

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

DOCKETED
USNRC

In the Matter of

Docket No. 52-007

January 12, 2004 (3:00PM)

Exelon Generation Company, LLC

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

(Early Site Permit for Clinton ESP Site)

**HEARING REQUEST AND PETITION TO INTERVENE BY THE ENVIRONMENTAL
LAW AND POLICY CENTER, BLUE RIDGE ENVIRONMENTAL DEFENSE
LEAGUE, NUCLEAR INFORMATION AND RESOURCE SERVICE, NUCLEAR
ENERGY INFORMATION SERVICE, AND PUBLIC CITIZEN**

Pursuant to 10 C.F.R. § 2.714 and a notice published by the Nuclear Regulatory Commission ("NRC") at 68 Fed. Reg. 69,426 (December 12, 2003), Petitioners Environmental Law and Policy Center ("ELPC"), Blue Ridge Environmental Defense League ("BREDL"), Nuclear Information and Resource Service ("NIRS"), Nuclear Energy Information Service ("NEIS"), and Public Citizen hereby request a hearing and petition to intervene in the above-captioned proceeding. As demonstrated below, Petitioners have representational standing, through their members, to make this hearing request.

Description of Proceeding

This proceeding concerns an application by the Exelon Generating Company, L.L.C. ("Exelon") for an Early Site Permit for construction of a new nuclear power plant ("Clinton 2") on the site of the existing Clinton 1 nuclear power plant. Exelon filed its application with the NRC on September 25, 2003. The NRC published a notice of opportunity to request a hearing on December 12, 2003, at 68 Fed Reg. 69,426. If granted, the Early Site Permit would allow Exelon to bank or reserve the site for a potential new Clinton 2 nuclear plant.

Description of Petitioners

ELPC is a Midwest not-for-profit environmental quality and economic development advocacy organization. Among other goals, ELPC promotes clean, renewable energy resources and energy efficiency, works to reduce pollution in the energy sector, and protects water quality and supply. Since its founding in 1993, ELPC has been actively involved in numerous national, regional and state energy and environmental issues.

BREDL is a regional, community-based non-profit environmental organization whose founding principles are earth stewardship, environmental democracy, social justice, and community empowerment. BREDL encourages government agencies and citizens to take responsibility for conserving and protecting our natural resources. BREDL advocates grassroots involvement to empower whole communities in environmental issues. BREDL also functions as a “watchdog” of the environment, monitoring issues and holding government officials accountable for their actions.

NIRS is a non-profit corporation with over 6000 members. NIRS has a mission to promote a non-nuclear energy policy, and a concern for the health and safety of the people and ecosphere that includes central Illinois and the surrounding region.

NEIS is a non-profit advocacy organization that seeks to end nuclear power in Illinois and throughout the country. NEIS educates the public on energy issues, mobilizes grassroots opposition to nuclear power, and advocates for sustainable and ecologically-sound energy alternatives.

Public Citizen is a national, nonprofit consumer advocacy organization with 126,537 members nationwide. Public Citizen’s mission is to protect openness and democratic accountability in government and the health, safety, and financial interests of consumers. Public

Citizen advocates for policies that will lead to safe, affordable and environmentally sustainable energy.

Standing

Under the Federal Register notice and 10 C.F.R. § 2.714, a request for hearing must:

set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene with particular reference to the factors set forth in 10 CFR 2.714(d)(1), and the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene.

In addition, the request for hearing must address: (1) the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding, (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. *Id.*

Other standing requirements are found in NRC case law. The Atomic Safety and Licensing Board ("ASLB") recently summarized these standing requirements as follows:

In determining whether a petitioner has sufficient interest to intervene in a proceeding, the Commission has traditionally applied judicial concepts of standing. *See Metropolitan Edison Co.* (Three Mile Island Nuclear station, Unit 1), CLI-83-25, 18 NRC 327, 332 (1983) (citing *Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976)). Contemporaneous judicial standards for standing require a petitioner to demonstrate that (1) it has suffered or will suffer a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statutes (e.g., the Atomic Energy Act of 1954 (AEA), the National Environmental Policy Act of 1969 (NEPA)); (2) the injury can be fairly traced to the challenged action; and (3) the injury is likely to be redressed by a favorable decision. *See Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plants), LBP-99-25, 50 NRC 25, 29 (1999). An organization that wishes to intervene in a proceeding may do so either in its own right by demonstrating harm to its organizational interests, or in a representational capacity by demonstrating harm to its members. *See Hydro Resources, Inc.* (2929 Coors Road, Suite 101, Albuquerque, NM 87120), LBP-98-9, 47 NRC 261, 271 (1998). To intervene in a representational capacity, an organization must show not only that at least one of its members would fulfill the standing requirements, but also that he or she has authorized the organization to represent his or her interests. *See Private Fuel*

Storage, L.L.C. (Independent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 168, *aff'd on other grounds*, CLI-98-13, 48 NRC 26 (1998).

Pacific Gas & Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP-02-23, 56 NRC 413, 426 (2002) (hereinafter "*Diablo Canyon*").

Petitioners' standing to participate in this proceeding is demonstrated by the declarations of the following members of Petitioner organizations, who have authorized Petitioners to represent their interests in this proceeding.

R. Given Harper, ELPC member (Exhibit 1)
Carolyn Treadway, ELPC member (Exhibit 2)
Abigail Jahiel, ELPC member (Exhibit 3)
Thomas Lutze, ELPC member (Exhibit 4)
Elizabeth Burns, ELPC member (Exhibit 5)
Regina C. Cassidy, BREDL member (Exhibit 6)
Kenneth J. Urban, BREDL member (Exhibit 7)
Geoff Ower, BREDL member (Exhibit 8)
Samuel Galewsky, BREDL member (Exhibit 9)
Ralph Dring, NIRS member (Exhibit 10)
Samuel Galewsky, NIRS member (Exhibit 11)
Samuel Galewsky, NEIS member (Exhibit 12)
Sandra Lindberg, NEIS member (Exhibit 13)
Phil Huckelberry, Public Citizen member (Exhibit 14)
Sandra Lindberg, Public Citizen member (Exhibit 15)
Michelle Covi, Public Citizen member (Exhibit 16)

The attached declarations demonstrate that Petitioners' members live near the proposed site, i.e., within 50 miles. Therefore, Petitioners have presumptive standing by virtue of their proximity to the new nuclear plant that may be constructed on the site. *Diablo Canyon, supra*, 56 NRC at 426-427, citing *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-01-6, 53 NRC 138, 146, *aff'd*, CLI-01-17, 54 NRC 3 (2001) (hereinafter "*Florida Power & Light*").¹

¹ In *Diablo Canyon*, the Licensing Board noted that petitioners who live within 50 miles of a proposed nuclear power plant are presumed to have standing in reactor construction permit and operating license cases because there is an "obvious potential for offsite consequences" within that distance. *Id.* Here, the granting of an Early Site

Petitioners members seek to protect their own health, safety and lives, public health safety, and the environment by challenging the issuance of Exelon's requested Early Site Permit. Petitioner seeks to ensure that no Early Site Permit is issued by the NRC unless Exelon demonstrates full compliance with the Atomic Energy Act and the National Environmental Policy Act ("NEPA"), as well as with applicable Illinois state law.

Specific Aspects of the Subject Matter As To Which Petitioner Seeks to Intervene

As required by the Federal Register notice, Petitioners set forth below the specific aspects of the subject matter of this proceeding as to which they wish to intervene:

1. Whether Exelon's Environmental Report and the NRC have failed to provide a rigorous exploration and objective evaluation of all reasonable renewable energy resource and energy efficiency alternatives, and "clean coal" alternatives, to the granting of the requested Early Site Permit for the proposed Clinton 2 nuclear plant, as required by the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*
2. Whether the Illinois statute (220 ILCS, 5/8-406(c)), which prohibits any new nuclear power plant within the state until such time as the Director of the Illinois Environmental Protection Agency finds that the United States government has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste, requires that the NRC deny Exelon's requested Early Site Permit application at this time.
3. Whether the NRC's Waste Confidence Rule ("WCR"), 10 C.F.R. § 51.23, should not apply to this proceeding because a new Clinton 2 nuclear power plant would create more high-level nuclear waste that was not considered during the promulgation of the WCR and because the proposed Yucca Mountain repository would not have sufficient capacity to

Permit to Exelon would facilitate the granting of a construction permit and operating license for a new reactor on the Clinton site. Thus, the same standing concepts apply.

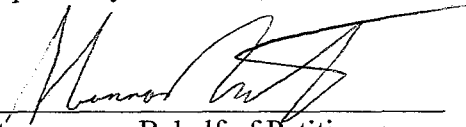
hold all of the high-level nuclear waste from existing nuclear power plants, much less a new Clinton 2 nuclear power plant.

The NRC will need to determine, based on the foregoing and the contentions to be raised by the Petitioners, whether (1) in light of the final balance of conflicting factors regarding the environmental impacts of the proposed action, as well as reasonable alternatives, the appropriate action by the NRC will be to deny the requested Early Site Permit; (2) the issuance of an Early Site Permit would be contrary to the common defense and security or the health and safety of the public and the environment, and/or (3) taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having characteristics that fall within the parameters for the site, can be constructed and operated without posing undue risk to the health and safety of the public and to the environment.


Conclusion

For the foregoing reasons, Petitioners have demonstrated standing to request a hearing on the proposed issuance of an Early Site Permit to Exelon for the Clinton 2 nuclear power plant. Pending submission of at least one admissible contention, Petitioners should be admitted as intervenors.

Respectfully submitted,


Attorneys on Behalf of Petitioner
Environmental Law and Policy Center:

Howard A. Learner
Ann Alexander
Shannon Fisk
35 East Wacker Drive, Suite 1300
Chicago, Illinois 60601
(312) 673-6500
sfisk@elpc.org


Attorney on Behalf of Petitioner
Blue Ridge Environmental Defense League

Diane Curran
Harmon, Curran, Spielberg & Eisenberg LLP
1726 M. Street NW, Suite 600
Washington D.C. 20036
(202) 328-3500
dcurran@harmoncurran.com

Dave Kraft 1/8/04

On Behalf of Petitioner
Nuclear Energy Information Service

Dave Kraft
P.O. Box 1637
Evanston, IL 60204-1637
Phone: (847) 869-7650
neis@neis.org

Paul Gunter 1/8/04

On Behalf of Petitioner
Nuclear Information and Resource Services

Paul Gunter
1424 16th St. NW #404
Washington, D.C. 20036
(202) 328-0002
nirsnet@nirs.org

Michele Boyd 1/8/04

On Behalf of Petitioner
Public Citizen

Michele Boyd
215 Pennsylvania Ave. SE
Washington, D.C. 20003
(202) 454-5134
mboyd@citizen.org

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

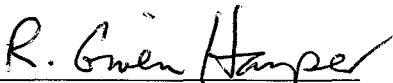
Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

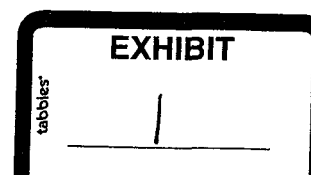
DECLARATION OF R. GIVEN HARPER

Under penalty of perjury, R. Given Harper declares as follows:

1. My name is R. Given Harper. I am a member of the Environmental Law and Policy Center ("ELPC").
2. I live at 2 Lucille Lane, Normal, Illinois 61761. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized ELPC to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed R. Given Harper

Dated: 6 January 2004



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

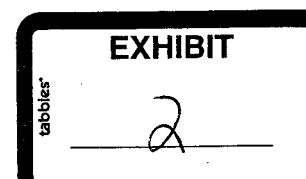
DECLARATION OF CAROLYN TREADWAY

Under penalty of perjury, Carolyn Treadway declares as follows:

1. My name is Carolyn Treadway. I am a member of the Environmental Law and Policy Center ("ELPC").
2. I live at 712 N. School Street, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized ELPC to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.

Carolyn W. Treadway
Signed Carolyn Treadway

Dated: 1/5/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

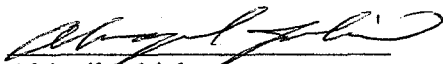
Exelon Generation Company, LLC

(Early Site Permit for Clinton Nuclear
Power Station)

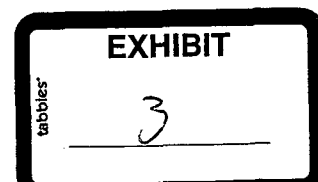
DECLARATION OF ABIGAIL JAHIEL

Under penalty of perjury, Abigail Jahiel declares as follows:

1. My name is Abigail Jahiel. I am a member of the Environmental Law and Policy Center ("ELPC").
2. I live at 1308 S. Fell, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized ELPC to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Abigail Jahiel

Dated: 1-6-04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

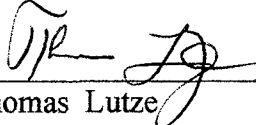
Exelon Generation Company, LLC

(Early Site Permit for Clinton Nuclear
Power Station)

DECLARATION OF THOMAS LUTZE

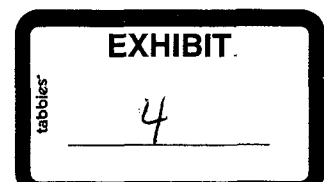
Under penalty of perjury, Thomas Lutze declares as follows:

1. My name is Thomas Lutze. I am a member of the Environmental Law and Policy Center ("ELPC").
2. I live at 1308 S. Fell, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized ELPC to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.



Thomas Lutze

Dated: 1/6/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

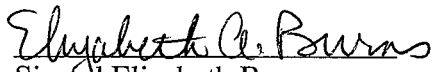
Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF ELIZABETH BURNS

Under penalty of perjury, Elizabeth Burns declares as follows:

1. My name is Elizabeth Burns. I am a member of the Environmental Law and Policy Center ("ELPC").
2. I live at RR3 [not a PO Box] 221, Clinton, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized ELPC to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed Elizabeth Burns

Dated: January 9, 2004

EXHIBIT

tabbles

5

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007


Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF Regina C Cassidy

Under penalty of perjury, Regina C Cassidy declares as follows:

1. My name is Regina C Cassidy. I am a member of Blue Ridge Environmental Defense League ("BREDL").
2. I live 1017 W William St, Champaign, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized BREDL to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.



Signed Regina C Cassidy

Dated: 1/8/04

EXHIBIT

6

tabbles

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007


Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF Kenneth J Urban

Under penalty of perjury, Kenneth J Urban declares as follows:

1. My name is Kenneth J Urban. I am a member of Blue Ridge Environmental Defense League ("BREDL").
2. I live 1017 W William St, Champaign, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized BREDL to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed Kenneth J Urban

Dated: Dec 8, 2004

EXHIBIT

tabbles

7

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF GEOFF OWER

Under penalty of perjury, Geoffrey D. Ower declares as follows:

1. My name is Geoffrey D. Ower. I am a member of Blue Ridge Environmental Defense League ("BREDL").
2. I live at 301 S. Walnut St. #5, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized BREDL to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed: Geoffrey D. Ower

Dated: 1-8-2003

EXHIBIT

tabbles
8

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF SAMUEL GALEWSKY

Under penalty of perjury, Samuel Galewsky declares as follows:

1. My name is Samuel Galewsky. I am a member of Blue Ridge Environmental Defense League ("BREDL").
2. I live at 2009 E. Taylor St., Bloomington, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized BREDL to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed Samuel Galewsky

Dated: 1/7/04

EXHIBIT

tabbles

9

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

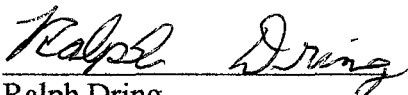
Exelon Generation Company, LLC

(Early Site Permit for Clinton Nuclear
Power Station)

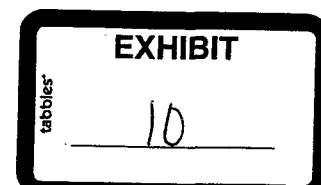
DECLARATION OF RALPH DRING

Under penalty of perjury, Ralph Dring declares as follows:

1. My name is Ralph Dring. I am a member of Nuclear Information and Resource Service ("NIRS").
2. I live at 1611 Indiana Street, Bloomington Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized NIRS to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Ralph Dring

Dated: January 5, 2004



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

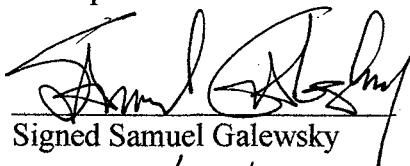
Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

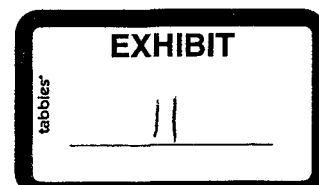
DECLARATION OF SAMUEL GALEWSKY

Under penalty of perjury, Samuel Galewsky declares as follows:

1. My name is Samuel Galewsky. I am a member of Nuclear Information and Resource Service ("NIRS").
2. I live at 2009 E. Taylor St., Bloomington Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized NIRS to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed Samuel Galewsky

Dated: 1/5/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

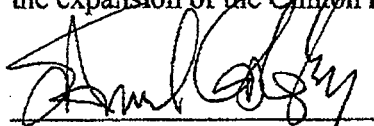
Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF SAMUEL GALEWSKY

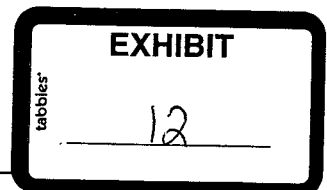
Under penalty of perjury Samuel Galewsky declares as follows:

1. My name is Samuel Galewsky. I am a member of Nuclear Energy Information Service ("NEIS").
2. I live at 2009 E. Taylor St., Bloomington, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized NEIS to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.



Signed: Samuel Galewsky

Dated: 1/12/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

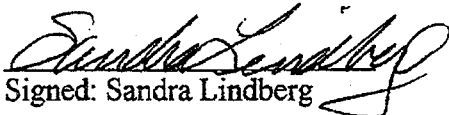
Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

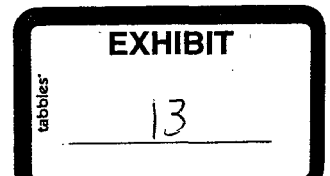
DECLARATION OF SANDRA LINDBERG

Under penalty of perjury Sandra Lindberg declares as follows:

1. My name is Sandra Lindberg. I am a member of Nuclear Energy Information Service ("NEIS").
2. I live at 2009 E. Taylor St., Bloomington, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized NEIS to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed: Sandra Lindberg

Dated: 1/12/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for the Clinton Nuclear
Power Station)

DECLARATION OF PHIL HUCKELBERRY

Under penalty of perjury, Phil Huckelberry declares as follows:

1. My name is Phil Huckelberry. I am a member of Public Citizen.
2. I live at 1704 N. Taft Drive, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Signed Phil Huckelberry

Dated: 1/8/04

EXHIBIT

tabbles

14

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

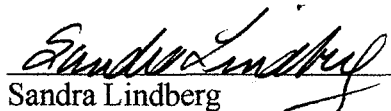
Exelon Generation Company, LLC

(Early Site Permit for Clinton Nuclear
Power Station)

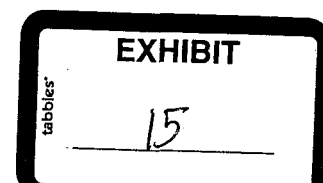
DECLARATION OF SANDRA LINDBERG

Under penalty of perjury, Sandra Lindberg declares as follows:

1. My name is Sandra Lindberg. I am a member of Public Citizen.
2. I live at 2009 E. Taylor, Bloomington, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.


Sandra Lindberg

Dated: 1/6/04



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton Nuclear
Power Station)

DECLARATION OF MICHELLE COVI

Under penalty of perjury, Michelle Covi declares as follows:

1. My name is Michelle Covi. I am a member of Public Citizen.
2. I live at 909 Broadway, Normal, Illinois. My home lies within 50 miles of the proposed site that Exelon Generation Company, LLC has applied to the U.S. Nuclear Regulatory Commission ("NRC") for an Early Site Permit for new construction to expand the Clinton nuclear power station.
3. Although no design for a new nuclear plant has been submitted, based on historical experience with nuclear reactors to date, I believe that these facilities are inherently dangerous. Therefore, construction of one or two new nuclear reactors so close to my home could pose a grave risk to my health and safety. In particular, I am concerned that if an accident involving atmospheric release of radiological material were to occur, I could be killed or become very ill.
4. Therefore, I have authorized Public Citizen to represent my interests in this proceeding by opposing the issuance of an Early Site Permit to Exelon Generation Company, LLC for the expansion of the Clinton nuclear power station.

Michelle Covi

Michelle Covi

Dated: 1/6/04

EXHIBIT

tabbles

16

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

NOTICE OF APPEARANCE BY HOWARD LEARNER

Pursuant to 10 C.F.R. § 2.713, Howard Learner hereby enters an appearance in this proceeding as duly authorized legal counsel for the Environmental Law and Policy Center. Undersigned counsel is a member in good standing of the bars of the State of Illinois, U.S. Court of Appeals for the Seventh Circuit, U.S. District Court for the Northern District of Illinois, and U.S. District Court for the Eastern District of Wisconsin.

Respectfully submitted,



Howard Learner
Environmental Law and Policy Center
35 E. Wacker Dr., Suite 1300
Chicago, IL 60601
(312) 673-6500
(312) 795-3730
hlearner@elpc.org

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

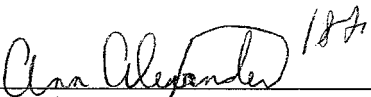
Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

NOTICE OF APPEARANCE BY ANN ALEXANDER

Pursuant to 10 C.F.R. § 2.713, Ann Alexander hereby enters an appearance in this proceeding as duly authorized legal counsel for the Environmental Law and Policy Center. Undersigned counsel is a member in good standing of the bars of the States of Illinois, New York and New Jersey, and the U.S. District Courts for the Eastern District of New York, Southern District of New York, and Eastern District of Wisconsin.

Respectfully submitted,

 1/8/04

Ann Alexander
Environmental Law and Policy Center
35 E. Wacker Dr., Suite 1300
Chicago, IL 60601
(312) 673-6500
(312) 795-3730
aalexander@elpc.org

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

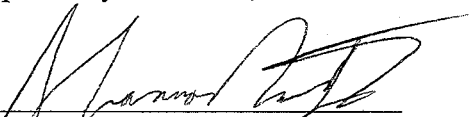
Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

NOTICE OF APPEARANCE BY SHANNON FISK

Pursuant to 10 C.F.R. § 2.713, Shannon Fisk hereby enters an appearance in this proceeding as duly authorized legal counsel for the Environmental Law and Policy Center. Undersigned counsel is a member in good standing of the bars of the State of Illinois and the U.S. District Court for the Eastern District of Wisconsin.

Respectfully submitted,



Shannon Fisk
Environmental Law and Policy Center
35 E. Wacker Dr., Suite 1300
Chicago, IL 60601
(312) 673-6500
(312) 795-3730
sfisk@elpc.org

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

NOTICE OF APPEARANCE BY DIANE CURRAN

Pursuant to 10 C.F.R. § 2.713, Diane Curran hereby enters an appearance in this proceeding as duly authorized legal counsel for Blue Ridge Environmental Defense League. Undersigned counsel is a member in good standing of the bars of the District of Columbia, the State of Maryland, the U.S. District Court for the District of Columbia, and the U.S. Courts of Appeals for the D.C. and First Circuits.

Respectfully submitted,



Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
202/328-3500
FAX 202/328-6918
dcurran@harmoncurran.com

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

Notice of Appearance of Michele Boyd

Pursuant to 10 C.F.R. § 2.713(b), Michele Boyd hereby enters an appearance on behalf of Public Citizen, and provides the following information:

1. I am the Legislative Representative at Public Citizen. My address and telephone number are: 1856 Park Rd, NW, Washington, DC 20010; 202-483-0314
2. Public Citizen's address and telephone number are: 215 Pennsylvania Avenue, SE, Washington, DC 20003; 202-454-5134
3. I have been appointed by Public Citizen to represent the organization and its members in this proceeding.


Michele Boyd

January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

Notice of Appearance of Paul Gunter

Pursuant to 10 C.F.R. § 2.713(b), Paul Gunter hereby enters an appearance on behalf of Nuclear Information and Resource Service ("NIRS"), and provides the following information:

1. I am the Director of the Reactor Watchdog Project for NIRS. My address and telephone number are: 1424 16th Street NW, Suite 404, Washington, DC 20036 Tel.202-328-0002.
2. I have been appointed by NIRS to represent the organization and its members in this proceeding.



Paul Gunter
January 12, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

Docket No. 52-007

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

Notice of Appearance of Dave Kraft

Pursuant to 10 C.F.R. § 2.713(b), Dave Kraft hereby enters an appearance on behalf of Nuclear Energy Information Service ("NEIS"), and provides the following information:

1. I am the Executive Director of NEIS. My address and telephone number are: P.O. Box 1637, Evanston, Illinois 60204-1637, Tel. (847) 869-7650.
2. I have been appointed by NEIS to represent the organization and its members in this proceeding.



Dave Kraft

January 12, 2004

CERTIFICATE OF SERVICE

I, Shannon Fisk, hereby certify that I have filed an original and two copies of the Hearing Request and Petition To Intervene by the Environmental Law and Policy Center, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, Nuclear Energy Information Service, and Public Citizen, and supporting standing declarations and notices of appearance, with the Secretary of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attn: Rulemakings and Adjudication Staff, via Express Mail and facsimile on January 12, 2004. I have also served the parties listed below, by depositing a copy of the Hearing Request and supporting documents in a properly addressed, sealed Express Mail envelope, postage prepaid, with the United States Post Office, Chicago, Illinois on January 12, 2004.

Assistant General Counsel
For Reactor Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudication Staff

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

Stephen Frantz, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, D.C. 20004



Shannon Fisk



ENVIRONMENTAL LAW & POLICY CENTER
ILLINOIS INDIANA MICHIGAN MINNESOTA OHIO WISCONSIN

January 12, 2004

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudication Staff

Re: In the Matter of Exelon Generation Company, LLC (Early Site Permit for Clinton ESP Site) – Docket No. 52-007

Dear Sir or Madam:

Enclosed for filing in the above-captioned proceeding are an original and two copies of the Hearing Request and Petition to Intervene by the Environmental Law and Policy Center, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, Nuclear Energy Information Service, and Public Citizen, along with supporting standing declarations and notice of appearances. The Hearing Request and supporting documents have also been served upon the other parties noted on the attached certificate of service.

I have also enclosed an additional copy of the Hearing Request and supporting documents, which I would appreciate your file-and date-stamping and then returning to me in the enclosed stamped, self-addressed envelope.

Thank you for your cooperation and assistance. Please call me at (312) 795-3731 if you have any questions regarding this filing.

Sincerely,

Shannon Fisk

35 EAST WACKER DRIVE, SUITE 1300 CHICAGO, ILLINOIS 60601-2110
PHONE (312) 673-6500 FAX (312) 795-3730
www.elpc.org elpc@elpc.org

ROBERT L. GRAHAM – CHAIRPERSON HOWARD A. LEARNER – EXECUTIVE DIRECTOR