

May 15, 2012

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 additions¹ 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 Michael Eudy.

In accordance with the Licensing Board's August 10, 2011 Order, 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 is not producing privilege logs at this time. However, in accordance with

¹ Documents ML121210595 and ML121210593 are cover letters documenting that the Applicant submitted the public version of Revision 1 to the Exelon Victoria County ESP application. Another version of this cover letter, document ML12131A3831, was recently provided and is not included in this month's hearing file disclosures. The staff is in the process of placing the public version of Revision 1 into ADAMS. Once this document is publicly available in ADAMS, the staff will include this document in next month's hearing file disclosures.

the August 10 Order, the Staff shall produce a log of documents withheld as containing proprietary, security-related, or safeguards information. In preparing the enclosed Hearing File Index update, the Staff has not identified any document for inclusion on the log of documents withheld as containing proprietary, security-related, or safeguards information. As directed by the Licensing Board, the Staff shall preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,

/Signed (electronically) by/

Laura R. Goldin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, D.C. 20555-0001
(301) 415-3082
(301) 415-3725 fax
Laura.Goldin@nrc.gov

Enclosures: Attachment 1: Hearing File Index
Attachment 2: Affidavit of Michael Eudy

Attachment 1**Victoria County Station ESP Hearing File and Mandatory Disclosures
Hearing File Index
Update 10 – May 15, 2012**

| | Accession Number | Document Date | Title\Description |
|-------|-------------------------|----------------------|---|
| 10-1 | ML121210595 | 03/22/2012 | Victoria County Station Site Permit Application Submittal of Early Site Permit Application, Revision 1. |
| 10-2 | ML12100A064 | 03/26/2012 | Victoria County Station Early Site Permit Application, Certification of Service of Early Site Permit Application, Revision 1 and Notice of Availability. |
| 10-3 | ML12128A122 | 04/03/2012 | 2012/04/03 Victoria ESP - Victoria ESP Draft RAI SSAR Section 15 |
| 10-4 | ML12094A320 | 04/04/2012 | Environmental Request for Additional Information Letter No. 1 Related to ESRP Section 2.2.1 Landuse for Victoria County Station Early Site Permit Application. |
| 10-5 | ML12094A335 | 04/04/2012 | Environmental Request for Additional Information Letter No. 2 Related to ESRP Section 2.2.3 Landuse for Victoria County Station Early Site Permit Application. |
| 10-6 | ML12094A353 | 04/04/2012 | Environmental Request for Additional Information Letter No. 3 Related to ESRP Section 4.1.1 Landuse for Victoria County Station Early Site Permit Application. |
| 10-7 | ML12094A358 | 04/04/2012 | Environmental Request for Additional Information Letter No. 4 Related to ESRP Section 9.3 Landuse for Victoria County Station Early Site Permit Application. |
| 10-8 | ML121000303 | 04/09/2012 | Victoria County Station, Early Site Permit Application Environmental Report - Responses to ER Audit Information Needs. |
| 10-9 | ML12128A120 | 04/10/2012 | 2012/04/10 Victoria ESP - FW: COLA vs ESP Docket Nos. |
| 10-10 | ML121010027 | 04/10/2012 | Request For Additional Information Letter No. 17 (SRP Section: 15 - Introduction - Transient And Accident Analysis) Related To The Victoria County Station Early Site Permit Application. |
| 10-11 | ML12103A265 | 04/11/2012 | 2012/04/11 Victoria ESP - FW: Courtesy Copy of Exelon Letter NP-12-0016 - Responses to ER Audit Information Needs |
| 10-12 | ML12128A118 | 04/11/2012 | 2012/04/11 Victoria ESP - FW: RAI Response Status |

| | Accession Number | Document Date | Title\Description |
|-------|-------------------------|----------------------|---|
| 10-13 | ML12128A116 | 04/12/2012 | 2012/04/12 Victoria ESP - FW: ER Rev. 1 Page Marked Proprietary |
| 10-14 | ML12129A503 | 04/13/2012 | 2012/04/13 Victoria ESP - FW: Aquatic Ecology & Alternatives RAIs |
| 10-15 | ML12129A505 | 04/13/2012 | 2012/04/13 Victoria ESP - RE: ER Rev. 1 Page Marked Proprietary |
| 10-16 | ML12129A508 | 04/17/2012 | 2012/04/17 Victoria ESP - Aquatic Ecology RAIs |
| 10-17 | ML12110A312 | 04/19/2012 | Environmental Request for Additional Information Letter No. 6 Related to ESRP Section 9.3 Alternative Sites for Victoria County Station Early Site Permit Application. |
| 10-18 | ML12110A189 | 04/19/2012 | Letter re: Environmental Request for Additional Information Letter No. 5 Related to ESRP Section 9.3. Alternative Sites for Victoria County Station Early Permit Application. |
| 10-19 | ML12128A115 | 04/23/2012 | 2012/04/23 Victoria ESP - FW: Exelon Letter to NRC NP-12-0009 - Response to RAI Letter No. 16 |
| 10-20 | ML12128A112 | 04/23/2012 | 2012/04/23 Victoria ESP - FW: NRC Packing Slip Change Letter |
| 10-21 | ML12129A512 | 04/23/2012 | 2012/04/23 Victoria ESP - |
| 10-22 | ML121210593 | 04/23/2012 | Victoria County Station Early Site Permit Application Revision 1 Submittal Disk Packing Slip Revision. |
| 10-23 | ML12115A042 | 04/23/2012 | Victoria County Station Early Site Permit Application, Response to Request for Additional Information Letter No. 16. |
| 10-24 | ML12129A521 | 04/24/2012 | 2012/04/24 Victoria ESP - FW: Terrestrial Ecology and Transporation Draft RAIs |
| 10-25 | ML12129A518 | 04/24/2012 | 2012/04/24 Victoria ESP - Terrestrial Ecology and Transporation Draft RAIs |
| 10-26 | ML12128A111 | 04/25/2012 | 2012/04/25 Victoria ESP - FW: Exelon Corp Victoria Co ESP Validation problem. |
| 10-27 | ML12129A525 | 04/26/2012 | 2012/04/26 Victoria ESP - FW: AP1000 Siting guide |
| 10-28 | ML12128A110 | 04/26/2012 | 2012/04/26 Victoria ESP - FW: Exelon Letter to NRC NP-12-0009 - Response to RAI Letter No. 16 |
| 10-29 | ML12115A233 | 04/26/2012 | Environmental Request for Additional Information Letter No.7 Related to ESRP Sections 7.1 and 7.2 Postulated Accidents for Victoria County Station Early Site Permit Application. |

| | Accession Number | Document Date | Title\Description |
|-------|-------------------------|----------------------|---|
| 10-30 | ML12117A136 | 04/27/2012 | Environmental Request for Additional Information Letter No. 8 Related to Aquatic & Terrestrial Ecology for Victoria County Station Early Site Permit Application. |
| 10-31 | ML12130A020 | 04/30/2012 | 2012/04/30 Victoria ESP - Draft Cultural Resources RAIs |
| 10-32 | ML12125A017 | 05/03/2012 | Victoria County Station Early Site Permit Application, Response to Request for Additional Information Letter No. 17. |
| 10-33 | ML12129A495 | 05/08/2012 | 2012/05/08 Victoria ESP - FW: Environmental Request for Additional Information Letter No. 2 related to ESRP Section 2.2.3 Landuse for Victoria County Station Early Site Permit Application |

May 15, 2012

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 MICHAEL EUDY CONCERNING
MANDATORY DISCLOSURE REQUIREMENTS OF 10 C.F.R. §§ 2.336(b) and 2.1203

I, Michael Eudy, do hereby state as follows:

1. I am employed as a Project Manager in the Licensing Branch 3 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 application 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 May 1, 2012.

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)

Michael Eudy
Project Manager, Licensing Branch 3
Division of New Reactor Licensing
U.S. Nuclear Regulatory Commission
Mail Stop T6-D38M
Washington, DC 20555-0001
(301) 415-3104
Michael.Eudy@nrc.gov

Executed in Rockville, MD
this the 15th day of May, 2012

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 May 15, 2012, 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 Michael Eudy, have been served upon the following persons by Electronic Information Exchange this 15th day of May, 2012:

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| 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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Exelon Generation Co., LLC
4300 Winfield Road
Warrenville, IL 60555
J. Bradley Fewell, Esq.
E-mail: bradley.fewell@exeloncorp.com

Counsel for the Applicant
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Steven P. Frantz, Esq.
Stephen Burdick, Esq.
Jonathan M. Rund, Esq.
Joseph Fray, Esq.
Mary Freeze
E-mail: sfrantz@morganlewis.com
sburdick@morganlewis.com
jrund@morganlewis.com;
jfray@morganlewis.com;
mfreeze@morganlewis.com

/Signed (electronically) by/

Laura R. Goldin
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Mail Stop O-15 D21
Washington, D.C. 20555-0001
(301) 415-3082
(301) 415-3725 fax
Laura.Goldin@nrc.gov

Dated at Rockville, Maryland
this 15th day of May, 2012