

October 5, 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  
8740 East Dexter Drive  
Tucson, AZ 85715

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 shall preserve and maintain all privileged documents during the pendency of this proceeding.

Please note that in its update of September 21, 2004, the Staff inadvertently placed a document (Accession Number-ML042540067) in the Hearing File which the Applicant requested be withheld as proprietary. Pending the Staff's determination on this request, the Staff has removed this document from the publicly available Hearing File. However, the

e-mail from the Applicant to the Staff transmitting this document remains in the Hearing File (Accession Number-ML042750231) exclusive of the attachment. The attachment is identified in the privilege log as "proprietary."

Respectfully submitted,

*/RA/*

Mauri T. Lemoncelli  
Counsel for NRC Staff

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

September 29, 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

September 28, 2004

HEARING FILE - ATTACHMENT A

<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description</b>
ML042750231	9/7/2004	09/07/04-E-mail w/o att-EGC ESP Quality Plan
ML042660165	9/7/2004	Submittal of Early Site Permit Quality Plans.

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).

<b>Accession Number</b>	<b>Author Name/Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
ML042670413	Sebrosky J M, NRC/NRR/DRIP/R NRP	09/01/2004-E-Mail re: Part 21 Applicability to Early Site Permits.	9/1/2004	E-Mail	Ashley M A, Blake J, Cerne A, Foley T, Gardner R, Tapia J I, NRC	Cheri Nagel	3
ML042660021	Gilles N V, NRC/NRR/DRIP/R NRP	09/09/04-Personal Notes from Meeting with ESP Applicants, Dominion, Exelon, and Entergy on Emergency Planning Issues.	9/9/2004	Note	,	Cheri Nagel	1
ML042660023	Gilles N V, NRC/NRR/DRIP/R NRP	09/16/2004-Personal Notes From Meeting with Exelon Generation Company, LLC, on ESP Seismic Issues.	9/16/2004	Note	,	Cheri Nagel	5
ML042670057	Moody R E, NRC	09/23/04-E-mail- Reordered RAIs.	9/23/2004	E-Mail	Gilles N V, NRC		5

<b>Accession Number</b>	<b>Author Name/Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
ML042720027	Kenyon T J, NRC/NRR/DRIP/R LEP	E-Mail re: Draft of Telecon Summary with Exelon.	9/17/2004	E-Mail, Meeting Summary	Hickey E E, - No Known Affiliation		5
ML042720053	Anderson D M, Battelle Memorial Institute, Pacific Northwest National Lab	E-Mail re: Land Use Review Results & Clinton "Things To Do" for Month of August.	8/24/2004	E-Mail	Leigh K D, Battelle Memorial Institute, Pacific Northwest National Lab		3
ML042720045	Anderson D, Battelle Memorial Institute, Pacific Northwest National Lab	E-Mail re: Need for Telecon on Land Use.	8/16/2004	E-Mail	Hickey E E, Battelle Memorial Institute, Pacific Northwest National Lab		3

PRIVILEGE LOG  
ATTACHMENT F- PROPRIETARY

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

<b>Accession Number</b>	<b>Author Name/Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
ML042540067	Mundy T, Exelon Generation Co, LLC	09/07/04 - Email-EGC ESP Quality Plan.	9/7/2004	E-Mail, Letter	Gilles N V, NRC		33
ML042660180	Exelon Nuclear	AP-AA-1000, Rev 0, "Early Site Permit Project Quality Assurance Instructions."	9/7/2004	Quality Assurance Program			9
ML042660172	Chapman D A, CH2M Hill	DEL-012-4, Rev 4, "Project Quality Plan for Exelon Early Site Permit."	12/9/2002	Quality Assurance Program	Exelon Generation Co, LLC		17

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 October 5, 2004, providing notice of the availability of an update to the hearing file, with attachments, together with the affidavit of Nanette V. Gilles, 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 as indicated by a single asterisk, or through electronic mail, with copies to follow by deposit in the U.S. Mail, first class, as indicated by a double asterisk, this 5<sup>th</sup> day of October, 2004:

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*/RA/*

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