

November 15, 2006

Administrative Judge Paul B. Abramson, Chair
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555-0001

Administrative Judge David L. Hetrick
8740 East Dexter Drive
Tucson, AZ 85715

Administrative Judge Anthony J. Baratta
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555-0001

In the Matter of
EXELON GENERATION COMPANY, LLC
(Early Site Permit for Clinton ESP Site)
Docket No. 52-007-ESP

Dear Administrative Judges:

At the Mandatory Hearing for the EGC Clinton ESP Site application, the Board directed the Staff to submit comments on the Applicant's environmental presentation, *Environmental Analysis for Exelon Early Site Permit*, slides 35 through 40. Pursuant to the Board's request, the Staff hereby submits "NRC Staff's Response to the Licensing Board's Request for Comments."

Sincerely,

/RA/

Tison A. Campbell
Counsel for the NRC Staff

Enclosures: As stated

cc w/encls:

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November 15, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
EXELON GENERATION COMPANY, LLC.) Docket No. 52-007-ESP
)
(Early Site Permit for Clinton ESP Site))

NRC STAFF'S RESPONSE TO THE
LICENSING BOARD'S REQUEST FOR COMMENTS

During the November 8, 2006 mandatory hearing on Exelon Generation Company's Clinton Early Site Permit application, the Board directed the Staff to provide comments on Slides 35 through 40 of Exelon's environmental presentation, *Environmental Analysis for Exelon Early Site Permit*. The requested response follows.

Slide 35	The Staff agrees with the statements on the slide.
Slide 36	The Staff agrees with the statements on the slide.
Slide 37	The Staff agrees with the statements on the slide, except with the statement of conformance with the procedural requirement for scoping (Para. 51.28 and 51.29). Conformance with the requirement was achieved through issuing the Scoping Summary Report, dated July 9, 2004 (ML041950214, ML041950227). Appendix D to the FEIS contains only those comments and responses on matters pertaining to the environmental review.
Slide 38	The Staff agrees with the statements on the slide, with the following clarifications: Line 3 - The EIS Executive Summary is found on pp. xxvii - xxix. Line 4 - The Table of Contents is found on pp. v - xxv.

<p>Slide 38 (continued)</p>	<p>Staff Clarifications (continued):</p> <p>Line 8 - Discussion of the “Environmental Consequences and Mitigating Actions” is also included in Section 10.4 of the FEIS as well as in Sections 4, 5, 6, 7, and 10.1 - 10.3.</p> <p>Line 10 - A list of those persons who requested and received a copy of the FEIS is provided in the distribution list of the transmittal letters to Exelon and the EPA, dated July 20, 2006 (ML061310320, ML061310282). (Not all of the people listed in Appendices B and E of the FEIS received copies of the FEIS. Only those who requested a copy were provided with one.)</p> <p>Line 14 - Although Appendix F provides the consultation correspondence received during the evaluation process, Exelon will need to obtain necessary authorizations to conduct the site preparation activities specified in the Site Redress Plan. Potential authorizations and consultations relevant to the proposed Early Site Permit are listed in Appendix I to the FEIS.</p>
<p>Slide 39</p>	<p>The Staff agrees with the statements on the slide, with the following clarifications:</p> <p>Bullet 2 - It would be more appropriate to state that “[t]he ESP site is a suitable location from an environmental standpoint for a nuclear power generating unit.”</p> <p>Bullet 3 - It would be more appropriate to state that “[t]he ESP can be issued to preserve the option of using the site for construction and operation of a nuclear power generating unit located at the Exelon ESP site.”</p>

Slide 40

The Staff agrees with the statements on the slide, with the following clarifications:

Bullet 2 - ESP does not need any additional **site-specific** conditions to protect environmental values.¹

¹ The Staff is developing standard conditions that it intends to include, as appropriate, in each ESP issued by the Commission.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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EXELON GENERATION COMPANY, LLC.) Docket No. 52-007-ESP
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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S RESPONSE TO THE LICENSING BOARD'S REQUEST FOR COMMENTS," in the above-captioned proceeding, have been served by deposit in the NRC's internal mail system as indicated by a single asterisk, or by deposit in the U.S. Mail, first class, as indicated by a double asterisk, this 15th day of November, 2006:

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