

October 14, 2011

Administrative Judge, Chairman
Michael M. Gibson
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Administrative Judge
Dr. Anthony J. Baratta
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Administrative Judge
Dr. Mark O. Barnett
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
EXELON NUCLEAR TEXAS HOLDINGS, LLC
(Victoria County Station Site)
Docket No. 52-042

Dear Administrative Judges:

Pursuant to the Board's Scheduling Order dated August 10, 2011, the Staff herein provides to the Board and the parties as an enclosure to this letter an index identifying additions to the Hearing File, as required to be disclosed by the Staff in accordance with 10 C.F.R. § 2.336(d). The index contains the ADAMS accession number, date, and title of each enumerated document so as to make each document readily retrievable from the agency's website, www.nrc.gov, using the ADAMS "Find" function. Additionally, the Staff will add the indexed documents to the folder in the agency's Electronic Hearing Docket ("EHD") associated with this proceeding, entitled "Victoria Stn Hearing File." Also attached, as required by 10 C.F.R. § 2.336(c), is the Affidavit of Tekia Govan.

In accordance with the Agreement of the Parties Regarding Mandatory Discovery Disclosures dated July 6, 2011, relieving all parties from the obligation of producing privilege logs, as otherwise required by 10 C.F.R. §§ 2.336(a)(3) and 2.336(b)(5), the Staff herein produces a log containing all documents withheld as proprietary and security-related. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged and/or otherwise protected documents during the pendency of this proceeding.

Respectfully submitted,

/Signed (electronically) by/

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Enclosures: Attachment 1: Hearing File Index
Attachment 2: Privilege Log
Attachment 3: Affidavit of Tekia Govan

Attachment 1

**Victoria County Station ESP Hearing File and Mandatory Disclosures
Hearing File Index
Update 3 – October 14, 2011**

	Accession Number	Document Date	Title\Description
3-1	ML11280A041	09/12/2011	2011/09/12 Victoria ESP - FW: ML103050454 - 401 Water Quality Certification of Exelon Victoria County Station
3-2	ML11279A077	09/14/2011	2011/09/14 Victoria ESP - RE: NRC Safety Review Status Update
3-3	ML112640312	09/21/2011	Victoria County Station Early Site Permit Application Response to Request for Additional Information Letter No. 11.
3-4	ML11279A074	09/23/2011	2011/09/23 Victoria ESP - FW: Access to Electronic Reading Room for the Victoria County ESP
3-5	ML11279A073	09/27/2011	2011/09/27 Victoria ESP - DRAFT RAI 5700
3-6	ML112720488	09/29/2011	Victoria County Station Early Site Permit Application, Response to Request for Additional Information Letter No. 12.
3-7	ML11279A072	09/29/2011	2011/09/29 Victoria ESP - RE: VCS ESP Application Revision
3-8	ML112760226	09/30/2011	Victoria County Station Early Site Permit Application Update on Anticipated Environmental Report Revisions.
3-9	ML11279A071	10/03/2011	2011/10/03 Victoria ESP - FW: Courtsey copy of Exelon letter NP-11-0044 - Environmental Report Revisions
3-10	ML11279A069	10/04/2011	2011/10/04 Victoria ESP - RAI resolution
3-11	ML11279A070	10/04/2011	2011/10/04 Victoria ESP - RE: DRAFT RAI 5700
3-12	ML11280A155	10/07/2011	2011/10/07 Victoria ESP - RE: Courtsey copy of Exelon letter NP-11-0044 - Environmental Report Revisions
3-13	ML11280A156	10/07/2011	2011/10/07 Victoria ESP - FW: Access to Electronic Reading Room for the Victoria County ESP

	Accession Number	Document Date	Title\Description
3-14	ML11280A158	10/07/2011	2011/10/07 Victoria ESP - FW: Courtsey copy of Exelon letter NP-11-0044 - Environmental Report Revisions

Attachment 2**Victoria County Station ESP Hearing File and Mandatory Disclosures
Privilege Log – Proprietary and Security-Related Information
Update 3 – October 14, 2011**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain security-related, trade secrets, privileged or confidential commercial or financial information subject to withholding from public disclosure pursuant to 10 C.F.R. § 2.390. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated “proprietary” or “security-related,” and subject to protected status under Section 2.390.

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-1	ML11270A136	SAFER Services Corp	Exelon Victoria County Station EPZ Siren Acoustic Study.	07/20/2011	Report, Technical	Exelon Generation Co, LLC NRC/NRO	Pending Staff SUNSI Review	18
I-2	ML11270A155	IEM, Inc	Final Report, Evacuation Time Estimates: Exelon Nuclear Texas Holdings, LLC, Victoria County Station, Revised to Reflect Expanded Emergency Planning Zone.	07/29/2011	Emergency Preparedness -Emergency Plan	Kerr C, Exelon Generation Co, LLC NRC/NRO	Pending Staff SUNSI Review	104

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-3	ML11269A035	Kray M C, Exelon Generation Co, LLC	Victoria County Station Early Site Permit Application Response to Request for Additional Information Letter No. 06 - Question No. 13.03-34.	09/14/2011	Letter	NRC/NRO	Pending Staff SUNSI Review	6
I-4	ML11270A054	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County and the Cities of Port Lavaca, Seadrift, and Point Comfort, Basic Plan Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	47
I-5	ML11270A055	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 2 Communications Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	11

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-6	ML11270A056	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 4 Protective Action Guides Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	6
I-7	ML11270A057	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 6, Emergency Response Training Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	8
I-8	ML11270A058	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 7, Reception Centers and Congregate Care Facilities Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	11

	Accession Number	Author Name/Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-9	ML11270A085	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 9, Emergency Operations Center Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	10
I-10	ML11270A086	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 1, Alerting and Notification Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	18
I-11	ML11270A087	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 3, Evacuation Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	16

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-12	ML11270A088	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 5, Public Information Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	10
I-13	ML11270A106	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W Plan, Fixed Nuclear Facilities Response Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	51
I-14	ML11270A107	Exelon Generation Co, LLC	Calhoun County and the Cities of Port Lavaca, Seadrift & Point Comfort Annex A, Warning Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	41

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-15	ML11270A109	, Exelon Generation Co, LLC	Calhoun County and the Cities of Port Lavaca, Seadrift & Point Comfort Annex I, Public Information, Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	29
I-16	ML11270A110	Exelon Generation Co, LLC	Calhoun County and the Cities of Port Lavaca, Seadrift & Point Comfort Annex M, Resource Management Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	20
I-17	ML11270A127	Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 10, NUREG-0654 Cross Reference Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	15

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-18	ML11270A129	Exelon Generation Co, LLC	Calhoun County and the Cities of Port Lavaca, Seadrift & Point Comfort Annex N, Direction & Control Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	33
I-19	ML11270A130	Exelon Generation Co, LLC	Calhoun County and the Cities of Port Lavaca, Seadrift & Point Comfort Annex N, Direction & Control Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	33
I-20	ML11270A133	, Exelon Generation Co, LLC	Emergency Management Plan for Calhoun County Annex W - Appendix 8, Transportation Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	7
I-21	ML11270A142	Exelon Generation Co, LLC	Emergency Management Plan for Goliad County Annex W - Tab 1, Alerting and Notification, Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	18

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-22	ML11270A143	Exelon Generation Co, LLC	Emergency Management Plan for Goliad County Annex W Plan, Fixed Nuclear Facilities Response, Radiological Emergency Preparedness Plan Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	51
I-23	ML11270A145	Exelon Generation Co, LLC	Emergency Management Plan for Refugio County Annex W Plan, Fixed Nuclear Facilities Response, Radiological Emergency Preparedness (REP) Plan, Victoria County Station Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	51

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-24	ML11270A146	Exelon Generation Co, LLC	Emergency Management Plan for Refugio County Annex W - Tab 1, Alerting and Notification Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	19
I-25	ML11270A153	State of TX, Dept of State Health Services	Texas Emergency Management Plan, Annex D: Radiological Emergency Management, Tab 1: Fixed Nuclear Facility Accident Response, Chapter 3: Exelon's Victoria County Station.	09/14/2011	Emergency Preparedness -Emergency Plan	Exelon Generation Co, LLC NRC/NRO	Pending Staff SUNSI Review	35
I-26	ML11270A154	Exelon Generation Co, LLC	Emergency Management Plan, Annex W Plan, Fixed Nuclear Facilities Response, Victoria County / City of Victoria Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	51

	Accession Number	Author Name/ Affiliation	Title/Description	Document Date	Document Type	Addressee/ Addressee Affiliation	Comment	Pages
I-27	ML11270A156	Exelon Generation Co, LLC Exelon Nuclear	Exelon Nuclear Radiological Emergency Plan Annex for Victoria County Station Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	45
I-28	ML11270A157	Exelon Generation Co, LLC	Emergency Management Plan for Victoria County / City of Victoria Annex W - Appendix 1, Alerting and Notification Sept 2011.	09/14/2011	Emergency Preparedness -Emergency Plan	NRC/NRO	Pending Staff SUNSI Review	16

October 14, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
)
EXELON TEXAS NUCLEAR HOLDINGS, LLC) Docket No. 52-042
)
(Victoria County Station Site))

AFFIDAVIT OF TEKIA GOVAN CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. §§ 2.336(b) and 2.1203

I, Tekia Govan, do hereby state as follows:

1. I am employed as a Project Manager in the NGE Projects Branch of the Division of New Reactor Licensing in the Nuclear Regulatory Commission’s (“NRC”) Office of New Reactors. I serve as project manager for the NRC’s review of the Early Site Permit submitted by Exelon Texas Nuclear Holdings, LLC, at issue in this proceeding.

2. Pursuant to the regulations, I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336(d) in the captioned proceeding have been disclosed and that the disclosures are accurate and complete as of October 1, 2011.

3. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in Accord with 10 CFR § 2.304(d)

Tekia Govan
Project Manager, NGE Projects Branch
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Executed in Rockville, MD
this the 14th day of October, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
)
EXELON TEXAS NUCLEAR HOLDINGS, LLC) Docket No. 52-042
)
(Victoria County Station Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated October 14, 2011, providing notice of the availability of the hearing file and mandatory disclosures made pursuant to 10 C.F.R. § 2.336(d), with attachments, together with the affidavit of Tekia Govan, have been served upon the following persons by Electronic Information Exchange this 14th day of October, 2011:

Administrative Judge, Chairman Michael M. Gibson Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: Michael.Gibson@nrc.gov	Office of Commission Appellate Adjudication Mail Stop O-16C1 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: OCAEmail@nrc.gov
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Administrative Judge Dr. Anthony J. Baratta Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: Anthony.Baratta@nrc.gov	Office of the Secretary ATTN: Docketing and Service Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: HEARINGDOCKET@nrc.gov
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Administrative Judge Dr. Mark O. Barnett Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: Mark.Barnett@nrc.gov	Counsel for Texans for a Sound Energy Policy (TSEP) Blackburn Carter 4709 Austin Street Houston, Texas 77004 James B. Blackburn, Jr., Esq. Charles Irvine, Esq. E-mail: jbblaw@blackburncarter.com E-mail: charles@blackburncarter.com
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Dated at Rockville, Maryland
this 14th day of October, 2011