

EDO Principal Correspondence Control

FROM: DUE: 08/05/08 EDO CONTROL: G20080515
DOC DT: 07/29/08
FINAL REPLY:

Diane Curran
Harmon, Curran, Spielberg & Eisenberg, LLP

TO:

Michael Johnson

FOR SIGNATURE OF : ** GRN ** CRC NO: 08-0409

Johnson

DESC:

ROUTING:

Request to Re-Schedule Conflicting NRC Meeting
Related to Victoria, Texas Combined License
Application (COLA) EDATS: SECY-2008-0452

Borchardt
Virgilio
Mallett
Virgilio
Ash
Ordaz
Cyr/Burns
Cox, OEDO

DATE: 07/30/08

ASSIGNED TO: CONTACT:

NRO

Johnson

SPECIAL INSTRUCTIONS OR REMARKS:

Conflicting meetings are scheduled for Thursday,
August 7, 2008.

Template; SECY 017

C. R. D. SECY-01

EDATS Number: SECY-2008-0452

Source: SECY

General Information

Assigned To: NRO

OEDO Due Date: 8/5/2008 5:00 PM

Other Assignees:

SECY Due Date: 8/5/2008 5:00 PM

Subject: Request to Re-Schedule Conflicting NRC Meetings Related to Victoria, Texas Combined License Application (COLA)

Description:

CC Routing: NONE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080515

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: YES

Process Information

Action Type: Letter

Priority: Medium

Signature Level: NRO

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Diane Curran

Date of Incoming: 7/29/2008

Originating Organization: Harmon, Curran, Spielberg & Eisenberg, LLP

Document Received by SECY Date: 7/29/2008

Addressee: Michael Johnson, NRO

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jul 30, 2008 09:44

PAPER NUMBER: LTR-08-0409

LOGGING DATE: 07/30/2008

ACTION OFFICE: EDO

AUTHOR: Diane Curran

AFFILIATION: DC

ADDRESSEE: Michael Johnson

SUBJECT: Request to re-schedule conflicting NRC meetings related to Victoria, Texas combined license application (COLA)

ACTION: Direct Reply

DISTRIBUTION: RF

LETTER DATE: 07/29/2008

ACKNOWLEDGED No

SPECIAL HANDLING: Conflicting meetings are scheduled for Thursday, August 7, 2008.

NOTES:

FILE LOCATION: ADAMS

DATE DUE: 08/05/2008

DATE SIGNED:

EDO --G20080515

Linda Mike

From: Diane Curran [dcurran@harmoncurran.com]
Sent: Tuesday, July 29, 2008 6:13 PM
To: Michael Johnson
Cc: Annette Vietti-Cook; Roy Hawkens; Bill Borchardt; Andrea Johnson; Mark Tonacci; Jim Blackburn; arjun@ieer.org
Subject: Letter to Michael R. Johnson
Attachments: 1537 DC TSEPA letter to Michael Johnson re meetings 7-29-08.pdf

Dear Mr. Johnson,
Attached please find a letter seeking re-scheduling of one of two August 7, 2008, meetings relevant to Exelon Corporation's anticipated COLA application for a new nuclear plant in Victoria, Texas.
Sincerely,
Diane Curran

July 29, 2008

Michael R. Johnson, Director
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
By e-mail to: michael.johnson@nrc.gov

SUBJECT: *Request to Re-schedule Conflicting NRC Meetings Related to
Victoria, TX COLA*

Dear Mr. Johnson:

On behalf of Texans for a Sound Energy Policy Alliance ("TSEPA"), we are writing to ask you to re-schedule one of two conflicting meetings that the U.S. Nuclear Regulatory Commission ("NRC") Staff has scheduled for August 7, 2008, in different parts of the country. Both of the meetings related to the nuclear power plant that the Exelon Corporation is proposing to build and operate in Victoria County, Texas.

The first meeting, scheduled for the evening of August 7 in Victoria, Texas, is advertised as "PUBLIC OUTREACH MEETING ON VICTORIA COUNTY STATION, UNITS 1 AND 2 COMBINED LICENSE APPLICATION (COLA)." See attached Memorandum from Mark E. Tonacci, Senior Project Manager, ESBWR/ Projects Branch 2, Division of New Reactor Licensing, Office of New Reactors (July 15, 2008). The second meeting, scheduled for August 7 from 8:30 a.m. to 3:30 p.m. in the NRC's Rockville, Maryland, headquarters, is advertised as "FORTHCOMING MEETING WITH ECONOMIC SIMPLIFIED BOILING WATER REACTOR DESIGN-CENTERED WORKING GROUP REGARDING COMBINED LICENSE ACTIVITIES." See attached Memorandum from Andrea Johnson, Project Manager, ESBWR/Projects Branch 1, Division of New Reactor Licensing, Office of New Reactors (July 24, 2008).

TSEPA is concerned about the potential adverse public health, safety, environmental and socioeconomic impacts of the new nuclear power plant that Exelon proposes to build and operate on the Victoria site. Therefore, TSEPA has retained counsel and experts to evaluate Exelon's anticipated license application – including both the COLA and the as-yet-unapproved ESBWR standardized design that will be incorporated by reference into the COLA – and to participate in the adjudicatory hearing on the COLA and the rulemaking proceeding for approval of the ESBWR standardized design. TSEPA believes that the information it obtains at NRC Staff meetings will assist it to be a better-informed and therefore more effective participant in those proceedings.

Michael R. Johnson
July 29, 2008
Page 2

Several weeks ago, when we received notice of the August 7 meeting in Victoria, TSEPA made plans for attendance of that meeting by undersigned Texas legal counsel, James Blackburn, and TSEPA's expert consultant, Dr. Arjun Makhijani of the Institute for Energy and Environmental Research. Yesterday, in reviewing the NRC's public meeting schedule on the NRC website, we learned that the NRC has now scheduled a separate meeting for August 7, in Rockville, Maryland, to discuss the ESBWR design on which Exelon intends to rely for its COLA.

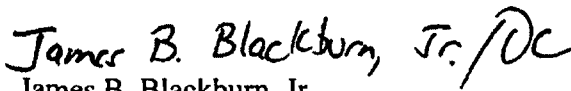
As you know, the Commission has a policy of enhancing public participation in NRC Staff meetings with licensees and applicants. *See* Policy Statement, Enhancing Public Participation in NRC Meetings, 67 Fed. Reg. 36,920 (May 28, 2002). Consistent with that policy, both of the August 7 meetings appear designed to provide the public with relevant information and to allow opportunities to question the NRC Staff. For example, the notice for the Victoria meeting states that the public "is invited to participate . . . by providing comments and asking questions throughout the meeting." Similarly, the notice for the Rockville meeting states that the public "is invited to participate by discussing regulatory issues with the U.S. Nuclear Regulatory Commission (NRC) at times identified on the agenda." But these purposes cannot possibly be met by the NRC Staff's decision to schedule two closely related, simultaneous meetings in different regions of the country.

In reliance on the July 15, 2008, notice of the August 7 Victoria meeting, TSEPA made plans for Dr. Makhijani to be in Victoria on that date. Therefore, in order to ensure that he also has a reasonable opportunity to attend the NRC Staff meeting regarding the ESBWR application, we request that you re-schedule that meeting for a different date. We also request that you provide us with at least ten days' notice of the meeting, as contemplated by the policy statement. 67 Fed. Reg. at 36,923.

Given that the August 7 meetings are imminent, we request your immediate attention to this matter.

Sincerely,


Diane Curran


James B. Blackburn, Jr.
Blackburn Carter
4709 Austin
Houston, TX 77004

Counsel to TSEPA

HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

Michael R. Johnson
July 29, 2008
Page 3

Cc: NRC Commissioners c/o NRC Secretary (Annette.Vietti-Cook@nrc.gov)

E. Roy Hawken, Chief Administrative Judge
Atomic Safety and Licensing Board Panel (Roy.Hawken@nrc.gov)

R. William Borchardt, Executive Director for Operations
(Bill.Borchardt@nrc.gov)

Andrea Johnson (Andrea.Johnson@nrc.gov)

Mark E. Tonacci (Mark.Tonacci@nrc.gov)

July 15, 2008

MEMORANDUM TO: Belkys Sosa, Chief
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

FROM: Mark E. Tonacci, Senior Project Manager /RA/
ESBWR/ABWR Projects Branch 2
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: PUBLIC OUTREACH MEETING ON VICTORIA COUNTY
STATION, UNITS 1 AND 2 COMBINED LICENSE APPLICATION
(COLA)

DATE & TIME: Thursday, August 7, 2008
6:00 p.m. - 7:00 p.m. (Open House)
7:00 p.m. - 9:30 p.m. (Public Meeting)

LOCATION: The City of Victoria, Community Center, Dome
2905 E. North Street
Victoria, TX 77901

PURPOSE: The U.S. Nuclear Regulatory Commission (NRC) staff will discuss the NRC safety and environmental review of the anticipated Exelon application for a combined license for a new nuclear unit in Victoria County, Texas. A key topic to be discussed is how and when the public may participate in the NRC review process, if desired. The public is encouraged to ask questions about the NRC's review process for the Victoria County Station, Units 1 and 2 COLA.

CATEGORY 3: * This is a Category 3 Meeting. The public is invited to participate in this meeting by providing comments and asking questions throughout the meeting.

CONTACT: Mark E. Tonacci, NRO/DNRL
301-415-4045
Mark.Tonacci@nrc.gov

*Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings," (67 FR 36920), May 28, 2002

B. Sosa

-2-

PARTICIPANTS: Participants from the NRC include staff from the Office of New Reactors (NRO).

NRC

M. Tonacci, NRO

B. Sosa, NRO

P. Michalak, NRO

J. Gaslevic, NRO

F. Cameron, EDO

Project No. 761

Enclosure:
Agenda

cc w/encl: See next page

B. Sosa

-2-

PARTICIPANTS: Participants from the NRC include staff from the Office of New Reactors (NRO).

NRC

M. Tonacci, NRO
B. Sosa, NRO
P. Michalak, NRO
J. Gaslevic, NRO
F. Cameron, EDO

Project No. 761

Enclosure:
Agenda

cc w/encl: See next page

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G. Garner, RII

M. Purdie, NRO

J. Jimenez, NRO

J. Gaslevic, NRO

F. Cameron, EDO

B. Abeywickrama, NRO

ADAMS ACCESSION NUMBER: ML081920258

NRC-001

OFFICE	PM:NGE2:DNRL:NRO	LA:NGE2:DNRL:NRO
NAME	MTonacci	BAbeywickrama
DATE	7/15/2008	7/15/2008

OFFICIAL RECORD COPY

**OPEN HOUSE AND PUBLIC OUTREACH MEETING
EXELON APPLICATION FOR A COMBINED LICENSE
VICTORIA COUNTY STATION, UNITS 1 AND 2**

AUGUST 7, 2008

<u>Time (approximate)</u>	<u>Topic</u>	<u>Presenter</u>
6:00 p.m.	Open House (poster session)	NRC
PUBLIC OUTREACH MEETING BEGINS AT 7:00 P.M.		
7:00 p.m.	Introductions/Opening Remarks	Meeting Facilitator
7:10 p.m.	NRC Staff Presentations <ul style="list-style-type: none">▪ NRC: Who we are and what we do▪ Overview of COLA Review Process<ul style="list-style-type: none">- Safety Review- Environmental Review- How the public may participate▪ Construction Inspection	NRC
7:40 p.m.	Open Forum for public questions and comments on NRC processes with regard to Victoria County Station Unit 1 and 2 COLA review.	
9:30 p.m.	Adjourn	

July 24, 2008

MEMORANDUM TO : Jeffrey Cruz, Chief
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

FROM: Andrea Johnson, Project Manager */RA A Cubbage for A Johnson/*
ESBWR/ABWR Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors

SUBJECT: FORTHCOMING MEETING WITH ECONOMIC SIMPLIFIED
BOILING WATER REACTOR DESIGN-CENTERED WORKING GROUP
REGARDING COMBINED LICENSE ACTIVITIES

DATE & TIME: Thursday, August 7, 2008
8:30 a.m. to 11:30 a.m. (Two White Flint North Cafeteria)
1:30 p.m. to 3:30 p.m. (New Plants Oversight Committee Office)

LOCATIONS: U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-3007

New Plants Oversight Committee Office
11426 Rockville Pike, Suite 230
Rockville, MD 20852-3007

CATEGORY 2 * This is a Category 2 public meeting. The public is invited to participate
by discussing regulatory issues with the U.S. Nuclear Regulatory
Commission (NRC) at times identified on the agenda.

PURPOSE: Economic Simplified Boiling Water Reactor design-centered working
group (DCWG) and the staff will discuss combined license application
topics. Specific topics are identified on the agenda.

CONTACT: Andrea Johnson, NRO
(301) 415-2890
andrea.johnson@nrc.gov

*Commission's Policy Statement on "Enhancing Public Participation in NRC Meetings," (67
Federal Register 36920), May 28, 2002.

J. Cruz

-2-

PARTICIPANTS: NRC participants include staff from the Office of New Reactors (NRO).

NRC/NRO

J. Cruz, NRO

T. Kevern, NRO et. al.

DCWG Representatives

R. Borsh, Dominion

T. Williamson, Entergy, et. al.

Docket Nos. 52-010, 017, 024

Project Nos. 0757, 0761

Enclosure:

Agenda

cc w/encl: See next page

J. Cruz

-2-

PARTICIPANTS: NRC participants include staff from the Office of New Reactors (NRO).

NRC/NRO

J. Cruz, NRO

T. Kevern, NRO et. al.

DCWG Representatives

R. Borsh, Dominion

T. Williamson, Entergy, et. al.

Docket Nos. 52-010, 017, 024

Project Nos. 0757, 0761

Enclosure:

Agenda

cc w/encl: See next page

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NRC-001

OFFICE	PM:DNRL:NGE1:NRO	LA:DNRL:NGE1:NRO	BC:DNRL:NGE1:NRO
NAME	AJohnson (AEC for AJohnson)	SGreen/concur by e-mail/	JCruz
DATE	7/24/2008	07/24/2008	7/24/2008

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Agenda for Public Meeting
 ESBWR Design-Centered Working Group (DCWG)
 Regarding Combined License Activities
 August 7, 2008
 11545 Rockville Pike
 TWFN Cafeteria (8:30 – 11:30)

 NPOC Office (1:30 – 3:30 p.m.)
 11426 Rockville Pike
 Rockville, MD 20852-3007

<u>Item</u>	<u>Time</u>	<u>Topic</u>	<u>Presenting</u>
1	8:30 a.m.	Introductory Remarks	NRC
2	8:40 a.m.	DCD Revision 5 impact on COLAs	DCWG
3	9:10 a.m.	Potential "unsolicited" submittals of COLA changes (DCD Rev. 5)	DCWG
4	10:00 a.m.	DCD RAIs vs. COLA RAIs	DCWG
5	10:50 a.m.	COLA Submittal schedules – NRC feedback	NRC
6	11:30 a.m.	Lunch	All
7	12:30 p.m.	NRC feedback on NAPS COLA RAI responses submitted to date	NRC
8	1:00 p.m.	DAC closure regarding COLA items	DCWG
9	1:45 p.m.	Secondary Alarm Station design (security) - NRC feedback	NRC
10	2:30 p.m.	Discussion of North Anna RAIs (technical topics)	DCWG
11	3:00 p.m.	Action Item Discussion	NRC
12	3:15 p.m.	Opportunity for Public Comment	NRC
13	3:30 p.m.	Adjourn	

Enclosure

DCWG - ESBWR Mailing List
cc:

(Revised 07/11/2008)

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.0.751.0; Tue, 29 Jul 2008
18:13:00 -0400

X-Ironport-ID: mail2

X-SBRS: 3.6

X-MID: 19568354

X-IronPort-AV: E=Sophos;i="4.31,274,1215403200";
d="pdf?scan'208,217";a="19568354"

Received: from mail.harmoncurran.com ([68.165.242.42]) by mail2.nrc.gov with
ESMTP; 29 Jul 2008 18:12:48 -0400

Content-Class: urn:content-classes:message

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="----_=_NextPart_001_01C8F1C8.381C6E0F"

Subject: Letter to Michael R. Johnson

X-MIMEOLE: Produced By Microsoft Exchange V6.5

Date: Tue, 29 Jul 2008 18:12:41 -0400

Message-ID: <3A9F01B3843EC648A26775F2431967CC3B791D@HARMON.hcse.com>

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

Thread-Topic: Letter to Michael R. Johnson

Thread-Index: AcjxyDfQkQT1HM5sTZ+7tZqvE2LCKg==

From: Diane Curran <dcurran@harmoncurran.com>

To: <Michael.Johnson@nrc.gov>

CC: <Annette.Vietti-Cook@nrc.gov>,

<Roy.Hawkins@nrc.gov>,

<Bill.Borchardt@nrc.gov>,

<Andrea.Johnson@nrc.gov>,

<Mark.Tonacci@nrc.gov>,

"Jim Blackburn" <jbb@blackburncarter.com>,

<arjun@ieer.org>

Return-Path: dcurran@harmoncurran.com