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 Anthony J. Baratta 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

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 John P. Segala. As required by 10 C.F.R. § 2.336(b)(5), the staff is producing an update to the privilege log at this time. In addition, the staff is continuing to preserve and maintain all privileged documents during the pendency of this proceeding.

Finally, please find enclosed a copy of the draft "Safety Evaluation of Early Site Permit Application in the Matter of Exelon Generation Company, LLC, for the EGC Early Site Permit Site," dated February 2005 ("DSER"). The DSER is also available in electronic form at <<u>http://www.nrc.gov/reactors/new-licensing/esp/clinton.html></u> on the NRC Web site. Copies of the enclosed DSER are being sent via first-class mail to the parties on the NRC Staff's service list.

Respectfully submitted,

/RA/

Mauri T. Lemoncelli Counsel for NRC Staff

Enclosures: As stated

HEARING FILE - ATTACHMENT A

Accession Number:	Document Date	Title
ML050670436	02/11/2005	02/11/05-E-mail- Re: Copy of Exelon ESP DSER.
ML050480478	02/11/2005	02/11/05-E-mail-Re: Copy of Exelon ESP DSER, Appendices A & B.
ML050480447	02/11/2005	02/11/05-E-mail-Re: Copy of Exelon ESP DSER-#1.
ML050670270	03/03/2005	03/03/2005-E-mail-Exelon ESP re: NRC Invoice for 4 th Qtr 2004.
ML050670302	03/04/2005	03/04/05-E-mail-Exelon ESP re: NRC Invoice for 4 th Qtr 2004.
ML050670580	03/08/2005	03/08/05- E-mail-Conference line for Thursday Hydrology call.
ML050670322	03/08/2005	03/08/05-E-mail-Fwd: Draft Safety Evaluation Report for the Exelon Early Site Permit Application.
ML050620431	03/02/2005	03/2/05- Draft Environmental Impact Statement for An Early Site Permit (ESP) at the Exelon ESP Site (TAC MC1125).
ML050620302	03/02/2005	3/2/05-Notice of Availability of the Draft Environmental Impact Statement (DEIS) for An Early Site Permit (ESP) at the Exelon ESP Site (TAC NO. MC1125).
ML050400436	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Appendix A, Chronology of Early Site Permit application for the EGC ESP Site.
ML050400450	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Appendix B, References.
ML050400378	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 1 with Table of Contents and Abbreviations.
ML050620197	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 13, Conduct of Operations.
ML050400404	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 17, Quality Assurance.
ML050400411	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 18, Review by the Advisory Committee on Reactor Safeguards.
ML050400423	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 19, Conclusions.
ML050400386	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 2, Site Characteristics.
ML050400394	02/28/2005	Clinton, Early Site Permit Draft Safety Evaluation Report, Chapter 3, Site Safety Assessment.

ML050540039	03/04/2005	Draft Safety Evaluation Report for the Exelon Early Site Permit Application.
ML050670134	03/08/2005	Press Release-05-044: NRC Seeks Public Input On Clinton Early Site Permit Application; Meeting To Be Held April 19.
ML050630552	02/23/2005	Review of Draft Safety Evaluation Report for the Early Site Permit (ESP) Application for the Clinton ESP Site.

March 8, 2005

PRIVILEGE LOG ATTACHMENT B - ATTORNEY CLIENT

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

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	
ML050660361	Higgins M, NRC/OGC	02/23/2005 - E-Mail re: Conclusions with open item in ESP DSERs-Attorney Client Privilege.	02/23/2005	E-Mail	Anand R, Gilles N V, Scott M L, Segala J, Sosa B, NRC/NRR/DRI P/RNRP	Cł

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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 JOHN P. SEGALA CONCERNING MANDATORY DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(d)

I, John P. Segala, 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**/

John P. Segala

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 March 16, 2005, providing notice of the availability of an update to the hearing file, with attachments, together with the affidavit of John P. Segala, 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 16th day of March, 2005:

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)

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)

Administrative Judge** David L. Hetrick 8740 East Dexter Drive Tucson, AZ 85715 (E-mail: dlmwh@dakotacom.net) Thomas S. O'Neill** Associate General Counsel Exelon Nuclear 4300 Winfield Road Warrenville, IL 60555 (E-mail: thomas.oneill@exeloncorp.com)

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)

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

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

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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 16th Street, N.W. #404 Washington, D.C. 20036 (E-mail: nirsnet@nirs.org)

/**RA**/

Mauri T. Lemoncelli Counsel for NRC Staff