

February 10, 2005

Ms. Marilyn Kray
Vice President, Project Development
Exelon Generation
200 Exelon Way, KSA3-N
Kennett Square, PA 19348

SUBJECT: DRAFT SAFETY EVALUATION REPORT FOR THE EXELON EARLY SITE
PERMIT APPLICATION

Dear Ms. Kray:

On September 25, 2003, Exelon Generation Company, LLC (Exelon) tendered its application for an early site permit (ESP) in accordance with Subpart A of Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR). The proposed site is co-located with the existing Clinton Power Station facility near Clinton, Illinois, hereafter identified as the Exelon Generation Company (EGC) ESP site. The U.S. Nuclear Regulatory Commission (NRC or Commission) formally accepted the application as a docketed application for an ESP on October 27, 2003. The NRC staff has reviewed the ESP application and has developed the enclosed draft safety evaluation report (DSER).

The DSER is being issued in accordance with the review schedule identified in the enclosures to the staff's letters to Exelon dated October 27, 2003, and November 15, 2004. The DSER provides information to stakeholders regarding the state of completion of the staff's review of safety aspects of Exelon's ESP application and the remaining information needed for issuance of the final SER (FSER). Because the DSER contains open items (subjects for which Exelon needs to provide additional information), the NRC staff has not made a decision regarding whether to recommend to the Commission that an ESP be issued for the EGC ESP site.

In addition, the staff has not, at this time, completed its review of the information in Section 2.5, "Geology, Seismology, and Geotechnical Engineering," and Section 3.4.2, "10 CFR 100.23—Geologic and Seismic Siting Criteria," of Exelon's site safety analysis report (SSAR). Therefore, the staff plans to issue a supplemental DSER that will summarize the results of its technical evaluation of the suitability of the proposed EGC ESP site in terms of the site's seismology and geology. The staff expects to issue the supplemental DSER no later than May 31, 2005. In the letter dated November 15, 2004, the staff indicated that the supplemental DSER will likely result in a delay in the issuance of the FSER. The staff plans to provide a revised schedule in the letter transmitting the supplemental DSER.

Issuance of this DSER is an important milestone in the staff's rigorous review to determine whether Exelon's application meets the Commission's regulations. In the period preceding preparation of the FSER, both Exelon and the NRC staff will need to focus on resolution of the open items identified in the DSER. To that end, the current schedule calls for Exelon to provide responses to all open items (excluding the supplemental DSER open items) no later than April 26, 2005.

It is imperative that Exelon and the NRC staff exchange complete, timely, and accurate information if all open items are to be resolved expeditiously. The staff requests Exelon's cooperation in setting up meetings, responding fully to the staff's needs for information, and docketing the needed information in a timely manner. Exelon should ensure that its meeting attendees have the authority to make commitments to resolve issues. Senior management meetings may be used to address difficult issues, if necessary.

By letter dated December 15, 2004, you requested, on behalf of the State of Illinois and the Illinois Emergency Management Agency, that the state and local emergency plans (in their entirety) be exempt from mandatory public disclosure. By letter dated September 7, 2004, you also requested that the Exelon ESP project quality assurance instructions and project quality plan be exempt from mandatory public disclosure in accordance with the requirements of 10 CFR 2.390. The staff concludes that the enclosed DSER does not contain any information for which exemption has been sought or approved. However, the NRC will withhold the enclosed DSER from public disclosure for 14 calendar days from the date of this letter to allow Exelon the opportunity to verify, in consultation with the State of Illinois and the Illinois Emergency Management Agency, the staff's conclusions in this regard. If, after that time, you do not request that all or portions of the DSER be withheld from public disclosure in accordance with 10 CFR 2.390, the enclosure will be made available for public inspection through the NRC's Public Document Room and the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Please contact John Segala, the NRC's project manager for review of your ESP application, at (301) 415-1858 (or jps1@nrc.gov) if you have any questions or comments concerning this matter.

Sincerely,

/RA/

William D. Beckner, Program Director
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 52-007

Enclosure: As stated

cc w/o encl: See next page

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Division of Regulatory Improvement Programs
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ADAMS ACCESSION NUMBER: ML050400457-Package
ML050400350-Cover letter
ML050400378-Chapter 1
ML050400386-Chapter 2
ML050400394-Chapter 3
ML050400399-Chapter 13
ML050400404-Chapter 17
ML050400411-Chapter 18
ML050400423-Chapter 19
ML050400436-Appendix A
ML050400450-Appendix B

E:\Filenet\ML050400350.wpd * See previous concurrence

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OFFICIAL RECORD COPY

Distribution of DSER for Exelon's ESP Application dated February 10, 2005:

Hard Copy w/encl.:

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PPrescott	CMunson	RHarvey
GBagchi	TCheng	TKenyon
KCampe	JLee	RMoody
DBarss	ATardiff	AHodgdon
MLemoncelli		

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DRAFT SAFETY EVALUATION REPORT FOR THE
EXELON EARLY SITE PERMIT APPLICATION

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ORIGINATOR: J. Segala (415-1858)
SECRETARY: C. Nagel (O4-D9A)
DATE: February 10, 2005

●●● ROUTING LIST ●●●

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4.	W. Beckner	_____	01/ /05
5.	A. Hodgdon	_____	01/ /05
6.	D. Matthews	_____	01/ /05
7.	Secretary/Dispatch		01/ /05