



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 18, 2004

Administrative Judge Paul B. Abramson,
Chair
Atomic Safety and Licensing Board Panel
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 Panel
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:

During the prehearing telephone conference held on October 19, 2004, the NRC staff provided the Atomic Safety and Licensing Board presiding over this proceeding with a tentative schedule projecting the issuance of draft and final environmental impact statements (EISs) on the Exelon Generation Company (EGC) application for an early site permit for its Clinton site. The Staff noted that the schedule was subject to change, and committed to inform the Board in the event of such a change.

The Staff hereby informs the Board that the schedule for issuing the draft and final EISs has changed. The draft EIS is now projected to be issued in March 2005, and the final EIS is projected to be issued in October 2005. The Staff informed Exelon of this change in a letter dated November 15, 2004, a copy of which is enclosed. The Staff will inform the Board should the schedule change further.

Sincerely,

A handwritten signature in cursive script, reading "Mauri T. Lemoncelli", is written over a horizontal line.

Mauri T. Lemoncelli
Counsel for the NRC Staff

Encl.: As stated

cc w/encl.: Janet Marsh Zeller
Stephen P. Frantz, Esq.
Thomas S. O'Neill, Esq.
Paul Gunter

Diane Curran, Esq.
Howard A. Learner, Esq.
Michele Boyd
Dave Kraft

SECY
OCAA

November 15, 2004

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

SUBJECT: REVISED SCHEDULE FOR ENVIRONMENTAL REVIEW OF THE EXELON
EARLY SITE PERMIT APPLICATION FOR THE CLINTON ESP SITE

Dear Ms. Kray:

By letter dated October 27, 2003, the U.S. Nuclear Regulatory Commission (NRC) accepted the application of Exelon Generation Company, LLC (Exelon) for an early site permit (ESP) for the Clinton ESP site and transmitted the NRC's planned review schedule for the application. Also in that letter, the staff stated that the planned review schedule was very ambitious. This letter updates you on the progress of the review and identifies revised schedule targets for the remainder of the environmental review (See enclosure).

After the NRC received the Exelon ESP application in September 2003, the NRC staff developed a schedule integrating the reviews of the three first-of-a-kind ESP applications with the concurrent reviews of ten license renewal applications. The October 27, 2003, review schedule for the Exelon ESP application reflected the staff's best estimate for target dates consistent with the assumptions reported to the Commission in SECY-01-0188, "Future Licensing and Inspection Readiness Assessment" dated October 12, 2001.

The staff sequenced the ESP applications reflecting the applicant's fulfillment of earlier schedule commitments and staggered the review schedules of the three ESP applications to ensure that lessons learned from the first review would be incorporated into the subsequent reviews, to ensure consistency across the reviews, and to effectively utilize staff and consulting resources. Consequently, the Exelon application review schedule was contingent, in part, on the successful implementation of the review schedule for the North Anna ESP application.

As you are aware, there has been a two-month delay in NRC's environmental review of Dominion's application. This delay resulted from a delay in the applicant's responses to NRC requests for additional information and from the staff's determination that more resources and time were needed to complete the North Anna environmental review than was originally anticipated. The resulting application of additional staff and consulting resources on the North Anna review has had a cascading effect on the review schedule for the Exelon ESP application, as most members of the environmental review teams are common to the North Anna and the Exelon ESP applications.

As a result of the above factors, the staff finds it is unable to complete its environmental impact statement (EIS) according to the schedule provided on October 27, 2003. The enclosed updated review schedule reflects the results of these delays. The staff expects that the lessons

M. Kray

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learned from its review of the North Anna ESP application will be applicable to the review of the Exelon ESP application.

Separately, the staff is evaluating possible changes to the schedule for review of the site safety portion of Exelon's ESP application due to Exelon's inclusion of a previously unreviewed method for determination of the site safe shutdown earthquake (SSE). Although the staff does not anticipate delaying issuance of the draft safety evaluation report (SER) at this time, it is likely that the staff will need additional time to review this new methodology including additional information the staff has requested but not yet received from Exelon. This will likely result in a delay in issuance of the final SER. Once Exelon has submitted all of the information requested by the staff regarding the new methodology for determination of the site SSE, the staff will be able to more accurately estimate the amount of additional review time it will need and what impact this will have on the review schedule.

In addition, the staff has reevaluated the time needed from approval of the final SER to its issuance as a NUREG document. Therefore, we have changed the date for issuance of the final SER as a NUREG from November 3, 2005 to November 30, 2005. We are not changing the planned approval date of the final SER (August 25, 2005) at this time. Finally, the expected dates for ACRS review of the SER and for the second inspection have changed slightly.

We discussed these schedule changes with your staff in a phone conference on November 8, 2004. We do not believe the revised schedule will change the expected final date for completing the NRC's review of your ESP application; however, the mandatory hearing schedules and Commission decision dates are not within the staff's control. If you have any questions or comments concerning this matter, you may contact Thomas J. Kenyon at (301) 415-1120 or tjk2@nrc.gov or Nanette Gilles at (301) 415-1180 or nvg@nrc.gov.

Sincerely,

/RA/

William D. Beckner, Program Director
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 52-007

Enclosure: As stated

cc: See next page

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Sincerely,

/RA/

William D. Beckner, Program Director
New, Research and Test Reactors Program
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Office of Nuclear Reactor Regulation

Docket No. 52-007

Enclosure: As stated

cc: See next page

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*See previous concurrence

ADAMS ACCESSION NUMBER: ML043090029

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DATE	11 / 15 /2004	11 /15 /2004	11/9/2004	11/15/2004	11/15/2004	11/15/2004

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**Review Schedule for Exelon Early Site Permit Application
for Clinton ESP Site**

Milestone	Completion Date (Actual - A, Target - T)
Receive early site permit application	09/25/03 - A
Press Release announcing receipt and availability	10/15/03 - A
Federal Register notice (FRN) published for receipt and availability	10/24/03 - A
FRN published announcing acceptance	10/31/03 - A
FRN published for Notice of Intent (environmental scoping process)	11/25/03 - A
Press Release announcing acceptance & notice of hearing	12/10/03 - A
FRN published for mandatory hearing	12/12/03 - A
Environmental scoping meeting	12/18/03 - A
Scoping period ends	01/09/04 - A
Deadline for filing petitions for intervention	01/12/04 - A
1st inspection complete	01/30/04 - A
Environmental requests for additional information (RAIs) issued to applicant	05/14/04 - A
Applicant submits response to environmental RAIs	07/23/04 - A
Safety and emergency planning (EP) RAIs issued to the applicant	07/27/04 - A
Applicant submits responses to safety and EP RAIs	10/12/04 - A
Draft safety evaluation report (SER) issued	02/10/05 - T
Draft environmental impact statement (EIS) to EPA, Issue Notice of Availability	03/04/05 - T
ACRS subcommittee meeting on draft SER	04/04/05 - T
Public meeting to discuss draft EIS	04/19/05 - T
Applicant submits responses to SER open items	04/26/05 - T
ACRS full committee meeting on draft SER	05/06/05 - T
ACRS interim letter to Commission	05/20/05 - T
End of draft EIS comment period	05/25/05 - T
2nd inspection complete	05/27/05 - T
Optional final inspection complete	07/13/05 - T
Final SER issued	08/25/05 - T
Regional Administrator's Letter	09/26/05 - T
ACRS subcommittee meeting on final SER	09/26/05 - T
ACRS full committee meeting on final SER	10/12/05 - T
Final EIS issued to EPA/Issue Notice of Availability	10/21/05 - T
ACRS letter to Commission	10/26/05 - T
Final SER issued as NUREG	11/30/05 - T
Atomic Safety and Licensing Board (ASLB) initial decision	03/20/06 - T
Staff submits recommendations to Commission (Commission Paper)	04/24/06 - T
Commission decision	08/25/06 - T

Enclosure

Exelon ESP

cc:

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