

**TEXANS FOR A SOUND ENERGY POLICY'S SUPPLEMENT TO PETITION TO
HOLD DOCKETING DECISION AND/OR HEARING NOTICE FOR VICTORIA
COMBINED LICENSE APPLICATION IN ABEYANCE
PENDING COMPLETION OF RULEMAKING ON
DESIGN CERTIFICATION APPLICATION FOR
ECONOMICALLY SIMPLIFIED BOILING WATER REACTOR**

On November 3, 2008, Texans for a Sound Energy Policy ("TSEP") submitted a petition to the U.S. Nuclear Regulatory Commission ("NRC" or "Commission") to hold in abeyance the anticipated docketing decision and/or hearing notice regarding Exelon Corporation's combined construction permit and operating license application ("COLA") for a new nuclear power plant in Victoria, Texas, pending the commencement and completion of the design certification rulemaking proceeding for the proposed Economically Simplified Boiling Water Reactor ("ESBWR") design on which Exelon's COLA relies. In seeking suspension of the docketing decision, TSEP relied on a representation on the NRC's website that the target date for the docketing decision was November 6, 2006. *See* Exhibit 2 to TSEP's petition, NRC's Application Review Schedule for Review of the Victoria COLA, (accessed on November 3, 2008 at <http://www.nrc.gov/reactors/new-reactors/col/victoria.html>).

TSEP has since learned that, although the target date of November 6 was posted on the NRC's website on the morning of November 3 when TSEP printed it out to use as an exhibit, later in the day the Application Review Schedule was changed to show that the docketing decision was already made, on October 30, 2008. A copy of the revised Application Review Schedule is attached.

The revised schedule also sets a new target date of January 12, 2009, for establishing a COLA review schedule and issuing a scheduling letter to Exelon. While the revised schedule does not contain a target date for a notice of hearing, TSEP's counsel has been advised by Kathryn Winsberg, NRC's Assistant General Counsel for New Reactor Programs, that the NRC

Staff does not plan to issue a hearing notice for the Victoria COLA until it establishes the schedule for the NRC Staff's own review of the COLA in January.

Accordingly, TSEP modifies its petition to delete the request to hold the docketing decision in abeyance, because that decision has already been made. TSEP continues to request that the Commission hold the hearing notice in abeyance pending completion of the ESBWR design certification rulemaking. Based on Ms. Winsberg's representation that the hearing notice will not issue until the Staff sets a review schedule in January, however, TSEP withdraws its request for expedited consideration of its request to hold the hearing notice in abeyance. Given the fact that the NRC does not plan to issue a hearing notice for another two months or more, expedited consideration is no longer necessary.

In all other respects, TSEP's petition remains the same.

Respectfully submitted,



Diane Curran

Harmon, Curran, Spielberg, & Eisenberg, L.L.P.

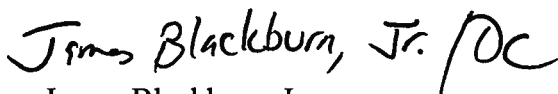
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November 4, 2008

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Victoria County Station, Units 1 and 2 Application

**Who:** Exelon Nuclear Texas Holdings, LLC (Exelon)**What:** Application for a combined license (COL) for two Economic Simplified Boiling Water Reactors (ESBWR) designated as Victoria County Station, Units 1 and 2**When:** September 3, 2008 (date of application submittal)**Where:** Exelon's Victoria County Station site near Victoria City in Victoria County, Texas**On this page:**

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The following links on this page are to documents in our [Agencywide Documents Access and Management System \(ADAMS\)](#). ADAMS documents are provided in either Adobe Portable Document Format (PDF) or Tagged Image File Format (TIFF). To obtain free viewers for displaying these formats, see our [Plugins, Viewers, and Other Tools](#). If you have problems with viewing or printing documents from ADAMS, please contact the [Public Document Room staff](#).

Reference Documents

- [ESBWR DCD - Revision 4](#)



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Applicant Documents

Some combined license applications were submitted with hyperlinks to various reference documents. Currently, the hyperlinks in those applications are not active. These hyperlinks represent an advanced feature that could be activated when the agency upgrades to web-based ADAMS, at which point these applications and documents such as the Design Control Documents would be linked together. In the interim, and for those applications that do not have the hyperlink feature, the reference documents may be viewed under the Reference Documents section of the combined license application page. In addition, DVDs of the various documents are available by contacting the [Public Document Room staff](#).

Date	Description
09/23/08	Submittal of Meteorological Data in Support of Combined License Application
09/02/08	Exelon transmittal letter for Victoria County Station COLA

	<ul style="list-style-type: none"> • Part 1 - General and Administrative Information • Part 2 - Final Safety Analysis Report (FSAR) • Part 3 - Environmental Report • Part 4 - Technical Specifications • Part 5 - Emergency Plan • Part 6 - [Part not used in this application] • Part 7 - Departures (Variances, Supplemental Information) from the ESBWR Design Control Document (DCD) • Part 8 - [This Part contains safeguards information which is with-held from public availability] • Part 9 - [This Part contains other information which is with-held from public availability] • Part 10 - Tier 1/Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) • Part 11 - Enclosures
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Application Review Schedule

Key Milestones	Completion Date Actual - A Target - T
Application Tendered	09/03/08 - A
<i>Acceptance Review</i>	
Acceptance Review Start	09/04/08 - A
Docketing Decision Letter Issued/Acceptance Review Complete	10/30/08 - A
Review Schedule Established/Schedule Letter Issued to Applicant	01/12/09 - T
<i>Safety Review</i>	
Phase 1 - Requests for Additional Information (RAIs) Issued to Applicant	
Phase 2 - SER with Open Items issued	
Phase 3 - ACRS Review of SER with Open Items Complete	
Phase 4 - Advanced SER with no Open Items Issued	
Phase 5 - ACRS Review of SER with no Open Items Complete	
Phase 6 - Final SER Issued	
<i>Environmental Review</i>	
Phase 1 - Environmental impact statement (EIS) summary report issued	
Phase 2 - Draft EIS issued to EPA	
Phase 3 - Response to public comments on draft EIS issued	
Phase 4 - Final EIS issued to EPA	
<i>Hearing</i>	
Commission or ASLB hold mandatory hearing	
<i>License</i>	
Commission decision on issuance of COL application	

Information on Federal Register Notices for receipt of the application and opportunity to request a hearing or petition to intervene can be found at [NRC's Website on Hearing Opportunities](#).

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NRC Documents

Date	Description
09/24/08	Acknowledgement of Receipt of the Combined License Application for Victoria County Station, Units 1 and 2 and Federal Register Notice

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Public Meetings

Date	Description
09/24/08	COLA Orientation/Technical Content Meeting <ul style="list-style-type: none">• Meeting Notice
08/07/08	Public Outreach Meeting <ul style="list-style-type: none">• Meeting Notice• Meeting Summary• Meeting Slides

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Contacts

Contacts for the Victoria County Station COL Application	
Safety Project Manager	Mark Tonacci
Environmental Project Manager	Paul Michalak
Contact a Public Affairs Officer	

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Monday, November 03, 2008

CERTIFICATE OF SERVICE

I certify that on November 4, 2008, I submitted the foregoing Supplement to TSEP's November 3, 2008, Petition to Hold Docketing Decision and/or Hearing Notice in Abeyance, by posting it on the NRC's Electronic Information Exchange system. It is my understanding, based on a conversation with Emile Julian of the NRC Secretary's Office, that the following individual or entities were served as a result:

Steven P. Frantz, Esq. Morgan, Lewis & Bockius, LLP 1111 Pennsylvania Ave. N.W. Washington, D.C. 20004	Office of the Secretary Rulemakings and Adjudications Staff U.S. Nuclear Regulatory Commission Washington, D.C. 20555
Kathryn Winsberg, Esq. Office of the General Counsel U.S. Nuclear Regulatory Commission Washington, D.C. 20555	NRC Commissioners c/o Office of the Secretary Rulemakings and Adjudications Staff U.S. Nuclear Regulatory Commission Washington, D.C. 20555


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