

52.17

December 15, 2004

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Early Site Permit (ESP) Application for the Clinton ESP Site
Docket No. 52-007

Subject: Revised Response to Request for Additional Information (RAI)
Letter No. 3 (TAC No. MC1122)

- Re: 1) Letter, U.S. Nuclear Regulatory Commission (N. V. Gilles) to Exelon Generation Company, LLC, (M. Kray), dated July 22, 2004, Request for Additional Information Letter No. 3 – Exelon Early Site Permit Application for the Clinton ESP Site (TAC No. MC1122)
- 2) Letter, Exelon Generation Company, LLC, (M. Kray), to U.S. Nuclear Regulatory Commission (Document Control Desk) dated October 5, 2004, Response to Request for Additional Information (RAI) Letter No. 3 – Exelon Early Site Permit (ESP) Application for the Clinton ESP Site (TAC No. MC1122)

Request for additional information (RAI) 13.3-2 contained in reference (1) pertains to the emergency planning portion of the Exelon Generation Company, LLC (EGC) ESP application. EGC timely responded to the RAI in its correspondence of reference (2). EGC now revises its response to RAI 13.3-2, and includes herewith the requested copy of the state and local emergency plans (the “Plans”).

The State of Illinois and the Illinois Emergency Management Agency consider the Plans to be exempt from public disclosure per section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)] since the public disclosure of this information could adversely impact government response capabilities. As such, the Plans (in their entirety) are requested to be withheld by the NRC from public disclosure pursuant to 10 CFR, Section 2.390(a)(3) as a document “specifically exempted from disclosure by statute.”

U.S. Nuclear Regulatory Commission
December 15, 2004
Page 2 of 3

Please contact Eddie Grant of my staff at 610-765-5001 if you have any questions regarding this submittal.

Sincerely yours,



Marilyn C. Kray
Vice President, Project Development

TPM/erg

cc: U.S. NRC Regional Office (w/ enclosures, w/o attachments)
Ms. Nanette V. Gilles (w/ enclosures, w/o attachments)
Mr. David L. Smith, IEMA (w/ enclosures, w/o attachments)

Enclosure: Revised Response to RAI 13.3-2

AFFIDAVIT OF MARILYN C. KRAY

State of Pennsylvania

County of Chester

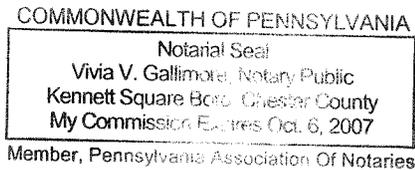
The foregoing document was acknowledged before me, in and for the County and State aforesaid, by Marilyn C. Kray, who is Vice President, Project Development, of Exelon Generation Company, LLC. She has affirmed before me that she is duly authorized to execute and file the foregoing document on behalf of Exelon Generation Company, LLC, and that the statements in the document are true to the best of her knowledge and belief.

Acknowledged and affirmed before me this 15th day of December, 2004.

My commission expires 10-6-07.



Notary Public



NRC Letter Dated: 07/22/2004

NRC RAI No. RAI 13.3-2

Section 1.2 of the Exelon Generation Company (EGC) ESP Emergency Plan

Section 1.2, "Planning Standards and Evaluation Criteria," of the Exelon Generation Company (EGC) ESP Emergency Plan states that the current versions of the state and local plans are incorporated by reference in the ESP application. Appendix C, "References," identifies two plans. They are: State of Illinois, "Concepts of Operations," *The Illinois Plan for Radiological Accidents (IRPA)*, Volume I, May 2001, and State of Illinois, "Clinton Power Station," *The Illinois Plan for Radiological Accidents (IRPA)*, Volume III, July 2001a. Please provide a copy of the versions of the state and local plans that are referred to in the application.

EGC RAI ID: R14-2

EGC RESPONSE: (Revised)

These two documents, i.e., the State of Illinois, "Concepts of Operations," *The Illinois Plan for Radiological Accidents (IRPA)*, Volume I, May 2001, and State of Illinois, "Clinton Power Station," *The Illinois Plan for Radiological Accidents (IRPA)*, Volume VIII, July 2001a, are proprietary documents under the authority of the State of Illinois Emergency Management Agency (IEMA). Following receipt of this RAI, EGC requested IEMA to authorize EGC to submit the requested documents. In response to the request, IEMA provided EGC with a copy of the latest version of Volume VIII (July 2003) and authorization to submit both documents, provided the documents are withheld from public disclosure pursuant to State of Illinois statute 5 ILCS §140/7(II) and Title 10 of the United States Code of Federal Regulations (10 CFR) Section 2.390(a)(3). The following documents are provided as attachments to this revised response.

- State of Illinois, *The Illinois Plan for Radiological Accidents (IRPA)*, Volume I, "Concepts of Operations," May 2001, and
- State of Illinois, *The Illinois Plan for Radiological Accidents (IRPA)*, Volume VIII, "Clinton Power Station," July 2003.

The specific reference in the EGC ESP EP will be updated to reference this current revision of the IPRA Volume VIII (July 2003).

For your convenience, also attached is a copy of the Summary of Changes to the IPRA Volume VIII (from 2001 to 2003) (as provided by IEMA to Federal Emergency Management Agency (FEMA) at the time of the plan revision).

ASSOCIATED EGC ESP APPLICATION REVISIONS: (No change)

Revise EP, Appendix C, References, from:

State of Illinois. "Clinton Power Station," Illinois Plan for Radiological Accidents (IRPA), Volume VIII. July 2001a,

To read:

State of Illinois. "Clinton Power Station," Illinois Plan for Radiological Accidents (IRPA), Volume VIII. July 2003

Revise EP references throughout the EP from:

State of Illinois, 2001a

To read:

State of Illinois, 2003

Revise EP references throughout the EP from:

State of Illinois, 2001 and 2001a

To read:

State of Illinois, 2001 and 2003

Revise EP references throughout the EP from:

State of Illinois, 2001, 2001a

To read:

State of Illinois, 2001 and 2003

ATTACHMENTS: (Revised)

- 1) Illinois Statute 5 ILCS 140/7(II) – Freedom of Information Act
- 2) July 2003 Summary of Changes of IPRA Volume VIII
- 3) Copy of the Illinois Plan for Radiological Accidents, Volume I, Concept of Operations, May 2001 (Note – This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)]).
- 4) Copy of the Illinois Plan for Radiological Accidents, Volume VIII, "Clinton Power Station," July 2003 (Note – This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)]).

RAI ATTACHMENTS

- 1) Illinois Statute 5 ILCS 140/7(II) – Freedom of Information Act (6 pages)
- 2) July 2003 Summary of Changes of IPRA Volume VIII (2 pages)
- 3) Illinois Plan for Radiological Accidents, Volume I, Concept of Operations, May 2001
(Note – This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)] (provided in Binder)
- 4) Illinois Plan for Radiological Accidents, Volume VIII, "Clinton Power Station," July 2003
(Note – This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)] (provided in Binder)

(Source: P.A. 83-1013.)

(5 ILCS 140/6) (from Ch. 116, par. 206)

Sec. 6. Authority to charge fees.

(a) Each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. Such fees shall exclude the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by State statute. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them.

(b) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

(c) The purposeful imposition of a fee not consistent with subsections (6)(a) and (b) of this Act shall be considered a denial of access to public records for the purposes of judicial review.

(d) The fee for an abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended.

(Source: P.A. 90-144, eff. 7-23-97.)

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for

those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical

documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would

reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution

of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03.)

(5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

Sec. 7.1. Nothing in this Act shall be construed to prohibit publication and dissemination by the Department of Public Aid or the Department of Human Services of the names and addresses of entities which have had receipt of benefits or payments under the Illinois Public Aid Code suspended or terminated or future receipt barred, pursuant to Section 11-26 of that Code.

(Source: P.A. 89-507, eff. 7-1-97.)

(5 ILCS 140/8) (from Ch. 116, par. 208)

Sec. 8. If any public record that is exempt from disclosure under Section 7 of this Act contains any material which is not exempt, the public body shall delete the information which is exempt and make the remaining information available for inspection and copying.

(Source: P.A. 85-1357.)

(5 ILCS 140/9) (from Ch. 116, par. 209)

Summary of Changes, IPRA Volume VIII, Clinton, July 2003

Changes made throughout the Plan:

References to Illinois Department of Nuclear Safety and/or IDNS, were changed to Illinois Emergency Management Agency and/or IEMA.

All new contacts along with their new contact information were updated.

The State Forward Command Post was moved from Bloomington to Maroa.

The Joint Public Information Center was moved from Bloomington to Exelon's facility in Mazon.

The Emergency Operations Facility location was changed to Warrenville.

References to the name of Map C were changed from Sheltering and Evacuation Map to Host Communities Map.

References to congregate care centers were changed from centers to shelters.

References to the ICC Railroad, were changed to ICC Rail Transportation Division.

The term "sheltering" was changed to "shelter-in-place".

The term "instant-read dosimeters" was changed to "direct-read dosimeters".

Correlation Document was updated.

All NARS forms and instructions were updated.

Chapter 1

A section describing how livestock advisories will be handled entitled Livestock Advisory was added.

Chapter 1, section C – Concepts of Operation

EPZ Population was revised to reflect the 2000 census:

Chapter 1, Page 3

Sheltering Guide

References to ISP Command Center were changed to ISP Communications Center.

Chapter 1, Pages 15-20

Changes to IDOTs section, Chapter 1, Page 21 – 28 included:

- Changes to the title, Radiological Defense Officers (RDO's) were changed to Dosimetry Control Officers (DCO's).
- Changes to the title, Emergency Services Manager were changed to Policy and Safety Manager.
- All references to the District EHTR Plan were changed to Emergency Operations Manual.

All references to IDNR Division of Law Enforcement were changed to IDNR Office of Law Enforcement.

Chapter 1, Pages 29-30

Summary of Changes, IPRA Volume VIII, Clinton, July 2003

Abbreviation List was updated.

Chapter 1, Pages 5- 7

Chapter 2

NARS Circuit list was updated.

Chapter 2, Page 37

Evacuation Plan section was revised.

Chapter 2, Page 49

Public Information Considerations section was revised.

Chapter 2, Pages 51-52

Prescripted Messages section was revised.

Chapter 2, Pages 73-76

Attachment 7, Local Emergency Information Radio Stations Messages was revised.

Annex 2A, Pages 45-62

DeWitt County CEN COM was revised.

Annex 2A, Pages 71-106

Attachment 16, DeWitt County Schools and Attachment 17, Primary Receiving Areas for DeWitt County School Evacuations, were both revised.

Annex 2A, Pages 127-130

Attachment 3, Clinton Cable TV Override Messages were deleted, Clinton no longer possesses this capability.

Annex 2B

Appendix A – Facility Telephone Lists was updated.

Appendix E - Sheltering Profiles were updated.

Maps A, B, C, D and E were updated.

From: <thomas.mundy@exeloncorp.com>
To: <NVG@nrc.gov>
Date: 12/15/04 5:30PM
Subject: Docket 52-007 re: EGC Revised RAI 13.3-2 Response

Nan,

The attached document was placed in U.S. Mail today along with copies of the following two documents:

1. Illinois Plan for Radiological Accidents, Volume I, Concept of Operations, May 2001 (Note - This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)]).
2. Copy of the Illinois Plan for Radiological Accidents, Volume VIII, "Clinton Power Station," July 2003 (Note - This material exempt from public disclosure per Section 7(II) of the Illinois Freedom of Information Act [5 ILCS 140/7(II)]).

These above two State documents are lengthy and in three-ringed binders. Thank you.

Tom Mundy

<<2004-12-15 Kray EP RAI 13.3-2 State Plans Revised.pdf>>

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CC: <eddie.grant@exeloncorp.com>

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Subject: Docket 52-007 re: EGC Revised RAI 13.3-2 Response
Creation Date: 12/15/04 5:29PM
From: <thomas.mundy@exeloncorp.com>

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