

April 7, 2005

Mr. Richard Nelson, Field Supervisor
Rock Island Field Office
U.S. Fish and Wildlife Service
4469 48th Avenue Court
Rock Island, IL 61201

SUBJECT: BIOLOGICAL ASSESSMENT FOR AN EARLY SITE PERMIT (ESP) FOR THE
EXELON ESP SITE AND A REQUEST FOR INFORMAL CONSULTATION

Dear Mr. Nelson:

The U.S. Nuclear Regulatory Commission (NRC) has prepared the enclosed biological assessment (BA) to evaluate whether the proposed action of issuing an ESP for the Exelon ESP site would have adverse effects on listed species. The Exelon ESP site is located within the Clinton Power Station (CPS) site along the shore of Clinton Lake, near the town of Clinton in DeWitt County, Illinois. The proposed Federal action is the issuance, under provisions of Title 10 of the *Code of Federal Regulations*, Part 52 (10 CFR Part 52), of an ESP for a new nuclear unit at the Exelon ESP site, which would authorize Exelon to conduct site preparation and limited construction activities. The site preparation and limited construction activities allowed by 10 CFR 52.25 include clearing, grading, and constructing non-safety-related facilities. The proposed action does not include approval to construct and operate a new nuclear unit. Therefore, the BA does not analyze the environmental impacts that could result from such construction and operation. Impacts associated with construction and operation of a new nuclear unit will be assessed during the NRC staff's review of an application for a combined license or construction permit, should an applicant choose to go forward with the project.

Exelon has indicated that the addition of four new 345-kilovolt (-kV) transmission lines likely would be required to accommodate the proposed new nuclear unit, and that these would likely be sited within the existing utility rights-of-way. Because the site preparation and limited construction activities noted above may include the addition of new transmission lines to and expansion of the existing CPS transmission corridor, these impacts are analyzed in the enclosed BA.

By letter dated March 17, 2004, the NRC requested that the U.S. Fish and Wildlife Service (FWS) provide a list of Federally threatened or endangered species that may occur in the vicinity of the Exelon ESP site and transmission line corridors. In a letter dated April 6, 2004, the FWS provided a list of Federally listed species. The FWS identified one threatened species, the bald eagle (*Haliaeetus leucocephalus*); and one endangered species, the Indiana bat (*Myotis sodalis*) as being present. For documentation purposes, the NRC has addressed the potential impacts of site preparation and limited construction activities on these two species in its BA.

The NRC has determined that site preparation and limited construction activities are **not likely to adversely affect the bald eagle** because bald eagles are not known to nest or roost in DeWitt County, and no concentrations of foraging eagles have been reported on or in the vicinity of the Exelon ESP site. The staff has also determined that site preparation and limited construction activities are not likely to adversely affect the Indiana bat. Indiana bats potentially occur anywhere in Illinois where there is forest habitat. Indiana bats likely would not be adversely affected if habitat suitability and occupancy were determined prior to construction and appropriate actions were taken to avoid disturbing the species.

We are placing this BA in our project files and are requesting your concurrence with our determination. In reaching our conclusion, the NRC staff relied on information provided by the applicant, on the independent review performed by NRC staff, and on information provided by the FWS in its correspondence to NRC.

If you have any questions regarding this BA or the staff's request, please contact Mr. Thomas Kenyon, Environmental Project Manager, at 301-415-1120, or by e-mail at tjk2@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No.: 52-007

Enclosure: As stated

cc w/encl.: See next page

R. Nelson

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The NRC has determined that site preparation and limited construction activities are **not likely to adversely affect the bald eagle** because bald eagles are not known to nest or roost in DeWitt County, and no concentrations of foraging eagles have been reported on or in the vicinity of the Exelon ESP site. The staff has also determined that site preparation and limited construction activities are not likely to adversely affect the Indiana bat. Indiana bats potentially occur anywhere in Illinois where there is forest habitat. Indiana bats likely would not be adversely affected if habitat suitability and occupancy were determined prior to construction and appropriate actions were taken to avoid disturbing the species.

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If you have any questions regarding this BA or the staff's request, please contact Mr. Thomas Kenyon, Environmental Project Manager, at 301-415-1120, or by e-mail at tjk2@nrc.gov.

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Letter to Mr. Richard Nelson, U.S. Fish and Wildlife Service, Dated: April 7, 2005

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Clinton Early Site Permit

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