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Sandra Lindberg NRR RCVD DATE: 06/10/03

TO:

Mike Scott

FOR SIGNATURE OF : ** YEL **

DESC:

Comments on Early Site Permit Process for Proposed Clinton Reactor

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Date: 6/10/03 11:20AM
Subject: Comments on Early Site Permit Process for Proposed Clinton Reactor

Dear Mr. Scott, Ms. Gilles, and Mr. Kenyon:

Attached are the comments on the draft guidance for the Nuclear Regulatory Commission Early Site Permit Application Review Process as related to the Clinton Nuclear Power Station. The document has been prepared by members of No New Nukes, a central Illinois grassroots activist group.

We look forward to learning of your responses.

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June 11, 2003

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COMMENTS ON THE DRAFT GUIDANCE FOR THE NUCLEAR REGULATORY COMMISSION EARLY SITE PERMIT APPLICATION REVIEW PROCESS AS RELATED TO THE CLINTON NUCLEAR POWER STATION

Dear Mr. Scott, Ms. Gilles and Mr. Kenyon:

Thank you for the opportunity to raise questions and concerns regarding the Early Site Permit Application Review Process. As you may remember from questions I and others raised at the April 2003 meeting in Clinton hosted by the NRC, some central Illinois citizens, now members of a recently constituted activist organization of 75 people called No New Nukes, are concerned about the current method being employed to examine whether Exelon will be granted an Early Site Permit (ESP) to build a second reactor in Clinton, IL.

This communication is in response to an invitation for citizen comments made by Michael L. Scott, Project Manager, New Reactor Licensing Project Office, and James E. Lyons, Director, New Reactor Licensing Project Office, Office of Nuclear Reactor Regulation, both of the NRC in a May 2003 public notice.

No New Nukes raises the concerns described in this letter despite its recognition that the original owner of the Clinton Power Plant was granted permission in the 1970's to build two nuclear reactors at this site. We believe that significant, new research about nuclear reactors and the effects of low-level radiation have come to the public's attention since that first licensing. We also believe that a more accurate picture of the actual costs of nuclear power is now public information. In light of all this new information, No New Nukes believes that this Early Site Approval Process should not be regarded as a formality. Instead, we argue that the newly available information about nuclear reactors and their detrimental effects on citizens should be carefully considered during this Early Site Approval process. Our particular concerns with the process are delineated below.

1) No New Nukes first concern regards the issue of waste storage. At the Clinton NRC meeting in April 2003, Exelon representative Marilyn Craig, Vice President of New Projects, indicated that current spent fuel storage pools at Clinton are at 60% capacity, that Exelon plans to apply for re-licensing giving them permission to re-rack the fuel once the current methods of pool storage are at capacity (a procedure that would allow them to increase the amount of spent fuel in existing tanks), and that Exelon will apply again for re-licensing to obtain permission for dry cask storage of spent fuel at the Clinton plant once re-racked pools are full. The members of No New Nukes are very concerned that the ESP Review Process as currently designed does not intend to consider these complex waste storage issues when evaluating Exelon's application. Specifically, we question whether the NRC can ascertain this site's ability to exist safely without taking into full consideration the dangers posed to human health and the environment by an ever-increasing amount of spent nuclear waste at the Clinton nuclear plant. We also wish to know what the NRC's upper limit is for on-site waste storage at the Clinton site. In a New York Times letter to the editor, Alex Mathiessen, of the citizen's group Riverkeepers, writes: "The Nuclear Regulatory Commission reports that in the event of a catastrophic spent fuel pool accident [at Indian Point nuclear reactor], 100 percent of the cesium-137 stored in the spent rods could be released to the atmosphere. In a separate report, the commission confirms that such an accident could lead to the cancer deaths of tens of thousands of people in an area extending as far as 500 miles away" (Mathiessen, 2003). No New Nukes asks that the NRC state whether this assessment about Indian Point would also hold true for the Clinton reactor(s) should a catastrophic spent fuel pool accident occur in Clinton. If waste storage at the proposed Clinton reactor is not examined in the ESP process, we also question the NRC's ability to fairly assess the implications of the longest lived aspect of the Clinton plant's existence, namely the spent fuel it produces. When the Clinton nuclear reactors are to be decommissioned, the discarded fuel rods must be safely stored and contained for

thousands of year either through entombment or mothballing procedures that promise to be exorbitantly expensive and to pose serious risks to the environment (Bertell,1985). We argue that questions of waste storage should be considered during the ESP process rather than during the later licensing phase that Exelon may pursue if an ESP permit is granted. Given that "in 1990 BEIR V [the US National Academy of Science committee on the Biological Effects of Ionising Radiation] acknowledged that there was probably no threshold beneath which there was no risk" of cancer from low-dose radiation (Greene, 1999), and given that waste storage methods have the potential to leak radiation and radioactive particles into the environment, we believe that plans for waste storage need to be considered early on if the quality of central Illinois's soil, groundwater, surface water, and air are to be adequately safeguarded.

2) The members of No New Nukes also wish to express our strong reservations about the NRC granting Exelon an Early Site Approval Permit in Clinton, IL when the State of Nevada as well as citizen groups in Nevada are currently pursuing legal complaints against the federal government regarding the Yucca Mountain National Waste Storage Site (State of Nevada, Agency for Nuclear Projects, 2003). At the Clinton meeting in April 2003, Exelon V.P. Marilyn Craig represented that Exelon is anticipating sending its spent fuel to what will be called the Yucca Mountain National Waste Storage Site if it becomes operational. We question how the NRC can prudently grant an ESP to Exelon when the company has publicly stated that its plan for safe and effective operation hinges on the opening of a federal waste storage site that is likely to be embroiled in litigation for years to come. The lawsuits that are likely to keep Yucca Mountain from opening would add to the number of years that spent fuel waste will have to be stored on site at the Clinton nuclear plant. Again, we are asking the NRC to explain how the Commission can responsibly grant an ESP when such serious questions about long-term waste disposal are likely to remain unanswered for the foreseeable future.

3) Thirdly, No New Nukes objects to the NRC's current ESP application process that does not require Exelon to reveal how it will transport spent fuel waste from the Clinton plant to Nevada. Furthermore, even were a federal spent fuel storage site at Yucca Mountain to open, the NRC's ESP process fails to consider the risks communities adjacent to the waste transportation routes will have to endure. At the April 2003 NRC meeting in Clinton, the NRC stressed that it will not examine during the ESP process the design of proposed waste storage containers, the shielding designs for the train cars and/or trucks that will carry such waste, nor plans to monitor waste handlers and drivers of such transportation vehicles. The NRC has stated that some of these concerns are to be examined during the licensing process, or are to be monitored by an entirely separate government department, the Department of Energy (DOE). In light of current scientific research arguing that there is no safe level for low-level radiation (Gofman, 1981), and given the increasing number of court cases being pursued by citizens who argue that low-level radiation exposure has brought harm to them and their

family members (Van Drake, 2003), the members of No New Nukes express strong disapproval at the NRC's current ESP application process which fails to consider waste handling issues of any kind at this crucial and early point in Exelon's attempts to move forward with plans for a second nuclear reactor in Clinton, IL.

4) Members of No New Nukes also question an Early Site Approval process that does not require Exelon to report what kind of a nuclear reactor it plans to build. At the NRC Clinton meeting in April 2003, Marilyn Craig of Exelon stated that Exelon is considering nuclear reactor designs by GE, Westinghouse, AECC, and two "gas cooled designs" from an unspecified manufacturer, We are not arguing that Exelon should be forced to submit its exact nuclear reactor design at this point in the process, but we are arguing that a Boiling Water Reactor or Pressurized Water Reactor design would be far different than a Pebble Bed Reactor or a Heavy Water Reactor of a Canadian variety. We would like the NRC to explain how what it terms a "Bounding Plant Parameter Envelope" sufficiently details the needs of such different nuclear designs, especially with regard to water needs and/or containment design.

5) A final matter of great concern to us regards the potentially serious financial costs of this project for local, state and national economies. The members of No New Nukes question the wisdom of granting Exelon a legally binding right to build a nuclear reactor on the Clinton site (an ESP) without first determining the undeniable economic issues connected with a new nuclear power plant. We herein publicly question the NRC's decision not to examine at this time Exelon's financial ability to build, operate, handle waste and accident scenarios, and pay to decommission its many nuclear power plants. We also question why Exelon is not required to reveal whether and how it might seek rate increases to pay, in part or in full, for the new nuclear plant. Finally, we question the wisdom of granting Exelon a legally binding right to build a nuclear reactor in Clinton (an ESP) without requiring Exelon to explain how the new plant will produce power at a competitive rate in the larger energy market. Central Illinois has been studied and found to be a prime candidate for wind energy. Wind energy companies are already planning to build in this area and their energy would not produce radioactive waste (Illinois Wind Energy). As the cost of uranium continues to rise, as U.S. supplies of uranium are expected to run out in a relatively short time, and as increasing numbers of foreign countries are choosing not to sell uranium overseas for environmental reasons (Gyorgy, 1998), we question how the NRC can responsibly approve Exelon's application for an ESP without asking the utility to explain how it plans to operate in a fiscally responsible manner given the anticipated cost increases connected with every aspect of nuclear power.

6) Finally, No New Nukes has concerns about an aspect of this proposed reactor that could impact the local business community. No New Nukes members request the NRC to explain how the ESP process plans to assess the effects of two reactors on Clinton Lake. We request that the NRC explain how the ESP process will

examine the new reactor's ability to release cooling water into the lake without further raising the temperature of that body of water. We question the NRC's ability to make such a determination when it will not have Exelon's reactor design to consider in its deliberations. As DeWitt County and the town of Clinton's economies are heavily reliant on the recreational opportunities provided by Clinton Lake, we ask that the NRC clarify how its ESP process will safeguard the temperature of the lake water and ensure that fish stock and other aquatic organisms in Clinton Lake remain healthy. In a related manner, we ask that the NRC explain in detail how it will require Exelon to compensate DeWitt County and/or the town of Clinton should security protocols at the existing plant, or at a future plant, require Clinton Lake to be closed for national security reasons, in turn affecting the local economy. We question the wisdom of granting Exelon an ESP without first ascertaining how the potential site's affect on Clinton Lake will impact the local economy.

The members of No New Nukes look forward to receiving the NRC's replies to the above concerns, and to further expressing publicly our opinions about what the NRC and Exelon are doing to push forward a second reactor in Clinton despite local, regional and national voices that argue against this project.

Sincerely,

Sandra Lindberg for:
The Members of
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