

November 23, 2004

Administrative Judge Paul B. Abramson, Chair      Administrative Judge David L. Hetrick  
Atomic Safety and Licensing Board Panel      8740 East Dexter Drive  
U.S. Nuclear Regulatory Commission      Tucson, AZ 85715  
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 shall preserve and maintain all privileged documents during the pendency of this proceeding.

Respectfully submitted,

*/RA/*

Shana Zipkin  
Counsel for NRC Staff

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

November 16, 2004

HEARING FILE - ATTACHMENT A

| <b>Accession Number</b> | <b>Document Date</b> | <b>Title/Description</b>   |
|-------------------------|----------------------|--|
| ML043200576             | 11/12/2004           | 11/12/04-E-mail-Draft Requests for Additional Information - Emergency Planning.  |
| ML043210579             | 11/15/2004           | Request for Additional Information (RAI) Regarding the Environmental Portion of the Early Site Permit Application for The Exelon Generation Company Site (TAC No. MC1125). |
| ML043090029             | 11/15/2004           | Revised Dates For Conducting the Environmental Review of the Exelon ESP Application.   |

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> |
|-------------------------|---|---|----------------------|---------------------------|---|---|-------------------|
| ML043200571             | Prescott P, NRC   | 11/12/04-E-mail- Revised Exelon DSER.           | 11/12/2004           | E-Mail                    | Gilles N V, NRC   |   | 39                |
| ML043150448             | Ramsdell J V, Battelle Memorial Institute, Pacific Northwest National Lab | Email: ESP Tornado TERs.                        | 11/9/2004            | E-Mail                    | Lee J, NRC  | C-RBH   | 47                |
| ML043150436             | Harvey R B, NRC   | Email: Re: Tornado Report                       | 11/9/2004            | E-Mail                    | Ramsdell J V, Battelle Memorial Institute, Pacific Northwest National Lab | C-RBH   | 18                |
| ML043210053             | Ramsdell J V, Battelle Memorial Institute, Pacific Northwest National Lab | Submittal of Tornado Report for North Anna ESP. | 11/9/2004            | E-Mail, Report, Technical | Harvey R B, NRC   | C-RBH Document submitted for scanning contained poor quality page(s) and/or page(s) which appeared to be missing. Document is complete per submitter. | 18                |

| Accession Number | Author Name/Affiliation:       | Title/Description:  | Document Date | Document Type                   | Addressee / Addressee Affiliation   | Comment | Page Count |
|------------------|--------------------------------|---|---------------|---------------------------------|-------------------------------------|---------|------------|
| ML043200472      | Weiss E W,<br>NRC/NSIR/DPR/EPD | Draft Safety Evaluation Report (DSER) Input For The Exelon Early Site Permit (ESP) Application - Section 13.3, Emergency Planning (TAC No. MC1122). | 11/15/2004    | Memoranda                       | Dudes L A,<br>NRC/NRR/DRI<br>P/RNRP | sdb     | 3          |
| ML043200637      | Weiss E W,<br>NRC/NSIR/DPR/EPD | Att. - Draft Safety Evaluation Report (DSER) NSIR/DPR/EPD Exelon Generation Company, LLC - Clinton Early Site Permit (ESP) Application.             | 11/15/2004    | Safety Evaluation Report, Draft | Dudes L A,<br>NRC/NRR/DRI<br>P/RNRP | sdt     | 68         |

November 17, 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

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 November 23, 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 23<sup>rd</sup> day of November, 2004:

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Atomic Safety and Licensing Board Panel  
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*/RA/*

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