 2.016 28.5892	Wa26	PEM1A	0.38	•	28.6029	-97.0333	Sec. 404
PEMICx 0.36 28.6041 PUBFx 0.05 28.6041 PUBFx 0.05 28.5831 PEMIAx 0.55 28.5813 PUSCx 0.03 28.5813 PUSCx 0.03 28.5813 PUSCx 0.17 28.5813 PUSCx 0.17 28.5813 PUSCx 0.17 28.5966 PEMIAx 0.17 28.5797 PEMIAx 0.17 28.5946 PEMICx 0.17 28.5946 PEMICx 0.13 28.5946 PEMICx 0.16 28.5946 PEMICx 0.16 28.5946 PEMICx 0.16 28.5951 PEMICx 0.06 28.5946 PEMICx 0.06 28.5936 PEMICx 0.06 28.5839 PEMIAx 0.35 28.5839 PEMIAx 0.36 28.5839 PEMIAx 0.42 28.5892 PEMIA 0.08 28.5892 PEMIA 0.08 28.5892 PEMIA 0.08 28.5892	Wa27	PEM1A	3.14		28.6054	-97.0361	Sec. 404
PUBFx 0.05 28.5831 PEM1Ax 0.55 28.5813 PEM1Ax 0.55 28.5813 PUSCx 0.03 28.5813 PUSCx 0.04 28.5797 PUSCx 0.17 28.5797 PUSCx 0.17 28.5797 PEM1Ex 0.17 28.5797 PEM1Ax 0.17 28.5797 PEM1A 11.63 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.16 28.5936 PEM1Ax 0.06 28.5836 PEM1Ax 0.37 28.5839 PEM1Ax 0.36 28.5839 PEM1Ax 0.35 28.5839 PEM1Ax 0.42 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.16 28.5892	Wa29	PEM1Cx	0.36		28.6041	-97.0342	Sec. 404
PEM1Ax 0.55 28.5813 PUSCx 0.03 28.5806 PUSCx 0.44 28.5796 PUSCx 0.44 28.5796 PUSCx 0.17 28.5797 PEM1A 11.63 28.5797 PEM1A 0.17 28.5796 PEM1A 0.17 28.5946 PEM1A 0.16 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5936 PEM1A 0.37 28.5836 PEM1A 0.37 28.5836 PEM1A 0.36 28.5839 PEM1Ax 0.36 28.5839 PEM1Ax 0.36 28.5839 PEM1Ax 0.36 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892	Wa32	PUBFX	0.05		28.5831	-96.974	Sec. 404
PUSCx 0.03 28.5806 PUSCx 0.44 28.5798 PUSCx 0.45 28.5798 PEM1Fx 0.17 28.5797 PEM1A 11.63 28.5797 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5836 PEM1A 0.37 28.5836 PEM1A 0.37 28.5836 PEM1A 0.36 28.5836 PEM1Ax 0.36 28.5836 PEM1Ax 0.36 28.5839 PEM1Ax 0.36 28.5802 PEM1Ax 0.36 28.5802 PEM1Ax 0.36 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892	Wa35	PEM1Ax	0.55		28.5813	-97.0035	Sec. 404
PUSCx 0.44 28.5798 PEM1Fx 0.17 28.5797 PEM1A 11.63 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.13 28.5946 PEM1Cx 0.06 28.5946 PEM1Cx 0.06 28.5936 PEM1A 0.37 28.5836 PEM1A 0.37 28.5836 PEM1A 0.36 28.5836 PEM1Ax 0.36 28.5803 PEM1Ax 0.36 28.5803 PEM1Ax 0.36 28.5803 PEM1Ax 0.36 28.5802 PEM1Ax 0.06 28.5802 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892 PEM1Ax 0.08 28.5892	Wa37	PUSCX	0.03		28.5806	-97.0035	Sec. 404
PEM1Fx 0.17 28.5797 PEM1A 11.63 28.5946 PEM1A 11.63 28.5946 PEM1Cx 0.13 28.5951 PEM1Cx 0.06 28.5946 PEM1Cx 0.06 28.5946 PEM1Cx 0.06 28.5936 PEM1A 0.37 28.5836 PEM1A 0.37 28.5803 PEM1A 0.35 28.5803 PEM1Ax 0.42 28.5803 PEM1Ax 0.42 28.5803 PEM1Ax 0.42 28.5802 PEM1Ax 0.08 28.5802 PEM1Ax 0.08 28.5802 PEM1Ax 0.08 28.5802 PEM1Ax 0.08 28.5802	Wa38	PUSCX	0.44		28.5798	-97.0047	Sec. 404
PEM1A 11.63 28.5946 PEM1Cx 0.13 28.5951 PEM1Cx 0.13 28.5951 PEM1Cx 0.06 28.5946 PEM1A 0.37 28.5836 PEM1A 0.37 28.5836 PEM1A 0.37 28.5833 PEM1Ax 0.06 28.5833 PEM1Ax 0.35 28.5833 PEM1Ax 0.36 28.5833 PEM1Ax 0.42 28.5833 PEM1Ax 0.42 28.5892 PEM1Ax 0.08 28.5892 PEM1A 0.08 28.5892 PEM1A 0.08 28.5892	Wa39	PEM1Fx	0.17		28.5797	-97.0048	Sec. 404
PEMICx 0.13 28.5951 PEMICx 0.06 28.5946 PEMICx 0.06 28.5836 PEMIC 0.37 28.5836 PEMIC 0.05 28.5833 PEMIAx 0.35 28.5833 PEMIAx 0.35 28.5833 PEMIAx 0.35 28.5833 PEMIAx 0.42 28.5833 PEMIAx 0.42 28.5833 PEMIAx 0.08 28.5892 PEMIA 20.16 28.5892	Wa44	PEM1A	11.63		28.5946	-97.0244	Sec. 404
PEMICx 0.06 28.5946 PEMIA 0.37 28.5836 PEMIA 0.37 28.5836 PEMIAx 0.35 28.5803 PEMIAx 0.35 28.5839 PEMIAx 0.35 28.5839 PEMIAx 0.42 28.5839 PEMIAx 0.42 28.5892 PEMIA 0.08 28.5892 PEMIA 0.08 28.5892	Wa45	PEM1Cx	0.13		28.5951	-97.0258	Sec. 404
PEM1A 0.37 28.5836 PEM1C 0.06 28.5803 PEM1Ax 0.35 28.5803 PEM1Ax 0.35 28.5803 PEM1Ax 0.35 28.5839 PEM1Ax 0.35 28.5803 PEM1Ax 0.42 28.5892 PUSCx 0.08 28.5892 PEM1A 20.16 28.5892	Wa46	PEM1Cx	0.06		28.5946	-97.027	Sec. 404
PEM1C 0.06 28.5803 PEM1Ax 0.35 28.5839 PEM1Ax 0.42 28.5839 PUSCx 0.08 28.5892 PUSCx 0.08 28.5892 PEM1A 20.16 28.5892	Wa54	PEM1A	0.37		28.5836	-97.0189	Sec. 404
PEM1Ax 0.35 28.5839 PEM1Ax 0.42 28.5802 PUSCx 0.08 28.5892 PUSCx 0.08 28.5892 PEM1A 20.16 28.5892	Wa55	PEM1C	0.06		28.5803	-97.0124	Sec. 404
PEM1Ax 0.42 28.5802 PUSCx 0.08 28.5892 PUSCx 0.08 28.5892 PEM1A 207.16 28.6305	Wa56	PEM1Ax	0.35		28.5839	-96.9995	Sec. 404
PUSCx 0.08 28.5892 - PEM1A 207.16 28.6305 -	Wa57	PEM1AX	0.42		28.5802	-97.0031	Sec. 404
PEM1A 207.16 28.6305	Wa59	PUSCX	0.08		28.5892	-97.0052	Sec. 404
	Wb1	PEM1A	207.16		28.6305	-97.0286	Sec. 404

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PRELIMINARY JURISDICTIONAL DETERMINATION for SWG-2008-00694 (Exclon Generation Co., LLC/Victoria Co. Site) 5/13/2011

ZOAA	PUSCX	0.44		28.6241	-97.0363	28C. 4U4
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
L INNI 1	PEM1A	9.41		28.5995	-97.0334	Sec. 404
1 1 1 1 × Wb 17	PEM1A	VE.0		28.5799	- 97.0058	54404
1/2/11 Streem Set // Immed	0110		17 600	10 E000	27 047	5 404
	RAUB		13,724	20.0300	-06 0046	Sec. 404
			10,101	70 5000	07.0402	000 101
Stream Sol (Innemed)	Dei IR		1,033	20.0000 28 5008	27 0103	
Stream Sa5 (Unnamed)	ReuB		2 083	28.5877	-97.016	Sec 404
Stream Sa6 (Kuy Creek)	R2UB		5.408	28.5602	-97.0052	Sec. 404
Stream Sa7 (Unnamed)	Reub		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)	RGUB		1,641	28.5784	-97.0148	Sec. 404
Stream Sa13 (Unnamed)	RGUB		4,485	28.59	-97.0211	Sec. 404
Stream Sa14 (Unnamed)	RGUB		6,484	28.6007	-97.0347	Sec. 404
Stream Sa15 (Unnamed)	Reub		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)	RGUB		2,419	28.5987	-96.9624	Sec. 404
Stream Sb5 (Unnamed)	REUB		950	28.5961	-96.9618	Sec. 404
Stream Sb6 (Unnamed)	Reub		4,200	28.6024	-96.9757	Sec. 404
Stream Sh7 (Unnamed)	RELIB		225	28 RUNA	_06 0787	Con 101

** ALLEPTING BY JOHN WOUG, LERFO 6/15/11

W617 * ADDGO BY JOSHA TRENBLEY, EXEL GANGATZON 10. 6/4/11

PRELIMINARY JURISDICTIONAL DETERMINATION for SWG-2008-00694 (Exelon Generation Co., LLC/Victoria Co. Site) 5/13/2011

D RAUB 5.747 28.6079 0 RAUB 4.28 5.747 28.6155 0 ROUB 3.92 28.6153 0 RAUB $1,254$ 28.6153 0 RAUB $1,254$ 28.6153 0 RAUB $1,254$ 28.6153 0 RAUB $1,020$ 28.6349 0 RAUB $1,020$ 28.6394 0 RAUB 3.054 28.6394 0 ROUB 3.054 28.6394 0 ROUB $2,142$ 28.6394 0 ROUB 3.054 28.6394 0 ROUB $2,142$ 28.6394 0 ROUB $1,671$ 28.6394 0 ROUB 3.054 28.6394 0 ROUB $2,142$ 28.6394 0 ROUB $1,671$ 28.6394 0 ROUB 3.054 28.6394 0 ROUB $1,671$ 28.6394 0 ROUB $1,671$ 28.6394 0 ROUB $1,674$ 8.6394 0 ROUB $1,674$ 28.6394	Stream Sb8 (Unnamed)	R6UB		3,205	28.6088	-96.9842	Sec. 404
R6UB 428 28.6163 -96.999 R4UB 1,254 28.6155 -96.9953 R4UB 1,254 28.6155 -96.9953 R4UB 1,020 28.632 -97.0072 R4UB 1,020 28.6336 -97.0072 R6UB 1,020 28.6336 -97.0173 R6UB 389 28.6394 -97.0174 R6UB 3.054 28.6394 -97.0174 R6UB 3.054 28.6394 -97.0173 R6UB 3.054 28.6394 -97.0173 R6UB 3.054 28.6394 -97.0162 R6UB 3.054 28.6394 -97.0162 R6UB 3.054 28.6394 -97.0162 R6UB 1.671 28.6308 -97.0162 R6UB 8424.65 1.671 28.6308 -97.0162 MM 61.54 8424.65 -97.0162 -97.0162 MM 61.54 1.47.069 -97.0162 -97.0162 <td< td=""><td>Stream Sb9 (Unnamed)</td><td>R4UB</td><td></td><td>5,747</td><td>28.6079</td><td>-96.9947</td><td>Sec. 404</td></td<>	Stream Sb9 (Unnamed)	R4UB		5,747	28.6079	-96.9947	Sec. 404
RAUB 1,254 28.6155 -96.9653 REUB 397 23.6152 -96.9653 REUB 10,209 28.6152 -96.9653 REUB 10,209 28.6333 -97.0722 REUB 2.142 28.6349 -97.0723 REUB 2.142 28.6394 -97.0124 REUB 2.142 28.6312 -97.0124 REUB 2.142 28.6312 -97.0113 REUB 3.054 28.6312 -97.0113 REUB 2.142 28.6308 -97.0124 REUB 3.054 28.6308 -97.0162 REUB REUB 3.054 28.6308 -97.0162 REUB 1.671 28.6308 -97.0162 REUB 849.66 1.671 28.6308 -97.0162 REUB 1.671 28.6308 -97.0162	Stream Sb10 (Unnamed)	Reub		428	28.6163	-96.989	Sec. 404
Reub 397 28.6152 -96.9963 Raub 18.299 28.632 -97.0072 Raub 3.02 28.632 -97.0124 Reub 3.02 28.639 -97.0133 Reub 2.142 28.639 -97.0133 Reub 2.142 28.6396 -97.0133 Reub 2.142 28.6396 -97.0133 Reub 3.054 28.6312 -97.0162 Reub 3.43 28.6312 -97.0162 Reub 3.43 28.6312 -97.0162 Reub 3.43 28.6306 -97.0162 Reub 1.671 2.8.630	Stream Sb11 (Unnamed)	R4UB		1,254	28.6155	-96.9953	Sec. 404
RAUB 18,299 28,632 -97,0259 ReUB 1,020 28,6336 -97,0124 ReUB 3,054 28,6394 -97,0134 ReUB 3,054 28,6394 -97,0134 ReUB 3,054 28,6394 -97,0134 ReUB 3,054 28,6394 -97,0134 ReUB 3,054 28,6396 -97,0134 ReUB 3,054 28,6396 -97,0124 ReUB 3,054 28,6396 -97,0162 ROUB 3,054 28,6396 -97,0162 ROUB 447,069 1,671 28,6306 -97,0162 M 6/Alli 28,44,656 -97,0162 M 6/Alli 28,44,656 -97,0162 M 6/Alli	Stream Sb12 (Unnamed)	RGUB		397	28.6152	-96.9953	Sec. 404
ReUB 1,020 28,6336 -97,0072 REUB 389 28,6334 -97,0123 REUB 2,142 28,6334 -97,0124 REUB 3,054 28,6334 -97,0124 REUB 3,054 28,6336 -97,0162 REUB 3,054 28,6336 -97,0162 REUB 3,054 28,6336 -97,0162 REUB 3,054 28,6336 -97,0162 REUB 1,671 28,6336 -97,0162 REUB REUB 1,671 28,63306 -97,0162 REUB REUB 1,671 28,63306 -97,0162 REUB REUB 1,47,065 1,47,065 -97,0162 MM $M/5/\mu$ 1,47,065 -147,065 -97,0162 MM $M/5/\mu$ 1,47,065 -147,065 -97,0162 MM $M/5/\mu$ 1,47,065 -147,065 -97,0162 MM $M/5/\mu$ 1,47,065 -14,016 -160,016 MM <td>Stream Sb13 (Unnamed)</td> <td>R4UB</td> <td></td> <td>18,299</td> <td>28.632</td> <td>-97.0259</td> <td>Sec. 404</td>	Stream Sb13 (Unnamed)	R4UB		18,299	28.632	-97.0259	Sec. 404
ReUB 389 28.6346 -87.0272 ReUB 2.142 28.6394 -97.0124 ReUB 3.054 28.6394 -97.0124 ReUB 3.054 28.6394 -97.0124 ReUB 3.054 28.6395 -97.0124 ReUB 3.054 28.6312 -97.0162 ReUB 3.054 28.6308 -97.0162 ReUB 1.671 28.6308 -97.0162 ReUB ReUB 1.47.069 28.6308 -97.0162 ReV Law 1.47.069 1.47.069 1.47.0	Stream Sb14 (Unnamed)	Reub		1,020	28.6238	-97.0072	Sec. 404
Reue $2,142$ 28.6394 97.0189 Reue $3,054$ 28.6397 97.0124 Reue $3,054$ 28.6397 97.0124 Reue 343 28.6312 97.0162 Reue $1,671$ 28.6308 97.0162 Reue $47,069$ $147,069$ 97.0162 No $147,069$ $147,069$ 97.0162 No $141,069$ $141,069$ $141,069$	Stream Sb15 (Unnamed)	Reub		389	28.6349	-97.0272	Sec. 404
ReUB 3.054 28.6297 -97.0124 ReUB 343 28.6312 -97.0162 amed) ReUB 1,671 28.6308 -97.0162 MAX 43.059 147,059 -97.0162 -97.0162 MAX $41/1$ 28.6308 -97.0162 -97.0162 MAX $41/1$ 28.63.63 -97.0162 -97.0162	Stream Sb16 (Unnamed)	Reub		2,142	28.6394	-97.0189	Sec. 404
ReUB 343 28.6312 97.0113 iamed) ReUB 1,671 28.6308 -97.0162 K 48.63 147,069 -97.0162 -97.0162 M $\sqrt{16}$ 84.76 68 -97.0162 M $\sqrt{11}$ 84.76 -97.0162 -97.0162 M $\sqrt{11}$ 84.76 -97.0163 -97.0162 M $\sqrt{11}$ 147,069 -97.0163 -97.0162 M $\sqrt{11}$ 184.76 -97.0163 -97.0162 M $\sqrt{11}$ 184.76 -97.0163 -97.0162 M $\sqrt{11}$ 184.76 -97.0163 -97.0162 M $\sqrt{11}$ 19.0163 -97.0163 -97.0162 M $\sqrt{11}$ 19.0163 -97.0163 -97.0162 M $\sqrt{11}$ 19.0163 -97.0162 -97.0162 R R -97.0163 -97.0163 -97.0162 R R -97.0163 -97.0163 -97.0163 R R -97.01649 -97.01649 -97.01649 R R -97.01649 -97.01649 -97.01649 R -97.01649 -97.01649 -97.01649 R <t< td=""><td>Sb17a (Unnamed)</td><td>Reub</td><td>i</td><td>3,054</td><td>28.6297</td><td>-97.0124</td><td>Sec. 404</td></t<>	Sb17a (Unnamed)	Reub	i	3,054	28.6297	-97.0124	Sec. 404
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Apr	licant: Exelon Generation Company, LLC File Number: SWG-2008-00694	Date: 28 July 2011
	ched is:	See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	Α
	PROFFERED PERMIT (Standard Permit or Letter of permission)	В
	PERMIT DENIAL	С
	APPROVED JURISDICTIONAL DETERMINATION	D
Х	PRELIMINARY JURISDICTIONAL DETERMINATION	E
	TION 1. The following identifies your rights and options regarding an administrative sion. Additional information may be found at	
1	ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the dis authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entire to appeal the permit, including its terms and conditions, and approved jurisdictional determinations asso	authorized. Your ty, and waive all rights
1	DBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein he permit be modified accordingly. You must complete Section II of this form and return the form to th Your objections must be received by the district engineer within 60 days of the date of this notice, or you to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your ob nodify the permit to address all of your concerns, (b) modify the permit to address some of your objection he permit having determined that the permit should be issued as previously written. After evaluating you district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below	e district engineer. u will forfeit your right jections and may: (a) ons, or (c) not modify our objections, the
B: 1	PROFFERED PERMIT: You may accept or appeal the permit	
8	ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the dist authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entire o appeal the permit, including its terms and conditions, and approved jurisdictional determinations asso	authorized. Your ty, and waive all rights
ı f	APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and nay appeal the declined permit under the Corps of Engineers Administrative Appeal Process by comple form and sending the form to the division engineer. This form must be received by the division engineer late of this notice.	ting Section II of this
by co	PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administ mpleting Section II of this form and sending the form to the division engineer. This form must be receiver within 60 days of the date of this notice.	rative Appeal Process ved by the division
	APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the ide new information.	approved JD or
	ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps w of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD in its entirety.	
1	APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of En Appeal Process by completing Section II of this form and sending the form to the division engineer. This by the division engineer within 60 days of the date of this notice.	
	RELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respon	
	rding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may oved JD (which may be appealed), by contacting the Corps district for further instruction	

SECTION DESCRIPTION APPEALS CONTENTIONS TO AN INTERTOPOLE PERSONS

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.)

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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.						
	MAUSICIAL STREET, STREE					
If you have questions regarding this decision and/or the appeal	If you only have questions regard	ding the appeal process you may				
ess you may contact: also contact:						
	Mr. Elliott Carman Administrative Appeals Review Officer (CESWD, PDO)					
	Administrative Appeals Review Off	icer (CESWD-PDO)				
	U.S. Army Corps of Engineers 1100 Commerce Street, Suite 831					
	1100 Commerce Street, Suite 831					
	Dallas, Texas 75242					
DIGUT OF ENTERNY We share half and the factor	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.						
	Date:	Telephone number:				
		· ·				
Signature of appellant or agent.						

REV. 1



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.

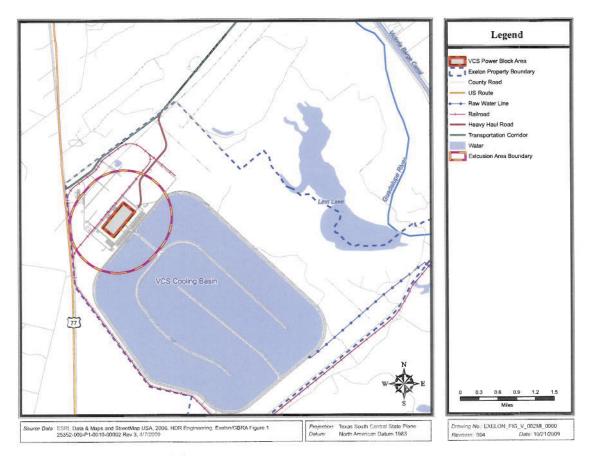


Figure 2.1-1 Victoria County Station Site and Proposed Plant Footprint

Victoria County Station ESP Application Part 3 — Environmental Report

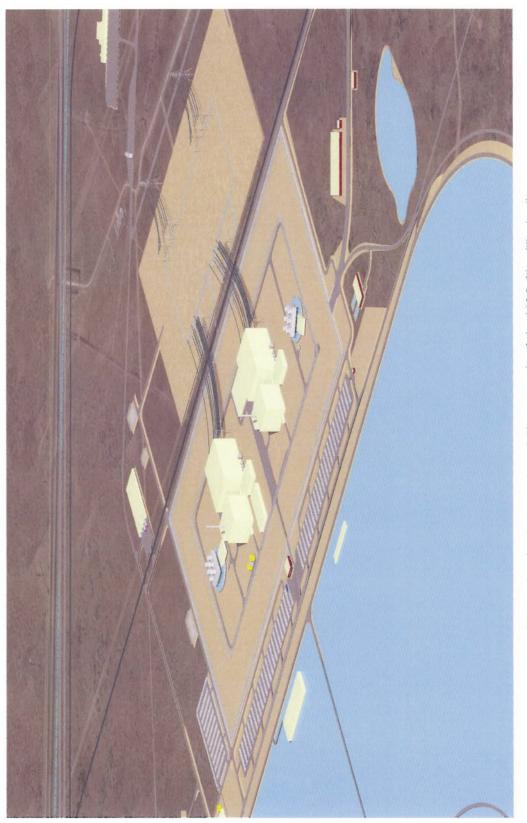


Figure 2.1-4 Oblique Aerial Photograph of the VCS Site (Typical)

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.