

July 31, 2003

Mr. Anthony DiMaggio
6S 156 Carlyle Court
Naperville, Illinois, 60540

SUBJECT: POTENTIAL APPLICATION FOR AN EARLY SITE PERMIT FOR THE CLINTON
SITE

Dear Mr. DiMaggio:

Thank you for your e-mail dated April 11, 2003. We are glad that you found the Nuclear Regulatory Commission's (NRC's) April 3rd meeting informative. Because the focus of the April 3rd meeting was to discuss the end-of-cycle review for the Clinton Power Station, the NRC only presented limited information regarding the NRC's early site permit (ESP) process.

The NRC held an earlier meeting in Clinton on March 20, 2003, to specifically discuss the ESP process. The NRC held this meeting to inform the local public about the ESP process because Exelon Generation Company (co-owner of the Clinton Power Station) has notified the NRC that it expects to file an application for an early site permit for one or more new reactors at the existing Clinton Power Station site. We have enclosed a copy of the NRC's presentation material from that meeting.

It is important to note that the issuance of an ESP is a separate action from the issuance of a license to construct or operate an additional nuclear power plant at the Clinton site. An ESP allows an applicant only to "bank" or set aside a site for possible future construction and operation of a nuclear power plant; it does not give an applicant permission to construct or operate a nuclear power plant. The ESP application will address site safety, environmental issues, and emergency planning. The NRC will review the application to determine if it meets NRC regulations and the requirements of the Atomic Energy Act. The ESP process is designed to make it possible to resolve many safety and environmental issues related to nuclear power plant siting early in the licensing process before construction of a nuclear power plant begins.

In your e-mail, you indicated your concern about the lack of information available. There is general information about the ESP process on the NRC's web page at <http://www.nrc.gov/reactors/new-licensing/license-reviews/esp.html>. However, you will not find specific information about Exelon's application because it has not been submitted. Once we receive the application, all correspondence between the applicant (Exelon) and the NRC will be made available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can access NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or have problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room reference staff at 1-800-397-4209 or by e-mail to pdr@nrc.gov. In addition we have made arrangements with the Vespasian Warner Public Library in Clinton, IL, to have space made available to store hard copies of these documents.

In your e-mail, you expressed your belief that Exelon should be able to supply information to the public about how much waste Exelon expects to create, the technology that will be used to move, protect, and store it, and the plans for eventually moving this waste. The scope of review of an ESP application is limited. Issues associated with the storage and disposal of nuclear waste are not addressed in the ESP process. The Commission, however, has determined that spent fuel generated in any reactor can be stored safely and without significant environmental impacts at the reactor's spent fuel storage basin or at either onsite or offsite independent spent fuel storage installations for at least 30 years beyond the licensed life for operation (which may include the term of a revised or renewed license) of that reactor (10 CFR 51.23). Further, the Commission also believes that there is reasonable assurance that at least one mined geologic repository will be available within the first quarter of the 21st century and that sufficient repository capacity will be available within 30 years of the end of the licensed life for operation of any reactor to dispose of the commercial high-level waste and spent fuel originating in that reactor and generated up to that time. The rule is supported by the Commission's Waste Confidence Decision and its subsequent reviews. Additional information on this topic can be found in the *Federal Register* under the headings, "Requirements for Licensee Actions Regarding the Disposition of Spent Fuel Upon Expiration of Reactor Operating Licenses," (49 FR 34688, August 31, 1984); "Waste Confidence Decision Review," (55 FR 38474, September 18, 1990); and "Waste Confidence Decision Review: Status" (64 FR 68005, December 6, 1999). (*Federal Register* Notices from 1994 to present may be downloaded at <http://www.gpoaccess.gov/fr/index.html>).

Another issue you raise is transportation of waste from the reactor. If future shipments of waste were to occur from a new facility, such shipments would be governed by NRC and Department of Transportation regulations. These regulations govern all aspects of shipment of radioactive materials, and would provide reasonable assurance of the public's health and safety.

We hope that this information has helped to address your concerns. Further questions can be addressed to Nanette Gilles at the USNRC, Mail Stop O-4D9A, Washington, DC 20555.

Sincerely,

/RA/

Nanette V. Gilles, Senior Project Manager
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Project No. 718

Enclosure: As stated

cc: See next page

Mr. DiMaggio

-2-

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Exelon ESP

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