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DOCKETED
USNRC

August 15, 2006 (4:02pm)

August 15, 2006

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dr. Paul B. Abramson
Dr. Anthony J. Baratta
Dr. David L. Hetrick
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Docket: *Exelon Generation Company* (Early Site Permit for Clinton ESP Site)
Docket No. 52-007-ESP

RE: Response to Licensing Board Order dated August 2, 2006

Dear Licensing Board Members:

In its Order dated August 2, 2006, the Licensing Board established a schedule for the remainder of this proceeding. Additionally, the Board stated that "[t]he parties should discuss this proposed schedule, provide at their earliest convenience comments to the Board regarding any material difficulties that it presents, and otherwise be prepared to discuss it in depth with the Board on October 3, 2006."

In accordance with the Board's Order, counsel for the parties have discussed the proposed schedule. The parties believe that the schedule is reasonable and achievable, and we are prepared to support the schedule. The parties commend the Board for moving to complete this proceeding in an expeditious manner.

In reviewing the Order, the parties do have several suggested clarifications and amendments that we request the Board to make:

- The Order requests the NRC staff to file briefs on the two safety findings and the three environmental findings that the Board is required to make, but only requests the applicant, Exelon, to file a brief on the two safety findings. Since the applicant has the burden of proof

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under 10 CFR § 2.325, the parties believe that it is appropriate for Exelon to file briefs on the three environmental findings as well. Therefore, Exelon is planning to file briefs on both the safety and environmental findings.

- The Board's Order did not specify a location for the hearing. The parties request that the Board promptly identify the hearing location to enable the parties to make reservations for hotel rooms and other space for internal meetings and administrative support.
- The Board's Order does not provide for the parties to file proposed findings of fact and conclusions of law. The parties desire to file proposed findings of fact and conclusions of law, and believe that such filings will prove useful to the Board as it prepares its decision. However, the parties also do not desire to impact the Board's schedule for issuing its decision in December 2006. Therefore, the parties are prepared to move quickly after the close of hearings, and will commit to filing proposed findings of fact and conclusions of law by the end of November 2006.
- The Board and the Commission have issued final decisions in this proceeding regarding alternative energy sources. Therefore, the parties do not intend to address this issue further in our briefs or prefiled testimony. The parties request that the Board account for those prior decisions in making its ultimate environmental findings in this proceeding.

Counsel for the NRC staff, Ann Hodgdon, has authorized me to state that the staff concurs with this letter.

Sincerely,



Steven P. Frantz
Counsel for Exelon Generation Company, LLC

SPF:mlf

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

EXELON GENERATION COMPANY, LLC

(Early Site Permit for the Clinton ESP Site)

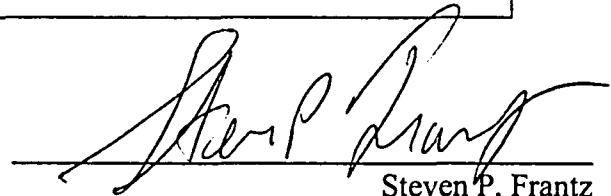
Docket No. 52-007

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter dated August 15, 2006, from Steven P. Frantz, Counsel for Exelon Generation Company, LLC, to the members of the Atomic Safety and Licensing Board in the captioned proceeding have been served as shown below by deposit in the United States mail, first class, this 15th day of August, 2006. Additional service has also been made this same day by electronic mail as shown below.

Office of the Secretary* U.S. Nuclear Regulatory Commission Attn: Rulemakings and Adjudication Staff Washington, DC 20555-0001 email: hearingdocket@nrc.gov	Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, DC 20555-0001
Dr. Paul B. Abramson Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 email: pba@nrc.gov	Dr. Anthony J. Baratta Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 email: ajb5@nrc.gov
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