

July 31, 2003

Mr. Matthew Hindman

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

Dear Mr. Hindman:

Thank you for your e-mail dated April 11, 2003. In your e-mail, you stated that it has come to your attention that there are plans to build a second nuclear reactor at the Clinton power plant. We believe you are referring to the fact that Exelon (co-owner of the Clinton Power Station) has notified the NRC that it expects to file an application for an early site permit (ESP) for one or more new reactors at the Clinton Power Station site. 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 only allows an applicant 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 interest in learning what information was available regarding ESPs. 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 concern about whether there was ample room to store the waste generated by another reactor and asked if such waste needs to be transported at any point in the future. The scope of review of an ESP application is limited. Issues associated with 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.

In your e-mail, you also asked how committed officials are to keeping all of the concerns of the public intact. The NRC has a longstanding practice of providing the public with substantial information on its activities and of conducting business in an open manner. For example, the NRC held a meeting in Clinton on March 20, 2003, to specifically discuss the NRC's ESP process. The NRC held this meeting to inform the local public about the process as well as the opportunities for public involvement in that process for the Clinton site. We have enclosed a copy of the NRC's presentation material from that meeting.

Mr. Hindman

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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. Hindman

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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.

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cc: See next page

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Exelon ESP

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