

October 12, 2005

Mr. Kenneth Barr, Branch Chief
U.S. Army Corps of Engineers, Rock Island District
Clock Tower Building
Rodman Avenue
Rock Island, IL 61201

SUBJECT: CLINTON EARLY SITE PERMIT REVIEW (TAC NO. MC1125)

Dear Mr. Barr:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by Exelon Generation Company, LLC (Exelon) for an early site permit (ESP). The proposed action requested in Exelon's application is for the NRC to: (1) approve a site within the existing Clinton Power Station (CPS) boundaries as suitable for the construction and operation of a new nuclear power generating facility; and (2) issue an ESP for the proposed site located adjacent to the CPS. An ESP does not authorize construction or operation of a nuclear power plant. Rather, the ESP application and review process makes it possible to evaluate and resolve certain safety and environmental issues related to siting before the applicant makes large commitments of resources. If the ESP is approved, the applicant can "bank" the site for up to 20 years for future reactor siting. To construct or operate a nuclear power plant, an ESP holder must obtain a construction permit and an operating license, or a combined license.

As part of its environmental review of Exelon's ESP application, the NRC prepared a draft environmental impact statement (DEIS) in accordance with 10 CFR 52.18. The DEIS includes the NRC staff's analysis of the environmental impacts of constructing and operating a nuclear unit at the Exelon ESP site, or at alternative sites. It also includes the staff's preliminary recommendation to the Commission regarding the proposed action. In addition, as described in the DEIS, if the ESP includes a site redress plan, the ESP holder can conduct certain site preparation and preliminary construction activities allowed by Title 10 of the *Code of Federal Regulations* Section 50.10(e)(1) (10 CFR 50.10 (e)(1)), provided the final EIS concludes that such activities will not result in any significant environmental impact that cannot be redressed. Exelon has included a site redress plan in its application. If the ESP is approved, Exelon will be allowed to conduct site preparation and preliminary construction activities pursuant to 10 CFR 52.25 and 10 CFR 50.10(e)(1), subject to receipt of any other necessary Federal, State, and/or local approvals. Exelon has stated that it does not plan to conduct such activities at this time. However, these activities, if performed, could include dredging and other activities potentially subject to Clean Water Act requirements. The environmental impacts of these activities are discussed in the DEIS.

K. Barr

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Pursuant to the "Memorandum of Understanding Between the Corps of Engineers, United States Army, and the United States Nuclear Regulatory Commission for Regulation of Nuclear Power Plants" (40 FR 37110 (dated August 25, 1975)), we request that the Army Corps of Engineers review and provide to the NRC any comments on the DEIS.

Enclosed is a copy of NUREG-1815 "The Draft Environmental Impact Statement for an Early Site Permit (ESP) at the Exelon ESP Site." We request your comments no later than December 16, 2005. Enclosed to aid in your review is a CD containing Exelon's application for an ESP. If you have any questions concerning the ESP application or other aspects of this project, please contact Mr. Thomas Kenyon, Senior 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 wo/encl.: See next page

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Clinton Early Site Permit

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Clinton Early Site Permit

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