

January 5, 2011

APPLICANT: Exelon Nuclear Texas Holdings (Exelon), LLC

FACILITY: Victoria County Station Early Site Permit Application

SUBJECT: SUMMARY OF DECEMBER 13, 2010, PUBLIC TELECONFERENCE TO DISCUSS THE REQUIREMENTS FOR LAND OWNERSHIP (TREATMENT OF LAND OPTIONS) RELATING TO THE VICTORIA COUNTY STATION EARLY SITE PERMIT APPLICATION – OPEN PORTION

On December 13, 2010, the U.S. Nuclear Regulatory Commission (NRC) held a Category 1 public teleconference with Exelon Nuclear Texas Holdings, LLC (Exelon). The purpose of the teleconference was to discuss Exelon's concerns regarding the requirements for land ownership and treatment of land options in the NRC licensing process as it relates to the Victoria County Station Early Site Permit Application that Exelon submitted to the NRC on March 25, 2010.

The meeting agenda is provided as Enclosure 1. The participants list and the meeting summary are available through the Agencywide Documents Access and Management System (ADAMS) as a package at Accession Numbers ML103510323, ML103510326 and ML103510331, respectively. ADAMS is the system that provides text and image files of NRC's public documents. Documents are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or have problems accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) staff at 1-800-397-4209, 301-415-4737 or pdr@nrc.gov.

Following introductions, staff from the Office of New Reactors opened the meeting with an overview describing the purpose of the call. Exelon then briefly inquired about the exclusion area authority and control requirements in 10 CFR §§ 100.3 & 100.21(a). As stated in these regulations, to meet these requirements, prior to issuance of an ESP, the applicant must demonstrate that either 1) it possesses the required authority within the exclusion area, including mineral rights, or 2) it must provide reasonable assurance that it will have such authority prior to the start of construction, as stated in Section 2.1.2 of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants." During the teleconference, Exelon also inquired whether as a condition to issuance of the ESP, it would be required to demonstrate authority and control over the exclusion area. In addition, Exelon inquired whether this authority and control requirement would be deferred to the COL application if it is not obtained prior to issuance of an ESP. The staff informed the applicant that a definitive response cannot be provided regarding the treatment of this issue as a condition in the ESP until the staff reviews the VCS ESP application and Exelon's intended path forward to obtain control and authority of the site.

In addition to the NRC and Exelon, one member of the public participated in the open portion of the call and was interested in learning more information about how this topic relates to a proposal in Utah which deals with public land. The member of public was invited to contact the staff to explore this inquiry further.

Please direct any inquiries to me at 301-415-6775 or Janelle.Jessie@nrc.gov.

/RA/

Janelle B. Jessie, Project Manager
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Division of New Reactor Licensing
Office of New Reactors

Project No. 52-042

Enclosure
As stated

cc w/encl: See next page

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/RA/

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ADAMS Accession Numbers:
Meeting Summary: ML103510326
Participant's List: ML103510331
Package: ML103510323

NRC-001

OFFICE	PM:NRO:DNRL:BWR	OGC	NRO/DNRL/BWR/TL
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DATE	12/20/2010	12/27/2010	01/05/2011

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SUBJECT: SUMMARY OF DECEMBER 13, 2010, MEETING REGARDING THE VICTORIA
COUNTY STATION EARLY SITE PERMIT APPLICATION DATED JANUARY 5, 2011

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A. Wilson, OGC

D. Sisk, NRO

S. Green, NRO

Agenda for Public Teleconference (Open Portion)
U. S. Nuclear Regulatory Commission
Conference Call
December 13, 2010
2:00 p.m. – 2:40 p.m.

PURPOSE: To discuss Exelon's concerns regarding the requirements for land ownership and treatment of land options in the NRC licensing process in relation to the Victoria County Station Early Site Permit Application.

<u>Topic</u>	<u>Led By</u>
2:00 pm Opening Remarks	NRC
2:05 pm Land Ownership/Options Discussion	EXELON/NRC
2:25 pm Comments	ALL
2:40 pm Meeting Adjourned	NRC
2:40 pm - 2:45 pm Break - Transition to Closed Portion of Meeting	

ESP - Exelon - Victoria Mailing List

(Revised 11/15/2010)

cc:

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