October 30, 2008

Kenneth A. Ainger
Director – New Plant Licensing
Exelon Nuclear Texas Holdings, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: ACCEPTANCE FOR DOCKETING OF THE EXELON APPLICATION FOR A COMBINED LICENSE FOR VICTORIA COUNTY STATION, UNITS 1 AND 2 AND ASSOCIATED FEDERAL REGISTER NOTICE

Dear Mr. Ainger:

By letter dated September 2, 2008, you tendered a combined license application (COLA) for two economic simplified boiling water reactors to be located in Victoria County, Texas. These proposed plants are to be designated as Victoria County Station, Units 1 and 2, in accordance with the requirements contained in 10 CFR Part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." In addition, you have provided supplemental information by letters dated September 23 and October 10, 16 and 24th, in response to issues identified by the U.S. Nuclear Regulatory Commission (NRC) staff during the public meeting held on September 24, 2008, and during follow-up discussions with the NRC staff. By letter dated September 24, 2008, the NRC staff acknowledged receipt of the application and noted its intent to conduct an acceptance review.

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 numbers established for this application are 52-031 for Unit 1 and 52-032 for Unit 2. The Office of New Reactors has been evaluating alternative review approaches. From this effort a 4-phase review process was developed. The phases of the 4-phase approach will be as follows:

Phase 1 – RAIs, and supplemental RAIs
Phase 2 – Advance Final SER without Open Items
Phase 3 – Advisory Committee on Reactor Safeguards Meeting on Advance Final Safety Evaluation Report
Phase 4 – Final SER

The development of a 4 phase review in our scheduling system requires additional time beyond the normal 30 day commitment described in our receipt of application acknowledgement letter dated September 24, 2008 (ML082381253). Therefore the staff intends to issue the schedule for the technical review of your COL application in early January 2009. The staff will interact with you as this schedule is developed. The schedule will reflect a critical dependency on your meeting commitments for delivery of documentation as described below.

- Hydrology reviews require submittal of additional well water data monthly with the last submittal by 4/30/2009. The schedule for review of hydrological information will be extended to accommodate the additional data submittal. Should the additional information

differ substantially from the information in the application, the schedule will be revised to extend the staff review time.

- Environmental reviews that require submittal of aquatic ecology data by 2/13/2009. The schedule for review of the aquatic ecology information will be extended to accommodate the additional data submittal.

- Structural reviews require the final soil structure interaction analysis and related updates to the application, Part 2 Section 3.7, which will be completed and submitted to the NRC by 7/30/09. Should the additional information not demonstrate that the site-specific parameters will continue to be enveloped by the design requirements for this reactor, the schedule will be revised to allow more staff review time.

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 of 10 CFR 2.104, regarding the opportunity to file a petition for leave to intervene in the mandatory hearing required for this application.

If you have any questions or comments concerning this matter, please contact me at 301-415-4045 or Mark.Tonacci@nrc.gov.

Sincerely,

/RA/

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

Docket No. 52-031 and 52-032
Project No. 0761

Enclosure:
Federal Register Notice

cc w/encl: See next page

differ substantially from the information in the application, the schedule will be revised to extend the staff review time.

- Environmental reviews that require submittal of aquatic ecology data by 2/13/2009. The schedule for review of the aquatic ecology information will be extended to accommodate the additional data submittal.

- Structural reviews require submittal of the final soil structure interaction analysis and related updates to the application, Part 2 Section 3.7, will be completed and submitted to the NRC by 7/30/09. Should the additional information not demonstrate that the site-specific parameters will continue to be enveloped by the design requirements for this reactor, the schedule will be revised to allow more staff review time.

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

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OFFICE	PM:DNRL:NGE2	LA:DNRL:NGE2:	BC:DNRL:NGE2	BC:DSER:RAP2	OGC
NAME	MTonacci	BAbeywickrama	JCruz	RRaione	SBrock
DATE	10/28/2008	10/28/2008	10/29/2008	10/29/2008	10/30/2008
OFFICE	BC:DSER:RGS1	BC:DSER:RAP2			
NAME	BKaras	GHatchett			
DATE	10/28/2008	10/29/2008			

OFFICIAL RECORD COPY

COL Exelon - Victoria Mailing List (Revised 10/21/2008)
cc:

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7590-01-P

U. S. NUCLEAR REGULATORY COMMISSION

EXELON NUCLEAR TEXAS HOLDINGS, LLC

ACCEPTANCE FOR DOCKETING OF AN APPLICATION FOR

COMBINED LICENSE (COL) FOR VICTORIA COUNTY STATION, UNITS 1 AND 2

DOCKET NUMBERS 052-031 AND 052-032

On September 3, 2008, the U. S. Nuclear Regulatory Commission (NRC, the Commission) received a combined license (COL) application from Exelon Nuclear Texas Holdings, LLC, dated September 2, 2008, filed pursuant to Section 103 of the Atomic Energy Act and Subpart C of Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," of Title 10 of the *Code of Federal Regulations* (10 CFR Part 52). The site location is in Victoria County, Texas and identified as the Victoria County Station, Units 1 and 2. A notice of receipt and availability of this application was previously published in the *Federal Register* (73 FR 56867 on September 30, 2008).

The NRC staff has determined that Exelon Nuclear Texas Holdings, LLC has submitted information in accordance with 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," and Part 52 that is sufficiently complete and acceptable for docketing. The docket numbers established for this application are 52-031 (Unit 1) and 52-032 (Unit 2).

The NRC staff will perform a detailed technical review of the application. Docketing of the COL application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will conduct a hearing in accordance with Subpart L of

10 CFR Part 2; the notice of hearing and opportunity to intervene will be published at a later date. The Commission will receive a report on the application from the Advisory Committee on Reactor Safeguards in accordance with 10 CFR 52.87. If the Commission finds that the application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a COL, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

A copy of the application is available for public inspection at the Commission's Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The application is also available at http://www.nrc.gov/reactors/new-reactors/col.html and is accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, http://www.nrc.gov/reading-rm/adams.html. (The ADAMS Accession No. for the application cover letter is ML082540469). Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room staff by telephone at 1-(800)-397-4209, (301)-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 30th day of October, 2008.

FOR THE NUCLEAR REGULATORY COMMISSION.

/RA/

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