

September 21, 2004

Administrative Judge Paul B. Abramson, Chair  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555-0001

Administrative Judge David L. Hetrick  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555-0001

Administrative Judge Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, D.C. 20555-0001

In the Matter of  
EXELON GENERATION COMPANY, LLC  
(Early Site Permit for Clinton ESP Site)  
Docket No. 52-007-ESP

Dear Administrative Judges:

Pursuant to 10 C.F.R. § 2.336(d), the NRC staff hereby provides notice that the Hearing File for this proceeding has been updated. A supplement to the Hearing File Index, listing the additions to the Hearing File, is attached. Also attached is the Affidavit of Nanette V. Gilles. As required by 10 C.F.R. § 2.336(b)(5), the staff is also producing an update to the privilege log at this time. In addition, the staff will preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,

**/RA/**

Mauri T. Lemoncelli  
Counsel for NRC Staff

Enclosures: Hearing File Index  
Affidavit of Nanette V. Gilles  
Privilege Logs

September 15, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

|  |   |                         |
|--|---|-------------------------|
| In the Matter of                         | ) |                         |
|  | ) |                         |
| EXELON GENERATION COMPANY, LLC.          | ) | Docket No. 52-007-ESP   |
|  | ) |                         |
| (Early Site Permit for Clinton ESP Site) | ) | ASLBP No. 04-821-01-ESP |
|  | ) |                         |

AFFIDAVIT OF NANETTE V. GILLES CONCERNING  
MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(d)

I, Nanette V. Gilles, being first duly sworn, do hereby state as follows:

1. I am employed as a Senior Project Manager in the New, Research and Test Reactors Program of the Division of Regulatory Improvement Programs in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as project manager for the NRC's review of the early site permit application submitted by Exelon Generation Company, LLC, at issue in this proceeding.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (d) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.
3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information and belief.

**/RA/**

---

Nanette V. Gilles

HEARING FILE - ATTACHMENT A

| Accession Number | Document Date | Title  |
|------------------|---------------|--|
| ML042530527      | 8/31/2004     | 08/31/04-Exelon Generation Company's Answer in Opposition to Petition for Interlocutory Review |
| ML042540067      | 9/7/2004      | 09/07/04 - Email-EGC ESP Quality Plan.   |
| ML042570231      | 9/7/2004      | Clinton ESP - 9/7/04 Letter Re: Hearing File And Affidavit of Nanette V. Gilles.               |

September 21, 2004

PRIVILEGE LOG  
ATTACHMENT D - PREDECISIONAL/DELIBERATIVE PROCESS

The following documents are being withheld by the NRC Staff as "PREDECISIONAL/DELIBERATIVE PROCESS" pursuant to 10 C.F.R. § 2.336(b)(5).

| Accession Number | Author Name/Affiliation:  | Title/Description:   | Document Date | Document Type                   | Addressee / Addressee Affiliation | Comment | Page Count |
|------------------|---|--|---------------|---------------------------------|-----------------------------------|---------|------------|
| ML042580326      | Stegen A, Battelle Memorial Institute, Pacific Northwest National Lab | 09/14/04-E-mail- FW: Clinton loose ends for the ETE evaluation.  | 9/14/2004     | E-Mail                          | Gilles N V, NRC                   |         | 7          |
| ML042540025      | Ramsdell J V, - No Known Affiliation                                  | Contractor's personal notes regarding the MACCS2 Analyses for the EGC ESP project.   | 8/24/2004     | Graphics incl Charts and Tables | ,                                 | C-TJK2  | 9          |
| ML042580452      | Gilles N V, NRC   | Description of Program File Used in Review of Exelon ESP Application to Perform Analyses of Tornado Data for the Clinton ESP Site. | 9/14/2004     | No Document Type Applies        | ,                                 |         | 1          |

| Accession Number | Author Name/Affiliation:  | Title/Description:  | Document Date | Document Type | Addressee / Addressee Affiliation   | Comment         | Page Count |
|------------------|---|---|---------------|---------------|---|-----------------|------------|
| ML042540030      | Hickey E E, Battelle Memorial Institute, Pacific Northwest National Lab | Email correspondence regarding request for additional information responses for the EGC ESP project.    | 9/3/2004      | E-Mail        | , NRC   | C-TJK2          | 3          |
| ML042540046      | Hickey E E, Battelle Memorial Institute, Pacific Northwest National Lab | Email correspondence regarding requests for additional information discussions for the EGC ESP project. | 9/3/2004      | E-Mail        | , NRC   | C-TJK2          | 3          |
| ML042540036      | Hickey E E, Battelle Memorial Institute, Pacific Northwest National Lab | Email correspondence regarding the scoping report for the EGC ESP project.                              | 9/3/2004      | E-Mail        | , NRC   | C-TJK2          | 4          |
| ML042520200      | Harvey R B, NRC   | North Anna Tornado TER.   | 9/7/2004      | Memoranda     | Ramsdell J V, Battelle Memorial Institute, Pacific Northwest National Lab | C-R Brad Harvey | 16         |
|                  |   |   |               |               |   |                 |            |

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

|  |   |                   |
|--|---|-------------------|
| In the Matter of                         | ) |                   |
|  | ) |                   |
| EXELON GENERATION COMPANY, LLC           | ) | Docket No. 52-007 |
|  | ) |                   |
| (Early Site Permit for Clinton ESP Site) | ) |                   |
|  | ) |                   |

NOTICE OF WITHDRAWAL

Notice is hereby given that effective September 21, 2004, the undersigned counsel withdraws her appearance in the above-captioned proceeding. All mail and service lists should be amended to delete my name after that date.

Respectfully submitted,

**/RA/**  
Darani M. Reddick  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 21st day of September, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

|  |   |                         |
|--|---|-------------------------|
| In the Matter of                         | ) |                         |
|  | ) |                         |
| EXELON GENERATION COMPANY, LLC.          | ) | Docket No. 52-007-ESP   |
|  | ) |                         |
| (Early Site Permit for Clinton ESP Site) | ) | ASLBP No. 04-821-01-ESP |

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated September 21, 2004, providing notice of the availability of an update to the hearing file, with attachments, together with the affidavit of Nanette V. Gilles, and the Notice of Withdrawal of Darani M. Reddick, in the captioned proceeding have been served on the following through electronic mail, with copies to follow by deposit in the NRC's internal mail system, or through electronic mail, with copies to follow by deposit in the U.S. Mail, first class, as indicated by an asterisk, this 21<sup>st</sup> day of September, 2004:

Administrative Judge  
Paul B. Abramson, Chair  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: PBA@nrc.gov)

Thomas S. O'Neill\*  
Associate General Counsel  
Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555  
(E-mail: thomas.oneill@exeloncorp.com)

Administrative Judge  
Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: AJB5@nrc.gov)

Office of the Secretary\*  
ATTN: Docketing and Service  
Mail Stop: 0-16C1  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge  
David L. Hetrick  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: dlmwh@dakotacom.net)

Office of Commission Appellate  
Adjudication  
Mail Stop 0-16C1  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing Board  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Howard A. Learner\*  
Ann Alexander\*  
Shannon Fisk\*  
Environmental Law and Policy Center  
35 East Wacker Drive, Suite 1300  
Chicago, Illinois 60601  
(E-mail: hlearner@elpc.org,  
aalexander@elpc.org, sfisk@elpc.org)

Diane Curran\*  
Harmon, Curran, Spielberg  
& Eisenberg LLP  
1726 M. Street N.W., Suite 600  
Washington, D.C. 20036  
(E-mail: dcurran@harmoncurran.com)

Dave Kraft\*  
Executive Director, Nuclear Energy  
Information Service  
PO Box 1637  
Evanston, IL 60204-1637  
(E-mail: neis@neis.org)

Michele Boyd\*  
Legislative Representative, Public Citizen  
215 Pennsylvania Avenue, SE  
Washington, D.C. 20003  
(E-mail: mboyd@citizen.org)

Stephen P. Frantz\*  
Paul M. Bessette\*  
Alex S. Polonsky\*  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(E-mail: sfrantz@morganlewis.com,  
pbessette@morganlewis.com,  
apolonsky@morganlewis.com)

Janet Marsh Zeller, Executive Director  
Blue Ridge Environmental Defense League  
P.O. Box 88  
Glendale Springs, NC 28629  
(Email: bredl@skybest.com)

Paul Gunter\*  
Director, Reactor Watchdog Project  
Nuclear Information and Resource Service  
1424 16<sup>th</sup> Street, N.W. #404  
Washington, D.C. 20036  
(E-mail: nirsnet@nirs.org)

**/RA/**

---

Mauri T. Lemoncelli  
Counsel for NRC Staff