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NP-08-0010
September 2, 2008

10 CFR 52.75

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

Subject: Exelon Nuclear Texas Holdings, LLC
Victoria County Station, Units 1 and 2
Application for Combined Licenses for Victoria County Station
NRC Project Number 761

- References:
1. Exelon Nuclear Texas Holdings, LLC letter to USNRC, Part 8 – Safeguards and Security Plan for Victoria County Station, Units 1 and 2 Combined License Application (NP-08-0011), dated September 2, 2008
 2. General Electric letter to USNRC, General Electric Company Application for Final Design Approval and Design Certification of ESBWR Standard Plant Design, dated August 24, 2005
 3. GE-Hitachi letter to USNRC, GE-Hitachi Nuclear Energy – ESBWR Standard Plant Design – Revision 4 to Design Control Document – Tier 1 and Tier 2, dated September 28, 2007; Docket No. 52-010
 4. GE-Hitachi letter to USNRC, GE-Hitachi Nuclear Energy – ESBWR Standard Plant Design – Revision 5 to Design Control Document – Tier 1 and Tier 2, dated June 1, 2008; Docket No. 52-010
 5. Dominion letter to USNRC, Virginia Electric and Power Company and Old Dominion Electric Cooperative Combined License Application North Anna Power Station Unit 3, dated November 26, 2007

In accordance with 10 CFR 52, Subpart C, "Combined Licenses," Exelon Nuclear Texas Holdings, LLC (Exelon), acting for itself, hereby submits an application for combined licenses (COLs) for the Victoria County Station (VCS) Units 1 and 2, consisting of two Economic Simplified Boiling Water Reactor (ESBWR) units located in Victoria County, Texas. The applicant is also applying for such other licenses under 10 CFR Parts 30, 40, and 70 as would

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be required to possess and use source, special nuclear, and byproduct material in connection with the operation of the ESBWR units.

As permitted by 10 CFR 52.55, "Duration of certification," paragraph (c), this application incorporates by reference the design certification application for the ESBWR (Reference 2), and Revision 4 of the Design Control Document (DCD) for the ESBWR (Reference 3). The NRC's ESBWR design certification review is continuing and a revision to the DCD has been recently submitted to the NRC (Reference 4). A future revision to this application will incorporate by reference the ESBWR DCD Revision 5 (Reference 4). Additionally, after the NRC issues the Part 52 design certification rule for the ESBWR, this COLA application (COLA) will be revised to incorporate by reference that rule.

The North Anna COLA (Reference 5) has been designated as the reference plant COLA (R-COLA) by the ESBWR design-centered working group (DCWG). This application for VCS Units 1 and 2 is a subsequent COLA (S-COLA), which contains standard content from the R-COLA. As such, this S-COLA will be amended, as appropriate, in a timely manner if changes are made to the standard content during the NRC review of the R-COLA.

The VCS Units 1 and 2 COLA is organized as follows:

- Part 1: General and Administrative Information
- Part 2: Final Safety Analysis Report (FSAR)
- Part 3: Environmental Report (ER)
- Part 4: Technical Specifications (TS)
- Part 5: Emergency Plan (E-Plan)
- Part 6: LWA/Site Redress Plan (Not Used)
- Part 7: Departures Report
- Part 8: Safeguards and Security Plan (Provided by Separate Submittal)
- Part 9: Proprietary/Sensitive Unclassified Non-Safeguards Information (SUNSI)
- Part 10: Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)
- Part 11: Enclosures

Departures from the ESBWR DCD, Revision 4 (Reference 3), and associated exemption requests, are identified in Part 7 of the COLA.

Concurrent with this letter, a separate transmittal, Reference 1, is being submitted to the NRC containing the VCS Units 1 and 2 Safeguards and Security Plan (Part 8 of the VCS Units 1 and 2 COLA). Reference 1 contains Safeguards Information and should be withheld from public disclosure.

This COLA contains no Restricted Data or other defense information requiring separation in accordance with 10 CFR 50.33, "Contents of applications; general information," paragraph (j). Part 9 of this application contains the information from other COLA Parts that is either proprietary or Sensitive Unclassified Non-Safeguards Information (SUNSI). Accordingly, it is requested that Part 9 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.

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 two enclosed disks (Enclosures 1 and 2). Enclosure 1 contains a publicly available version of the COLA; Enclosure 2 contains the COLA with information requested to be withheld from public disclosure included in Part 9. Appropriate pre-submission checks have been successfully performed on the files for both 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.

Exelon will provide the final results of ongoing environmental report data collection and evaluation as they become available, including:

- (1) the results of an early fall 2008 terrestrial ecology survey to be provided by November 14, 2008, and
- (2) the results of aquatic ecology surveys conducted through December 2008 to be provided by February 13, 2009.

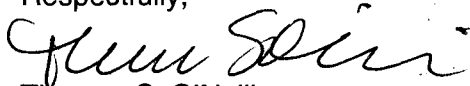
This information will then be included in a subsequent revision to the COLA.

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; 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; fax: (202) 739-3001).

If any additional information is needed, please contact Kenneth A. Ainger, Director – New Plant Licensing, at (630) 657-3100.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 2nd day of September, 2008.

Respectfully,



Thomas S. O'Neill
Vice President
New Plant Development

September 2, 2008
U. S. Nuclear Regulatory Commission
Page 4

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

cc: USNRC, Director, Office of New Reactors/NRLPO (w/enclosures)
USNRC Region IV, Regional Administrator (w/enclosures)

Enclosure 1
Two DVDs labeled:

**"Victoria County Station, Units 1 and 2,
Combined License Application, NRC ADAMS Edition,
September 2008; Submission 2 Disk 1
(Part 9 Sensitive Information Withheld)"**

**"Victoria County Station, Units 1 and 2,
Combined License Application, NRC ADAMS Edition,
September 2008; Submission 2 Disk 2
(Part 9 Sensitive Information Withheld)"**

Enclosure 2
Two DVD labeled:

**"Victoria County Station, Units 1 and 2,
Combined License Application,
September 2008; Submission 1 Disk 1**

**{Contains Sensitive Information - Withhold Under 10 CFR 2.390)
(Part 9 Sensitive Information Included)"**

**"Victoria County Station, Units 1 and 2,
Combined License Application,
September 2008; Submission 1 Disk 2**

**{Contains Sensitive Information - Withhold Under 10 CFR 2.390)
(Part 9 Sensitive Information Included)"**

Enclosure 3

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

The proprietary information being withheld from public disclosure is contained in Part 9 [Proprietary/Sensitive Unclassified Non-Safeguards Information] of the COLA and was extracted from Part 1 of the COLA

