

December 15, 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 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 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/**

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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 5 – December 15, 2011**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title\Description</b>
5-1	ML112870309	08/24/2011	Letter from Javier Loera Regarding Victoria ESP Scoping Summary Report.
5-2	ML112850842	10/13/2011	Request For Additional Information No. 13 (SRP Section 02.04.13-Accidental Releases of Radioactive Liquid Effluents In Ground & Surface Waters) Related To the Victoria County Station ESP Application.
5-3	ML11307A304	10/24/2011	Victoria County Station Early Site Permit Application, Transmittal of Environmental Report Computer Program Files.
5-4	ML113070432	11/02/2011	Victoria County Station Early Site Permit Application - Response to Request for Additional Information Letter No. 13.
5-5	ML11337A068	11/09/2011	2011/11/09 Victoria ESP - FW: Victoria
5-6	ML11337A060	11/09/2011	2011/11/09 Victoria ESP - RE: Tour for NRC subject matter experts during upcoming site audit (public)
5-7	ML11337A066	11/09/2011	2011/11/09 Victoria ESP - RE: Victoria
5-8	ML11337A044	11/10/2011	2011/11/10 Victoria ESP - RE: Victoria
5-9	ML11337A040	11/17/2011	2011/11/17 Victoria ESP - Phone Call with Connie McMaster and other Ranchers for upcoming Site Audit (predecisional)
5-10	ML11337A038	11/18/2011	2011/11/18 Victoria ESP - RE: Exelon Electronic Reading Room Access
5-11	ML11337A036	11/18/2011	2011/11/18 Victoria ESP - Victoria Site Audit
5-12	ML11348A243	11/22/2011	2011/11/22 Victoria ESP - Draft RAI Section 2.5.1
5-13	ML11348A241	11/22/2011	2011/11/22 Victoria ESP - RE: NRC eRAI Database
5-14	ML11348A242	11/22/2011	2011/11/22 Victoria ESP - RE: NRC eRAI Database
5-15	ML11337A028	11/23/2011	2011/11/23 Victoria ESP - RE: Victoria Site Audit

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title\Description</b>
5-16	ML11337A030	11/23/2011	2011/11/23 Victoria ESP - RE: Victoria Site Audit
5-17	ML11337A034	11/23/2011	2011/11/23 Victoria ESP - Victoria Site Audit
5-18	ML11336A428	11/28/2011	2011/11/28 Victoria ESP - FW: Alternative site hydrology information memo
5-19	ML11337A026	11/28/2011	2011/11/28 Victoria ESP - RE: Alternative site hydrology information memo
5-20	ML11336A426	11/29/2011	2011/11/29 Victoria ESP - FW: Victoria Site Audit
5-21	ML112130409	12/01/2011	Victoria County Station Early Site Permit Review Schedule.
5-22	ML11336A416	12/02/2011	2011/12/02 Victoria ESP - FW: Alternative Sites Audit Logistics
5-23	ML11336A420	12/02/2011	2011/12/02 Victoria ESP - FW: List of anticipated Exelon ER audit attendees
5-24	ML11336A412	12/02/2011	2011/12/02 Victoria ESP - FW: Victoria Site Audit
5-25	ML11336A422	12/02/2011	2011/12/02 Victoria ESP - FW: Victoria
5-26	ML11336A418	12/02/2011	2011/12/02 Victoria ESP - FW: Victoria
5-27	ML11336A424	12/02/2011	2011/12/02 Victoria ESP - RE: Victoria Site Audit

December 15, 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 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 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 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 December 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)**

Michael Eudy  
Project Manager, NGE Projects Branch  
Division of New Reactor Licensing  
U.S. Nuclear Regulatory Commission  
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Executed in Rockville, MD  
this the 15th day of December, 2011

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated December 15, 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 Michael Eudy, have been served upon the following persons by Electronic Information Exchange this 15th day of December, 2011:

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**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 15th day of December, 2011