

November 19, 2003

Ms. Marilyn Kray
Vice President, Special Projects
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

SUBJECT: NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT
STATEMENT AND CONDUCT SCOPING PROCESS FOR AN EARLY SITE
PERMIT (ESP) AT THE CLINTON ESP SITE (TAC NO. MC1125)

Dear Ms. Kray:

The U.S. Nuclear Regulatory Commission (NRC) has received your application dated September 25, 2003, for an early site permit (ESP) for a location in DeWitt County identified as the Clinton ESP site. The application also includes a site redress plan in accordance with 10 CFR 52.17(c) and 52.25. If a site redress plan is incorporated in an approved ESP, the applicant may carry out certain site preparation and limited construction activities. In support of the application and in accordance with 10 CFR Part 52, Exelon Generation Company, LLC (Exelon) submitted an environmental report (ER). This letter provides information related to the staff's review of the Clinton ESP ER.

The NRC has prepared a notice of intent advising the public that the NRC intends to gather information necessary to prepare an environmental impact statement in support of the review of the application for the ESP. Enclosed is a copy of the notice of intent, which has been forwarded to the Office of the *Federal Register* for publication.

Pursuant to 10 CFR 51.28, Exelon is invited to participate in the environmental scoping process. As discussed in the enclosed notice, the staff is providing the public with an opportunity to participate in the environmental scoping meeting to be held Thursday, December 18, 2003. The NRC will present an overview of the environmental review process and will describe how the process will be implemented for the review of the Clinton ESP application. The meeting will be held in the Vespasian Warner Public Library, located at 310 North Quincy Street, Clinton, Illinois 61727-1300. A separate NRC meeting notice will be issued with a more detailed agenda. You will be provided a copy of that notice.

Additionally, NRC staff and contractors from Pacific Northwest National Laboratory plan to be on site the week of March 1, 2004, to discuss the background details of the preparation of the ER with members of your staff, to perform a walkdown of the site and its environs, and to review documentation. Additional details regarding the site visit will be provided to your staff

M. Kray

2

before the visit. In the interim, should you have any questions regarding the scoping meeting, please contact the NRC environmental project manager, Mr. Thomas Kenyon, at (301) 415-1120.

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 w/enclosure: See next page

M. Kray

2

before the visit. In the interim, should you have any questions regarding the scoping meeting, please contact the NRC environmental project manager, Mr. Thomas Kenyon, at (301) 415-1120.

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 w/enclosure: See next page

DISTRIBUTION:

DMatthews/FGillespie
TKenyon
JDavis
NGilles
MAshley
VMitlyng, RIII
RLickus, RIII
RGardner, RIII
EHickey (PNNL)
RLEP R/F

PTKuo
JWilson
JTappert
DPickett
JStrasma, RIII
AStone, RIII
BDickerson, RIII
DCummings
KLeigh (PNNL)

Accession no.: **ML033250261**

Document Name:C:\ORPCheckout\FileNET\ML033250261.wpd

OFFICE	LA:RLEP	GS:RLEP	PM:RLEP	SC:RLEP	OGC	PD:RLEP
NAME	MJenkins	JDavis	TKenyon	JTappert	DCummings	PTKuo SWest for
DATE	11/12/03	11/12/03	11/17/03	11/17/03	11/19/03	11/19/03

OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 52-007EXELON GENERATION COMPANY, LLCCLINTON EARLY SITE PERMITNOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL
IMPACT STATEMENT AND CONDUCT SCOPING PROCESS

Exelon Generation Company, LLC (Exelon) has submitted an application for an early site permit (ESP) for property co-located with the existing Clinton Power Station facility near Clinton, Illinois identified as the Clinton ESP site. The site is located near the town of Clinton in DeWitt County, Illinois. The application for the ESP was submitted by letter dated September 25, 2003, pursuant to 10 CFR Part 52. The application also includes a site redress plan in accordance with 10 CFR 52.17(c) and 52.25. If a site redress plan is incorporated in an approved ESP, the applicant may carry out certain site preparation work and limited construction activities. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the *Federal Register* on October 24, 2003 (68 FR 61020). A notice of acceptance for docketing of the application for the ESP was published in the *Federal Register* on October 30, 2003 (68 FR 61835). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the ESP application and to provide the public with an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to coordinate compliance with section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act (NEPA).

In accordance with 10 CFR 52.17(a)(2), 51.45, and 51.50, Exelon submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Parts 51 and 52 and is available for public inspection at the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Public Electronic Reading Room (PERR) link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to pdrr@nrc.gov. The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/new-licensing/license-reviews/esp/clinton.html>. In addition, the Vespasian Warner Public Library, located at 310 N. Quincy Street, Clinton, Illinois 61727-1300, has agreed to make the ER available for public inspection.

The following key reference documents related to the ESP applications and the NRC staff's review process are available through the NRC's web site www.nrc.gov:

- a. 10 CFR Part 51, Environmental protection regulations for domestic licensing and related regulatory functions
- b. 10 CFR Part 52, Early site permits; standard design certifications; and combined licenses for nuclear power plants
- c. 10 CFR Part 100, Reactor site criteria
- d. NUREG-1555, Standard Review Plans for Environmental Reviews for Nuclear Power Plants
- e. NUREG/BR-0298, Brochure on Nuclear Power Plant Licensing Process
- f. Regulatory Guide 4.7, General Site Suitability Criteria for Nuclear Power Stations

- g. Fact Sheet on Nuclear Power Plant Licensing Process
- h. Draft Review Standard RS-002, Processing Applications for Early Site Permits
- i. NRR Office Instruction LIC-203, Procedural Guidance for Preparing Environmental Assessments and Considering Environmental Issues

The regulations, NUREG-series documents, regulatory guide, and fact sheet can be found under Document Collections in the Electronic Reading Room on the NRC web page. The draft review standard is at <http://www.nrc.gov/reactors/new-licensing/license-reviews/esp/esp-public-comments-rs-002.html>. Finally, Office Instruction LIC-203 can be found in ADAMS in two parts under accession numbers ML011710073 (main text) and ML011780314 (charts and figures).

This notice advises the public that the NRC intends to gather the information necessary to prepare an EIS in support of the review of the application for an ESP and the site redress plan at the Clinton ESP site. Possible alternatives to the proposed action (issuance of the ESP at the Clinton ESP site) include no action and consideration of alternative sites. The NRC is required by 10 CFR 52.18 to prepare an EIS in connection with the issuance of an ESP. This notice is being published in accordance with NEPA and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the EIS and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

- a. Define the proposed action which is to be the subject of the EIS
- b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth

- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to but are not part of the scope of the EIS being considered
- e. Identify other environmental review and consultation requirements related to the proposed action
- f. Indicate the relationship between the timing of the preparation of environmental analyses and the Commission's tentative planning and decision-making schedule
- g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies
- h. Describe how the EIS will be prepared, including any contractor assistance to be used

The NRC invites the following entities to participate in the scoping:

- a. The applicant, Exelon Generation Company, LLC
- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards
- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards
- d. Any affected Indian tribe
- e. Any person who requests or has requested an opportunity to participate in the scoping process

- f. Any person who intends to petition for leave to intervene

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC will hold a public meeting for the EIS regarding the Clinton ESP application and the associated site redress plan. The scoping meeting will be held in the Vespasian Warner Public Library, located at 310 N. Quincy Street, Clinton, Illinois, on Thursday, December 18, 2003. The meeting will convene at 7:00 p.m. and will continue until 9:30 p.m., as necessary. The meeting will be transcribed and will include the following: (1) an overview by the NRC staff of the NEPA environmental review process, the proposed scope of the EIS, and the proposed review schedule; and (2) the opportunity for interested Government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the EIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of the meeting at the Vespasian Warner Public Library. No formal comments on the proposed scope of the EIS will be accepted during the informal discussions. To be considered, comments must be provided either during the transcribed portion of the public meeting or in writing, as discussed below. Persons may pre-register to attend or present oral comments at the meeting on the scope of the NEPA review by contacting Ms. Jennifer Davis by telephone at 1 (800) 368-5642, extension 3835, or by Internet at *ClintonEIS@nrc.gov* no later than December 5, 2003. Members of the public may also register to speak at the meeting within 15 minutes of the start of the session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the EIS. If special equipment or accommodations are

needed to attend or present information at the public meeting, the need should be brought to Ms. Davis' attention no later than December 5, 2003, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Clinton ESP and site redress plan review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this *Federal Register* notice. Comments may also be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, Room T-6D59, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by January 9, 2004. Electronic comments may be sent by the Internet at *ClintonEIS@nrc.gov*. Electronic submissions should be sent no later than January 9, 2004, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's PERR link <http://www.nrc.gov/reading-rm/adams.html> at the NRC Homepage.

Participation in the scoping process for the EIS does not entitle participants to become parties to the proceeding to which the EIS relates. Notice of a hearing regarding the application for an ESP will be the subject of a future *Federal Register* notice.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the NRC's PERR link. The staff will then prepare and issue for comment the draft EIS, which will be the subject of separate notices and a separate public meeting. Copies will be available for public inspection at the above-mentioned addresses, and

one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final EIS, which will also be available for public inspection.

Information about the proposed action, the EIS, and the scoping process may be obtained from Ms. Davis at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 19th day of November 2003.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

K. Steven West, Acting Program Director
License Renewal and Environmental Impacts
Division of Regulatory Improvements Program
Office of Nuclear Reactor Regulation

Clinton Early Site Permit

cc:

Mr. Rod Krich
Vice President, Licensing Projects
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Mr. Thomas Mundy
Director, Project Development
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Mr. William Maher
Exelon Generation
200 Exelon Way, KSA2-N
Kennett Square, PA 19348

Mr. Thomas S. O'Neill
Associate General Counsel
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Mr. Eddie Grant
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Exelon Nuclear
Correspondence Control Desk
200 Exelon Way, KSA1-N
Kennett Square PA, 19348

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW
Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Director of the Reactor Watchdog Project
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Thomas P. Miller
U.S. Department of Energy
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Ms. Patricia Campbell
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. Ernie H. Kennedy
Vice President New Plants
Nuclear Plant Projects
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095-0500

Clinton Early Site Permit

cc:

Dr. Regis A. Matzie
Senior Vice President and
Chief Technology Officer
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095-0500

Mr. John Loaniddi
Parsons Energy and Chemicals
2675 Morgantown Road
Reading, PA 19607

Ms. Amy Lientz
CH2M HILL
1020 Landbank Street
Idaho Falls, Idaho 83402

Mr. Steven P. Frantz Esq.
Morgan Lewis and Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Gary Wright, Director
Division of Nuclear Safety
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

Dr. Gail H. Marcus
U.S. Department of Energy
Room 5A-143
1000 Independence Ave., SW
Washington, DC 20585

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. Tom Clements
6703 Guide Avenue
Takoma Park, MD 20912

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. David Ritter
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Prairie Group
Attn: Mr. George Gore
P.O. Box 131
Urbana, IL 61803

Mr. Arthur L. Brighton
RR1, Box 22
Weldon, IL 61882

Mr. Dale Holtzscher
RR 1, Box 72A
Weldon, IL 61882

Mr. John Stolfa
P.O. Box 589
Mansfield, IL 61854-0589

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Clinton Early Site Permit

cc:

Ms. Vanessa E. Quinn, Chief
Radiological Emergency Preparedness
Branch
Department of Homeland Security/FEMA
500 C Street, SW
Washington, DC 20472

Mr. Joseph D. Hegner
Lead Engineer - Licensing
Dominion Generation
Early Site Permitting Project
5000 Dominion Boulevard
Glen Allen, VA 23060

Mr. George Alan Zinke
Project Manager
Nuclear Business Development
Entergy Nuclear
M-ECH-683
1340 Echelon Parkway
Jackson, MS 39213

Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. Marvin Fertel
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Dr. Glenn R. George
PA Consulting Group
130 Potter Street
Haddonfield, NJ 08033

Arthur R. Woods
Enercon Services, Inc.
500 TownPark Lane
Kennesaw, GA 30144

Ginger Molitor
U.S. Fish and Wildlife Service
Rock Island Ecological Services Office
4469 48th Avenue Court
Rock Island, IL 61201

Keith Shank, Manager
Division of Resources, Review and
Coordination
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1787

Ken Runkle
Toxicology Section
525 West Jefferson Street
Springfield, IL 62761

Robert Mosher, #15
1021 North Grand Avenue, East
PO Box 19276
Springfield, IL 62794-9274

Mike McCulley
Illinois Department of Natural Resources
Region III Office
1556 State Route 54, East
Clinton, IL 61727

Mr. Maynard Crossland
Director
Illinois Historic Preservation Agency
Preservation Services Division
One Old State Capitol Plaza
Springfield, IL 62701