

August 26, 2005

Ms. Marilyn Kray
Vice President, Project Development
Exelon Generation
200 Exelon Way, KSA3-N
Kennett Square, PA 19348

SUBJECT: SUPPLEMENTAL DRAFT SAFETY EVALUATION REPORT FOR THE EXELON
EARLY SITE PERMIT APPLICATION

Dear Ms. Kray:

On September 25, 2003, Exelon Generation Company, LLC (Exelon) tendered its application for an early site permit (ESP) in accordance with Subpart A of Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR). The proposed site is co-located with the existing Clinton Power Station facility near Clinton, Illinois, hereafter identified as the Exelon Generation Company (EGC) ESP site. The U.S. Nuclear Regulatory Commission (NRC) formally accepted the application as a docketed application for an ESP on October 27, 2003.

The NRC staff issued its draft safety evaluation report (DSER) on February 10, 2005. The DSER did not include the staff's technical evaluation of seismology and geology because the Exelon ESP application included a previously unreviewed performance-based methodology for determining the safe shutdown earthquake (SSE) for the Exelon ESP site. The NRC staff has reviewed the information in Section 2.5, "Geology, Seismology, and Geotechnical Engineering," and Section 3.4.2, "10 CFR 100.23—Geologic and Seismic Siting Criteria," of Exelon's site safety analysis report (SSAR) and has developed the enclosed supplemental DSER.

The supplemental DSER is being issued in accordance with the review schedule identified in the staff's letter to Exelon dated August 16, 2005. The supplemental DSER provides information to stakeholders regarding the state of completion of the staff's review of seismology and geology and the remaining information needed for issuance of the final safety evaluation report (FSER). Because the supplemental DSER contains open items (subjects for which Exelon needs to provide additional information), the NRC staff has not made a decision regarding whether to recommend to the Commission that an ESP be issued for the EGC ESP site.

Issuance of this supplemental DSER is an important milestone in the staff's review to determine whether Exelon's application meets the Commission's regulations. In the period preceding preparation of the FSER, both Exelon and the NRC staff will need to focus on resolution of the open items identified in the supplemental DSER. The August 16, 2005, letter specifies February 17, 2005, as the estimated date for issuance of the FSER. However, this date is contingent on Exelon's successful resolution of all open items in the supplemental DSER by October 31, 2005, and Exelon's issuance of the final revision to the Exelon ESP application by November 21, 2005.

It is imperative that Exelon and the NRC staff exchange complete, timely, and accurate information if all open items are to be resolved expeditiously. The staff requests Exelon's cooperation in setting up meetings, responding fully to the staff's needs for information, and docketing the needed information in a timely manner. Exelon should ensure that its meeting attendees have the authority to make commitments to resolve issues. Senior management meetings may be used to address difficult issues, if necessary.

By letter dated December 15, 2004, you requested, on behalf of the State of Illinois and the Illinois Emergency Management Agency, that the state and local emergency plans (in their entirety) be exempt from mandatory public disclosure. By letter dated September 7, 2004, you also requested that the Exelon ESP project quality assurance instructions and project quality plan be exempt from mandatory public disclosure in accordance with the requirements of 10 CFR 2.390. The staff concludes that the enclosed supplemental DSER does not contain any information for which exemption has been sought or approved. However, the NRC will withhold the enclosed supplemental DSER from public disclosure for 14 calendar days from the date of this letter to allow Exelon the opportunity to verify, in consultation with the State of Illinois and the Illinois Emergency Management Agency, the staff's conclusions in this regard. If, after that time, you do not request that all or portions of the supplemental DSER be withheld from public disclosure in accordance with 10 CFR 2.390, the enclosure will be made available for public inspection through the NRC's Public Document Room and the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Please contact John Segala, the NRC's project manager, at (301) 415-1858 (or jps1@nrc.gov) if you have any questions or comments concerning this matter.

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 w/o encl: See next page

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ADAMS ACCESSION NUMBER: ML052310459-Package
ML052310469-Cover letter
ML052310478-Supplemental DSER

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DATE	08/19/05	08/22/05	08/23/05	08/23/05	08/25/05	08/25/05	08/25/05

OFFICIAL RECORD COPY

Distribution of Supplemental DSER for Exelon's ESP Application dated August 26, 2005

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