

December 30, 2003

The Honorable Carol Anske, Chair  
Kickapoo of Kansas Tribal Council  
Route 1, Box 157  
Horton, KS 66439

SUBJECT: EARLY SITE PERMIT (ESP) REVIEW FOR THE CLINTON ESP SITE

Dear Chairwoman Anske:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application for an ESP to set aside a site for the potential future construction of one or more new nuclear power plants. The application was submitted by Exelon Generation Company, LLC (Exelon), on September 25, 2003, pursuant to NRC requirements at Title 10 of the *Code of Federal Regulations* Part 52 (10 CFR Part 52). If built, the new unit(s) would be co-located with the existing Clinton Power Station (CPS) site near the town of Clinton in DeWitt County, Illinois. Exelon has also included a site redress plan in its application in accordance with 10 CFR 52.17(c) and 52.25. If a site redress plan is incorporated in an ESP approved by the NRC, the applicant may carry out certain site preparation and limited construction activities. Exelon would still be required to obtain the appropriate local, State, and other Federal permits required for these activities before starting work.

As part of its review of the application, the NRC staff will prepare an environmental impact statement (EIS) under the provisions of 10 CFR Part 51, the NRC rules that implement the National Environmental Policy Act of 1969 (NEPA). The NRC environmental review process includes an opportunity for public participation in the environmental review. The Clinton ESP site is located on land that may be of interest to the Kickapoo of Kansas Tribal Council. We want to ensure that you are aware of our efforts and, pursuant to our regulations at 10 CFR 51.28(b), the NRC invites the Kickapoo of Kansas Tribal Council to provide input to the scoping process relating to the NRC's environmental review of the application. The following is a description of the application and the environmental review process.

The EIS will document the NRC staff's determination regarding the suitability of the proposed site for the construction and operation of one or more new nuclear plants. In addition, the staff will also consider alternatives to the proposed action, including alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the Clinton ESP site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues, and historic properties (among others), and will contain a recommendation regarding the environmental acceptability of granting an ESP. If approved, the ESP would not authorize the applicant to begin construction of the unit(s).

As part of this review, and in accordance with 36 CFR 800.8, the EIS will include analyses of potential impacts to historic properties. Accordingly, pursuant to 10 CFR 51.28 and 36 CFR 800.2(c)(2), the NRC wishes to ensure that Indian tribes that might have an interest in any potential historic properties in the area of potential effect (APE) are afforded the opportunity to

identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

In the context of the National Historic Preservation Act of 1966, as amended, the APE for this ESP review is the area at the power plant site and its immediate environs that may be impacted by land-disturbing activities associated with the construction and operation of the new unit(s), and construction and operation of new transmission lines that may follow parallel with some of the existing transmission line systems now serving CPS. The new lines would run from the Clinton ESP site to an interconnect point at the Brokaw substation near Bloomington, Illinois, about 23 miles north of the site; and from the Clinton ESP site to the Oreana substation, about 8 miles south of the site. The power plant site is located in DeWitt County, Illinois, and the transmission line corridors traverse DeWitt and McLean counties. The application is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS) which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The application is listed under accession number ML032721596.

In its application, Exelon refers to a comprehensive cultural resource and historic property investigation that was performed prior to the construction of CPS, approximately 30 years ago. Exelon further states that any issues that were raised were resolved through removal of these historic and cultural resources. No historic standing structures have been identified within the Exelon ESP power block footprint, cooling tower footprint, or within the immediate vicinity of CPS. Exelon states that the location of the ESP facility power block footprint appears to have been heavily disturbed by previous construction of CPS. If the power block or cooling tower footprint area was expanded or moved, there is a potential for impact to historic properties. The applicant has committed to perform further evaluation to determine if additional archaeological review is required if additional area within the ESP site will be required for development.

As communicated to Mr. Curtis Simon of your staff by voice mail on December 10, 2003, the NRC conducted a public environmental scoping meeting on December 18, 2003 at the Revere Ware Room in the Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, Illinois. Representatives of your tribe were invited to attend.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by January 9, 2004. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6 D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or by Internet to [ClintonEIS@nrc.gov](mailto:ClintonEIS@nrc.gov).

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At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and will send a copy to you. In addition, after it is issued, your office will receive a copy of the draft EIS along with a request for comments. The anticipated publication date for the draft EIS is December 2004. If you have any questions or require additional information, please contact the Environmental Project Manager for the Clinton ESP project, Mr. Thomas Kenyon, at 301-415-1120 or *ClintonEIS@nrc.gov*.

Sincerely,

**/RA/**

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No.: 52-007

cc: See next page

The Honorable C. Anske

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Sincerely,

**/RA/**

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No.: 52-007

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\*See previous concurrence

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Accession No.: **ML033650527**

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OFFICE	LA:RLEP	GS:RLEP	PM:RLEP	SC:RLEP	OGC (NLO)	PD:RLEP
NAME	YEdmonds*	(TKenyon for) JDavis*	TKenyon*	(BZalcman for) JTappert*	DCummings	PTKuo
DATE	12/15/03	12/15/03	12/15/03	12/15/03	12/23/03	12/30/03

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Distribution of Letter to the Honorable C. Anske, Dated: December 30, 2003

DMatthews/FGillespie

PTKuo

TKenyon

JWilson

JDavis

JTappert

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JStrasma, RIII

VMitlyng, RIII

AStone, RIII

RLickus, RIII

BDickerson, RIII

RGardner, RIII

DCummings

EHickey (PNNL)

KLeigh (PNNL)

RLEP R/F

Clinton Nuclear Power Station

cc:

Mr. Rod Krich  
Vice President, Licensing Projects  
Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

Mr. Thomas Mundy  
Director, Project Development  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Mr. William Maher  
Exelon Generation  
200 Exelon Way, KSA2-N  
Kennett Square, PA 19348

Mr. Thomas S. O'Neill  
Associate General Counsel  
Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

Mr. Eddie Grant  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Exelon Nuclear  
Correspondence Control Desk  
200 Exelon Way, KSA1-N  
Kennett Square PA, 19348

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Mr. Paul Gunter  
Director of the Reactor Watchdog Project  
Nuclear Information & Resource Service  
1424 16<sup>th</sup> Street, NW, Suite 404  
Washington, DC 20036

Mr. Ron Simard  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Thomas P. Miller  
U.S. Department of Energy  
Headquarters - Germantown  
19901 Germantown Road  
Germantown, MD 20874-1290

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Ms. Patricia Campbell  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

Mr. James F. Mallay, Director  
Regulatory Affairs  
FRAMATOME, ANP  
3315 Old Forest Road  
Lynchburg, VA 24501

Mr. Ernie H. Kennedy  
Vice President New Plants  
Nuclear Plant Projects  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Clinton Early Site Permit

cc:

Dr. Regis A. Matzie  
Senior Vice President and  
Chief Technology Officer  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Mr. John Loaniddi  
Parsons Energy and Chemicals  
2675 Morgantown Road  
Reading, PA 19607

Ms. Amy Lientz  
CH2M HILL  
1020 Landbank Street  
Idaho Falls, Idaho 83402

Mr. Steven P. Frantz Esq.  
Morgan Lewis and Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Gary Wright, Director  
Division of Nuclear Safety  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704

Dr. Gail H. Marcus  
U.S. Department of Energy  
Room 5A-143  
1000 Independence Ave., SW  
Washington, DC 20585

Mr. Paul Leventhal  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Mr. Jack W. Roe  
SCIENTECH, INC.  
910 Clopper Road  
Gaithersburg, MD 20878

Mr. Tom Clements  
6703 Guide Avenue  
Takoma Park, MD 20912

Mr. Vince Langman  
Licensing Manager  
Atomic Energy of Canada Limited  
2251 Speakman Drive  
Mississauga, Ontario  
Canada L5K 1B2

Mr. David Ritter  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. George Gore  
702 West Washington Street  
Urbana, IL 61801

Mr. Arthur L. Brighton  
RR1, Box 22  
Weldon, IL 61882

Mr. Dale Holtzschler  
RR 1, Box 72A  
Weldon, IL 61882

Mr. John Stolfa  
P.O. Box 589  
Mansfield, IL 61854-0589

Mr. Ed Wallace, General Manager  
Projects  
PBMR Pty LTD  
P.O. Box 9396  
Centurion 0046  
Republic of South Africa

Clinton Early Site Permit

cc:

Ms. Vanessa E. Quinn, Chief  
Radiological Emergency Preparedness  
Branch  
Department of Homeland Security/FEMA  
500 C Street, SW  
Washington, DC 20472

Mr. Joseph D. Hegner  
Lead Engineer - Licensing  
Dominion Generation  
Early Site Permitting Project  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Mr. George Alan Zinke  
Project Manager  
Nuclear Business Development  
Entergy Nuclear  
M-ECH-683  
1340 Echelon Parkway  
Jackson, MS 39213

Mr. Charles Brinkman  
Westinghouse Electric Co.  
Washington Operations  
12300 Twinbrook Pkwy., Suite 330  
Rockville, MD 20852

Mr. Marvin Fertel  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Dr. Glenn R. George  
PA Consulting Group  
130 Potter Street  
Haddonfield, NJ 08033

Arthur R. Woods  
Enercon Services, Inc.  
500 TownPark Lane  
Kennesaw, GA 30144

Ginger Molitor  
U.S. Fish and Wildlife Service  
Rock Island Ecological Services Office  
4469 48th Avenue Court  
Rock Island, IL 61201

Keith Shank, Manager  
Division of Resources, Review and  
Coordination  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1787

Ken Runkle  
Toxicology Section  
525 West Jefferson Street  
Springfield, IL 62761

Robert Mosher, #15  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, IL 62794-9274

Mike McCulley  
Illinois Department of Natural Resources  
Region III Office  
1556 State Route 54, East  
Clinton, IL 61727