

May 6, 2003

Ms. Marilyn C. Kray
Vice President, Project Development
Exelon Nuclear
200 Exelon Way
Kennett Square, PA 19348

Dear Ms. Kray:

The purpose of this letter is to provide the Nuclear Regulatory Commission (NRC) guidance on how security measures should be addressed in Exelon Generation's (Exelon) application for an early site permit (ESP) at the Clinton site. This letter also directs you to additional information that may be helpful in addressing this guidance. The additional information is sensitive-unclassified information specified as safeguards information (SGI) in Section 73.21 of Part 73 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 73), "Physical Protection of Plants and Materials." As such, this information is subject to specific handling and protection requirements and has a strict "need to know" limitation. The Commission acknowledges your "need to know" this information in the preparation of your application and the availability of this information through your existing security organization.

In particular, in satisfying Section 100.21(f) of 10 CFR Part 100, "Reactor Site Criteria," Exelon should consider the interim compensatory measures (ICMs) imposed on power reactors by Order dated February 25, 2002, and the design basis threat for reactors which was issued by Order on April 29, 2003. The Commission also intends to determine which, if any, additional security design requirements will be applicable to ESPs.

The application for an ESP should discuss the following characteristics as they relate to implementing a physical security program for the new facility:

1. Physical land, i.e., distance sufficient to implement the criteria of 10 CFR 73.55. Note: given the revised DBT, you should determine whether the distance specified in Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations," Revision 2, April 1998, is sufficient to satisfy the criteria of 10 CFR 73.55.
2. Site characteristics that may require mitigation in order to control close approaches to the facility (e.g., cliffs or open waterways).
3. Nearby facilities reviewed to identify potential hazards in the site vicinity (e.g., other nuclear reactors), as discussed in Review Standard (RS)-002, "Processing Applications for Early Site Permits," Section 2.2.1-2.2.2, "Identification of Potential Hazards in the Site Vicinity."
4. The location of relevant law enforcement agencies, their geographical jurisdictions, and their ability to respond in force to a security event.

M. Kray

-2-

This letter will be provided to the cognizant NRC staff reviewers for your ESP application in lieu of the near-term development of a section of RS-002 on physical security. In the event that the Commission determines that additional requirements aside from the DBT, as revised, are necessary, the staff will communicate those requirements. If further assistance is necessary, please contact Nanette Gilles at 301-415-1180.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No: 718

cc: See next page

M. Kray

-2-

This letter will be provided to the cognizant NRC staff reviewers for your ESP application in lieu of the near-term development of a section of RS-002 on physical security. In the event that the Commission determines that additional requirements aside from the DBT, as revised, are necessary, the staff will communicate those requirements. If further assistance is necessary, please contact Nanette Gilles at 301-415-1180.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No: 718

cc: See next page

Distribution: See next page

ADAMS ACCESSION NUMBER: ML030980083

OFFICE	PM:NRLPO	PM:NRLPO	DD:NRLPO	NSIR	NSIR
NAME	SKoenick	NGilles	JSebrosky	VOrdaz	GTracy
DATE	4/22/2003	4/9/2003	4/10/2003	4/18/2003	5/5/2003

OFFICE	OGC-NLO	D:NRLPO
NAME	AFernandez AFR	JLyons
DATE	4/21/2003	5/6/2003

OFFICIAL RECORD COPY

Distribution for Letter to M. Kray dated May 6, 2003

Hard Copy

NRLPO Rdg.

SKoenick

MScott

NGilles

MGamberoni

JLyons

E-mail

PUBLIC

SStein

DGordon

TMcGinty

TBergman

ACRS

RidsNrrOd

RidsNrrAdip

RidsOgcRp

NRLPO Group

BWetzel

JShea

MWeber

Exelon ESP

cc:

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. 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

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

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

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

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

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

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

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

Mr. William Maher
Exelon Generation
203 Hazelton Court
Mullica Hill, NJ 08062

Mr. Donald Anderson
CH2M HILL
777 108th Avenue, NE
Suite 800
Bellevue, WA 98004-5118

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

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
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. Edwin Lyman
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