

NP-10-0001  
March 25, 2010

10 CFR 52, Subpart A

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: Exelon Nuclear Texas Holdings, LLC  
Victoria County Station  
Application for Early Site Permit for Victoria County Station  
NRC Project Number 0781

In accordance with 10 CFR 52, Subpart A, "Early Site Permits," Exelon Nuclear Texas Holdings, LLC (Exelon), acting for itself, hereby submits an application for an Early Site Permit (ESP) for the Victoria County Station (VCS) Site. With this application, Exelon is requesting an ESP with a twenty-year duration in accordance with 10 CFR 52.26(a).

Exelon requests that the VCS Units 1 and 2, Combined License (COL) Application (NRC Docket Nos. 52-031 and 52-032), previously submitted to the NRC on September 2, 2008, be withdrawn upon NRC docketing of the enclosed VCS ESP Application.

Exelon has not yet selected a specific reactor design for any future plant that may be built at this proposed site. Therefore, technical information from various certified and proposed designs has been used to develop a plant parameter envelope for facility characterization necessary to evaluate the suitability of the site for any future construction and operation of a nuclear power plant.

The VCS ESP Application is organized as follows:

- Part 1: Administrative Information
- Part 2: Site Safety Analysis Report (SSAR)
- Part 3: Environmental Report (ER)
- Part 4: Emergency Plan
- Part 5: Enclosures
- Part 6: Proprietary Information

This ESP Application contains no Restricted Data or other defense information requiring separation in accordance with 10 CFR 50.33, "Contents of applications; general information," paragraph (j).

**[Enclosure(s) transmitted herewith contain Proprietary Information. When separated from enclosure(s), this transmittal document is decontrolled.]**

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Part 6 of this application contains the information from other ESP Application Parts that is proprietary information. Accordingly, it is requested that Part 6 be withheld from public disclosure in accordance with 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." An affidavit certifying the basis for this application for withholding as required by 10 CFR 2.390(b)(1) is included as Enclosure 3 to this letter.

The VCS ESP Application includes a complete and integrated emergency plan with inspection, testing, and acceptance criteria (ITAAC), in accordance with 10 CFR 52.17(b). The emergency plan documents provided in Part 4 of the VCS ESP Application consist of the emergency plan documents submitted in support of the VCS Units 1 and 2 COL Application, previously submitted to the NRC on September 2, 2008. The emergency plan documents also incorporate the revisions made in response to requests for additional information resulting from the Federal Emergency Management Agency (FEMA) review of the off-site emergency plan documents, which continued after suspension of the principal portion of the NRC COL Application review on December 18, 2008. Therefore, the emergency plan documents submitted herein as part of the VCS ESP Application are consistent with the documents submitted as part of the VCS COL Application. FEMA letter to the NRC, dated February 17, 2010, provided the results of the FEMA review of the off-site emergency response plans for the VCS Units 1 and 2, COL Application, and determined that the current off-site plans and procedures are adequate, and there is reasonable assurance that the plans can be implemented with no corrections needed. Accordingly, Exelon requests that the NRC apply the results of the completed FEMA review of the off-site emergency plan documents conducted in support of the VCS Units 1 and 2, COL Application to the VCS ESP Application emergency plan document review.

The Applicant at the time of this submittal has no plans for activities at the site, after grant of the Early Site Permit, as allowed by 10 CFR 50.10(e)(1). Therefore, a Site Redress Plan as required by 10 CFR 52.17(c) for these type activities is not provided.

Consistent with common licensing practice, most of the application text is written in the present tense, including discussions of facilities and programs not yet built or implemented. Exceptions to this approach are the discussions of operating experience and completed studies and evaluations, which are written in the past tense. It should be understood, however, that statements regarding facilities (e.g., structures, systems and components), and pre-construction, pre-operational, and operational activities (e.g., procedures and programs) typically address activities that have not yet been performed, and will not be performed until it is reasonable and appropriate to do so.

A complete set of the application documents (identified above) is provided in electronic file format on the eight enclosed disks (Enclosures 1 and 2). Enclosure 1 contains a publicly available version of the ESP Application; Enclosure 2 contains the ESP Application with information requested to be withheld from public disclosure included in Part 6. Appropriate pre-submission checks have been successfully performed on the files contained in the Enclosure 1 and Enclosure 2 disks to ensure compliance with the guidelines provided on the NRC web site and they have been found acceptable for electronic submittal. Each disk includes a "packing slip" describing its contents, pursuant to NRC instructions for electronic submittals.

Service upon the applicant of hearing requests, intervention petitions or other pleadings related to this application should be made to counsel for Exelon as follows: J. Bradley Fewell, Associate General Counsel, Exelon Corporation, 4300 Winfield Road, Warrenville, IL, 60555 (phone: (630) 657-3769; email: [Bradley.Fewell@exeloncorp.com](mailto:Bradley.Fewell@exeloncorp.com); fax: (630) 657-4323), and Steven P. Frantz, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Ave., NW, Washington, D.C. 20004 (phone: (202) 739-5460; email: [sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com); fax: (202) 739-3001).

If any additional information is needed, please contact David J. Distel, Exelon Licensing at (610) 765-5517.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25<sup>th</sup> day of March, 2010.

Respectfully,



Marilyn C. Kray  
Vice President, Nuclear Project Development

- Enclosures:
1. VCS ESP Application DVD; Public Version
  2. VCS ESP Application DVD; Non-Public Version
  3. Affidavit for Withholding Proprietary Information from Public Disclosure

cc: USNRC, Director, Office of New Reactors/NRLPO (w/enclosures)  
USNRC Project Manager, Division of New Reactor Licensing, Victoria County  
Station (w/enclosures)  
USNRC Region IV, Regional Administrator (w/enclosures)

**Enclosure 1**

Four DVDs labeled:

"Victoria County Station  
Early Site Permit Application, NRC ADAMS Edition,  
March 2010; Submission 2 Disk 1  
(Part 6 Proprietary Information Withheld)"

"Victoria County Station  
Early Site Permit Application, NRC ADAMS Edition,  
March 2010; Submission 2 Disk 2  
(Part 6 Proprietary Information Withheld)"

"Victoria County Station  
Early Site Permit Application, NRC ADAMS Edition,  
March 2010; Submission 2 Disk 3  
(Part 6 Proprietary Information Withheld)"

"Victoria County Station  
Early Site Permit Application, NRC ADAMS Edition,  
March 2010; Submission 2 Disk 4  
(Part 6 Proprietary Information Withheld)"

**Enclosure 2**

Four DVDs labeled:

“Victoria County Station  
Early Site Permit Application,  
March 2010; Submission 1 Disk 1  
{Contains Proprietary Information – Withhold Under 10 CFR 2.390}  
(Part 6 Proprietary Information Included)”

“Victoria County Station  
Early Site Permit Application,  
March 2010; Submission 1 Disk 2  
{Contains Proprietary Information – Withhold Under 10 CFR 2.390}  
(Part 6 Proprietary Information Included)”

“Victoria County Station  
Early Site Permit Application,  
March 2010; Submission 1 Disk 3  
{Contains Proprietary Information – Withhold Under 10 CFR 2.390}  
(Part 6 Proprietary Information Included)”

“Victoria County Station  
Early Site Permit Application,  
March 2010; Submission 1 Disk 4  
{Contains Proprietary Information – Withhold Under 10 CFR 2.390}  
(Part 6 Proprietary Information Included)”

**Enclosure 3**

**Affidavit for Withholding Proprietary Information  
From Public Disclosure**

The proprietary information being withheld from public disclosure  
is contained in Part 6 [Proprietary Information]  
of the ESP Application and is referenced in Part 2 of the ESP Application

**AFFIDAVIT**

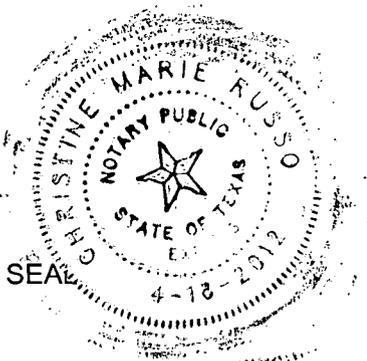
I, Julie Kay Hardie, Vice President - Legal, Seismic Exchange, Inc., do hereby affirm and state:

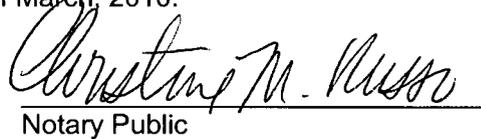
1. I am authorized to execute this affidavit on behalf of Seismic Exchange, Inc. (Seismic Exchange) and have knowledge of the subject matter described herein.
2. Seismic Exchange has provided certain proprietary geophysical data and information (Proprietary Information) to Exelon Generation Company, LLC (Exelon) for use in developing its Early Site Permit Application (ESPA). This Proprietary Information concerns Data and Derivatives of seismic reflection data, which should be held in confidence by the NRC and exempt from public disclosure pursuant to the policy reflected in 10 CFR 2.390(a)(4) & (9) because:
  - a. This Proprietary Information: (i) constitutes highly valuable confidential information and trade secrets of Seismic Exchange; (ii) is owned and held in confidence by Seismic Exchange; and (iii) is licensed to Exelon pursuant to that Master Geophysical Data-Use License dated February 29, 2008, which contains strict confidentiality and non-disclosure obligations on the part of Exelon with regard to the Proprietary Information that is the subject matter of this Affidavit and the ESPA.
  - b. It is the ordinary course of business and the customary practice and procedure of Seismic Exchange to maintain and require confidentiality and non-disclosure of its proprietary geophysical data, including the Proprietary Information described herein.
  - c. Seismic Exchange understands that this Proprietary Information is being transmitted to the NRC voluntarily and in confidence.
  - d. This Proprietary Information is neither in the public domain nor available in public sources and could not be gathered readily from other publicly-available information.
  - e. Public disclosure of this Proprietary Information would create substantial and irreparable harm to Seismic Exchange, including its competitive position, as this Proprietary Information contains Seismic Exchange's highly valuable trade secrets and proprietary and confidential information. Furthermore, Seismic Exchange incurred significant costs to acquire the Proprietary Information.
3. Accordingly, Seismic Exchange requests that the designated Proprietary Information be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4) & (9) .

  
Julie Kay Hardie

State of Texas  
County of Harris

Sworn and prescribed to before me this 11<sup>th</sup> day of March, 2010.



  
Notary Public

My Commission Expires: 4/18/2012