

RELATED CORRESPONDENCEUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED
USNRC

In the Matter of

Exelon Generation Company, LLC

(Early Site Permit for Clinton ESP Site)

Docket No. 52-007-ESP

ASLBP No. 04-821-01-ESP

April 18, 2005 (3:53pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**FIFTH ADDITIONAL DISCLOSURES OF INTERVENORS ENVIRONMENTAL LAW
AND POLICY CENTER, BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE,
NUCLEAR INFORMATION AND RESOURCE SERVICE,
NUCLEAR ENERGY INFORMATION SERVICE, AND PUBLIC CITIZEN**

Pursuant to 10 C.F.R. 2.336(a) and (d), Intervenors Environmental Law and Policy Center, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, Nuclear Energy Information Service, and Public Citizen hereby provide additional disclosures that may be relevant to the Intervenors' Clean Energy Alternatives Contention that the Licensing Board Panel admitted in its August 6, 2004 Memorandum and Order. These disclosures are an update to the Intervenors' prior disclosures in this proceeding.

I. Expert Witness

No additional disclosures.

II. Documents, Data Compilations, and Tangible Things

Pursuant to 10 C.F.R. 2.336(a)(2), Intervenors disclose a description by category and location of the following additional documents in their possession that may be relevant to the Clean Energy Alternatives contention.

1. *Migratory Bird Mortality*. Prepared by the U.S. Fish and Wildlife Service. January 2002. A fact sheet describing the many human-caused threats that afflict bird populations in the United States. This document is available online at <http://www.fws.gov/birds/mortality-fact-sheet.pdf>.
2. *Avian Collisions with Wind Turbines: A Summary of Existing Studies and Comparisons to Other Sources of Avian Collision Mortality in the United States*.

- Erickson, Wallace P., et al. National Wind Coordinating Committee. August 2001. A description and comparison of current studies regarding avian collision mortality. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
3. *Wind Energy for Electric Power*. Reeves, Ari and Frederic Beck. REPP. June 2003 (Updated November 2003). This document is in the possession and control of Intervenor Environmental Law & Policy Center.
 4. *Public Attitudes Towards Wind Power*. Damborg, Steffen. A description of the high level of public support observed across the United States for renewable energy, especially wind energy. This document is available online at [http://www.windpower.org/media\(485,1033\)/public_attitudes_towards_wind_power.pdf](http://www.windpower.org/media(485,1033)/public_attitudes_towards_wind_power.pdf).
 5. *Public Attitudes Toward Wind Energy in Western and Eastern North Carolina: A Systematic Survey*. A presentation by Grady, Dennis O. March 4, 2004. Presentation outlines a systematic survey of the public attitude toward wind energy in Western and Eastern North Carolina. This document is available online at http://www.energy.appstate.edu/docs/wnc_enc_present.ppt.
 6. *Tourist Attitudes Towards Wind Farms*. British Wind Energy Association. The Scottish Renewables Forum and the British Wind Energy Association jointly commissioned MORI Scotland, as an independent research agency, to undertake research among tourists visiting Argyll & Bute to determine how wind farms affect tourism. This document is available online at http://www.bwea.com/pdf/mori_briefing.pdf.
 7. *Martin's Hill Wind Farm Tourist Survey*. A survey undertaken on behalf of Wind Prospect to determine the affects of wind farms on tourism. This document is available online at <http://www.cse.org.uk/cgi-bin/projects.cgi?policy&&1019>.
 8. *Encarta Encyclopedia*. An overview of general Illinois information including physical geography. This information is available online at http://encarta.msn.com/encyclopedia_761566615/Illinois.html.
 9. *Lung Cancer Among Uranium Mine Workers*. Prepared by Schurgin and Hollocher of the Union of Concerned Scientists. 1979. Provides information on the negative health affects of uranium mining. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
 10. *Non-Price Factors of Boston Edison's Demand-Side Management Programs: A Review of the Societal Benefits of Energy Efficiency*. Prepared by the Tellus Institute. August 1, 1995. This document is in the possession and control of Intervenor Environmental Law & Policy Center.

11. *Hanford 1996 Environmental Report*. The 1996 Environmental Report for the Hanford Site prepared by personnel from Pacific Northwest National Laboratory, and its subcontractors and enterprise companies for the U.S. Department of Energy. This document is available online at http://www.hanford.gov/docs/annualrp96/1996/4_8_4.pdf.
12. *Study: Extensive Groundwater found at Ohio Plant*. Published in the Columbus Dispatch. February 27, 2002. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
13. *Economic Future of Nuclear Power*. Prepared by the University of Chicago for the U.S. Department of Energy. August 2004. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
14. *The Future of Nuclear Power – Summary Report*. Prepared by MIT. 2003. An overall study of nuclear power as an option for the United States and world to meet future energy needs. This document is available online at <http://web.mit.edu/nuclearpower/pdf/nuclearpower-summary.pdf>.
15. *Annual Energy Outlook 2004*. Prepared by the Energy Information Administration. Presents midterm forecasts of energy supply, demand, and prices through 2025 prepared by the Energy Information Administration (EIA). The projections are based on results from EIA's National Energy Modeling System (NEMS). This document is available online at [http://www.eia.doe.gov/oiaf/archive/aeo04/pdf/0383\(2004\).pdf](http://www.eia.doe.gov/oiaf/archive/aeo04/pdf/0383(2004).pdf).
16. *Modeling Renewable Electric Resources: A Case Study of Wind*. Prepared by Stephen Bernow, Stephen, Bruce Biewald, Jeffrey Hall and Daljit Singh of the Tellus Institute under contract for the Oak Ridge National Laboratory. October 1994. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
17. *How Wind Generators Participate in PJM Markets*. A presentation by Joseph J. Kerecman of PJM to the Utility Wind Interest Group Fall Technical Conference. October 27, 2004. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
18. *Integrating Wind Resources into the New York Power Grid*. A presentation by Mollie Lampi of NYISO to the Utility Wind Interest Group Fall Technical Conference. October 27, 2004. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
19. *Generating Unit Statistical Brochure 1999-2003*. Prepared by North American Electricity Reliability Council. October 2004. This document is in the possession and control of Intervenor Environmental Law & Policy Center.

20. *Comments to the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site - NJREG-18111 (North Anna ESP project).* CEQ # 040569. U.S. EPA. March 1, 2005. Comments of the U.S. EPA on the Early Site Permit at the North Anna Site. This document is available online at <http://www.citizen.org/documents/EPAcommentsDEIS.pdf>.
21. *Comparative Impacts of Wind and Other Energy Sources on Wildlife.* Wind Energy Fact Sheet produced by the American Wind Energy Association. This document compares the impacts of different energy sources on wildlife. This document is available online at <http://www.awea.org/pubs/factsheets/wildlife.pdf>
22. *Causes of Bird Mortality.* A graph by Erickson et al., 2002. The graph summarizes the anthropogenic causes of bird mortality. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
23. *Wind Turbine Interactions with Birds and Bats: A Summary of Research Results and Remaining Questions.* Prepared by the National Wind Coordinating Committee. November 2004. Summarizes the research and results of wind and avian and bat interactions on land. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
24. *Response to Chicago Tribune Article.* Submitted by Thomas O. Gray, Deputy Executive Director of the American Wind Energy Association. April 3, 2005. Reponse to a Chicago Tribune article by Robert Manor titled "Windmills blow ill for birds." This document is in the possession and control of Intervenor Environmental Law & Policy Center.
25. *Myths and Facts About Wind Energy and Birds in the Altamont Pass.* American Wind Energy Association. Fact sheet regarding bird impacts at the Altamont Pass and other wind energy sites. This document is in the possession and control of Intervenor Environmental Law & Policy Center.
26. Email from Clinton-bounces@lists.nonewnukes.org to clinton@lists.nonewnukes.org, March 31, 2005, Subject: [Clinton] criticism of the ESP process by EPA. Email discusses U.S. EPA's comments on the draft Environmental Impact Statement for the North Anna Early Site Permit.

III. Privilege Log

Pursuant to 10 C.F.R. 2.336(a)(3), Intervenor provide the following list of additional relevant documents for which a claim of privilege or protected status is exercised. All documents are being withheld on the basis of the attorney-client privilege, litigation strategy privilege, and/or work product doctrine.

DATE	AUTHOR	DOCUMENT TYPE DESCRIPTION	RECIPIENT(S)
March 29, 2005	Barry Matchett	E-mail and Document Regarding impact of wind power on birds	Shannon Fisk, Meleah Geertsma, Charlie Kubert, Joe Shacter
March 29, 2005	Joe Shacter	E-mail Regarding impact of wind power on birds	Shannon Fisk, Meleah Geertsma, Charlie Kubert, Barry Matchett
March 30, 2005	Joe Shacter	E-mail Regarding environmental impacts of uranium	Shannon Fisk
March 30, 2005	Shannon Fisk	E-mail Regarding Panel's March 30 Order and strategy for responding to Exelon's Motion for Summary Disposition	Howard Learner
March 31, 2005	Shannon Fisk	E-mail Regarding April 4 th status conference and response to Exelon's Motion for Summary Disposition	Howard Learner
April 4, 2005	Meleah Geertsma	E-mail Regarding analysis of environmental impacts	Shannon Fisk
April 4, 2005	Meleah Geertsma	E-mail Regarding NRC regulations addressing the analysis of the environmental impacts of the uranium fuel cycle	Shannon Fisk
April 5, 2005	Howard Learner	E-mail and Documents Regarding impacts of wind power on birds	Shannon Fisk
April 5, 2005	Joe Shacter	E-mail and Documents Regarding impacts of wind power on birds	Shannon Fisk, Bill Haas
April 5, 2005	Joe Shacter	E-mail and Document Regarding impacts of wind power on birds	Shannon Fisk, Bill Haas
April 11, 2005	Howard Learner	E-mail Regarding U.S. EPA comments on Draft EIS for North Anna ESP	Shannon Fisk

April 11, 2005	Howard Learner	E-mail and Document Forwarding with comment Panel's March 18, 2005 Memorandum certifying questions to the Commission	Diane Curran, Shannon Fisk, Meleah Geertsma
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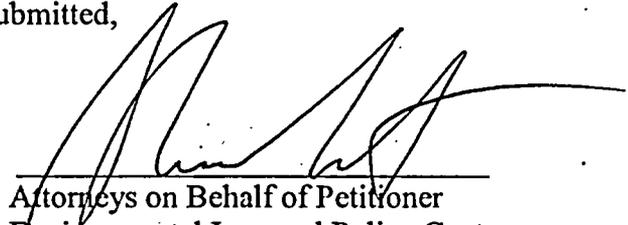
Dated: April 12, 2005

Respectfully Submitted,



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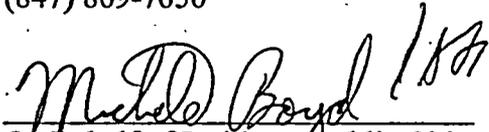
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CERTIFICATION OF SHANNON FISK

Pursuant to 10 C.F.R. 2.336(c) I, Shannon Fisk, an attorney, hereby certify as follows:

1. I am an attorney employed by the Environmental Law & Policy Center, located at 35 East Wacker Dr., Chicago, IL 60601, and I am one of the counsel for Intervenor Environmental Law and Policy Center, et al. in the above-captioned docket.

2. Included with this certification are the additional disclosures required under 10 C.F.R. 2.336(a) and (d) for the Intervenor that I and my co-counsel Howard A. Learner represent in the above-captioned docket.

3. To the best of my knowledge, the attached disclosures are accurate and include all additional relevant materials required by 10 C.F.R. 2.336(a) and (d) to be disclosed as of the date of this certification.

I certify under penalty of perjury that the foregoing is true and correct.

Signed on April 12, 2005



Shannon Fisk
One of the Attorneys
for the Intervenor

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CERTIFICATE OF SERVICE

I, Shannon Fisk, hereby certify that copies of the Fifth Additional Disclosures of Intervenor Environmental Law and Policy Center, Blue Ridge Environmental Defense League, Nuclear Information and Resource Service, Nuclear Energy Information Service, and Public Citizen in the above captioned proceeding have been served on the following via electronic mail and by deposit in the U.S. mail, first class, on this 12th day of April, 2005.

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