

Exelon Nuclear
200 Exelon Way
KSA3-N
Kennett Square, PA 19348

Telephone 610.765.5610
Fax 610.765.5765
www.exeloncorp.com

52.17

December 13, 2005

52-007

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Subject: Response to Request for Additional Information (RAI) – Exelon Early Site Permit (ESP) Application for the Clinton ESP Site (TAC No. MC1125)

Re: Letter, U.S. Nuclear Regulatory Commission (Thomas J. Kenyon) to Exelon Generation Company, LLC, (M. Kray), dated October 11, 2005, Request for Additional Information – Regarding the Environmental Portion of the Early Site Permit Application for the Exelon Generation Company Site (TAC No. MC1125)

Enclosed, as requested in the referenced letter, are responses to the request for additional information (RAI) associated with the environmental portion of the Exelon Generation Company, LLC (EGC) ESP application.

Please contact Bill Maher of my staff at 610-765-5939 if you have any questions regarding this submittal.

Sincerely yours,



Marilyn C. Kray
Vice President, Project Development

CJK/WDM

D073

U.S. Nuclear Regulatory Commission
December 13, 2005

Page 2 of 3

cc: U.S. NRC Regional Office (w/ enclosures)
Mr. Thomas J. Kenyon (w/ enclosures)

Enclosure: Response to RAI Concerning Permits

AFFIDAVIT OF MARILYN C. KRAY

State of Pennsylvania

County of Chester

The foregoing document was acknowledged before me, in and for the County and State aforesaid, by Marilyn C. Kray, who is Vice President, Project Development, of Exelon Generation Company, LLC. She has affirmed before me that she is duly authorized to execute and file the foregoing document on behalf of Exelon Generation Company, LLC, and that the statements in the document are true to the best of her knowledge and belief.

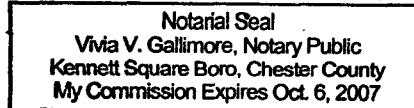
Acknowledged and affirmed before me this 13th day of December, 2005.

My commission expires 10-6-07.

Vivia V. Gallimore

Notary Public

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association Of Notaries

NRC Letter Dated: 10/11/2005

NRC RAI Permits

Table 1.2-1 of the Environmental Report (ER) sets forth a list of authorizations, permits, and certifications potentially required by Federal, state, regional, local, and affected Native American tribal agencies for activities related to the construction and operation of any new units at the proposed early site permit (ESP) site. Included among these is certification pursuant to Section 401 of the Federal Water Pollution Control Act. In ER Section 1.2, Exelon states that because the purpose of the ER is only to establish the feasibility of the proposed location, any applicable permits will not be applied for until the combined operating license (COL) phase.

Exelon's Application includes a site redress plan. Certain site preparation and limited construction activities that would be authorized pursuant to Title 10 of the Code of Federal Regulations Parts 52.25(a) and 50.10(e)(1), if the ESP is issued, would require, among other approvals, a Section 401 certification from the Illinois Environmental Protection Agency (IEPA). This could be required before the COL phase, depending on the planned start of these limited construction activities. Therefore, provide the status of this certification.

EGC RAI ID: 18-1

EGC RESPONSE:

A certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) is not appropriate at this time because a specific scope and schedule for pre-construction activities and determination of specific activities that would result in discharge have not been established. To address timing of this certification, the ESP should include a condition prohibiting the permit holder from conducting any pre-construction activity that would result in a discharge into navigable waters without first submitting to the NRC a copy of a 401 certification (which constitutes the certification required under FWPCA § 401), issued by the Illinois Environmental Protection Agency (IEPA) under 35 Ill. Admin. Code Part 395, or a determination by IEPA that no certification is required.

ASSOCIATED EGC ESP APPLICATION REVISIONS:

None

ATTACHMENTS:

None