

June 8, 2010

Ms. Marilyn C. Kray
Vice President
New Plant Development
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

SUBJECT: ACCEPTANCE REVIEW FOR AN EARLY SITE PERMIT APPLICATION FOR
VICTORIA COUNTY STATION

Dear Ms. Kray:

By letter dated March 25, 2010, Exelon submitted an early site permit (ESP) application to the U.S. Nuclear Regulatory Commission (NRC) for the Victoria County Station (VCS) site located in Victoria County, Texas in accordance with the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," Subpart A, "Early Site Permits". By letter dated April 21, 2010, the NRC staff acknowledged receipt of the application and noted its intent to conduct an acceptance review. In addition, Exelon provided supplemental information by letters dated May 4, May 6, May 13 and May 20, 2010, in response to issues identified by the NRC staff during follow-up clarification discussions.

This letter informs you that the NRC staff has completed its acceptance review and has determined that your application is acceptable for docketing. The docket number established for this application is 52-042. From this effort, a four phase review process was developed. The phases of the four phase review approach will be as follows:

- Phase A-Requests For Additional Information (RAIs) and supplemental RAIs
- Phase B-Advance Final Safety Evaluation Report (FSER) without Open Items
- Phase C-Advisory Committee on Reactor Safeguards Meeting on Advance FSER
- Phase D-Advanced FSER

The development of a four phase review in our scheduling system requires additional time beyond the normal 30 day period described in the April 21, 2010, letter acknowledging receipt of the application (ML100950420) to allow the staff the opportunity to review supplemental responses before committing staff resources for this review. The staff intends to issue the schedule letter for the technical review of your ESP application in early August 2010, and will interact with you as needed to develop this schedule. The schedule will reflect a critical dependency on your meeting commitments for delivery of documentation as follows:

- Exelon submitted a letter to the NRC identifying issues in the application pertaining to Section 2.5.2 in the site safety analysis report. In this letter to the NRC dated May 13, 2010, Exelon committed to provide the staff with corrected data in support of this area of review on June 15, 2010. The schedule for review of these sections will be extended to accommodate the submittal of data.
- Exelon plans to supplement their application to clarify and limit the scope of their plant parameter envelope (PPE) approach for section 2.5.4, (Bearing Capacity Issue) by June 30, 2010. The schedule for review of this section will be extended to accommodate this submittal.

Additionally, the staff also noted that there was not the expected level of consistency provided throughout the application with respect to design parameters for each of the technologies considered in this PPE. To ensure that a thorough review can be completed, the staff will review the application with this level of consistency in mind and will determine what, if any additional information is needed, for each of the technologies considered by way of RAIs.

The enclosed notice of acceptance for docketing has been forwarded to the Office of the Federal Register and a separate notice will be published, in accordance with the provisions in 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the mandatory hearing required for this application.

Should you have any questions or comments concerning this matter, I can be reached at 301-415-6775 or at Janelle.Jessie@nrc.gov.

Sincerely,

/RA/

Janelle B. Jessie, Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

Project No. 0781

Enclosure:
Federal Register Notice

cc w/encl: See next page

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Janelle B. Jessie, Project Manager
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

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ADAMS Accession No.: ML101440472

NRO-002

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OFFICE	DD:DSER	D:ARP	DD: DNRL	PM:DNRL/NGE1
NAME	NChokshi	MMayfield	FAkstulewicz	JJessie (s)
DATE	06/3/2010	06/4/2010	06/4/2010	06/8/2010

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SUBJECT: ACCEPTANCE REVIEW FOR AN EARLY SITE PERMIT APPLICATION FOR
VICTORIA COUNTY STATION DATED JUNE 8, 2010

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ESP - Exelon - Victoria Mailing List

(Revised 06/03/2010)

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