



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 30, 2012

Mr. Michael J. Pacilio
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION, UNIT NO. 1 – APPROVAL OF PARTIAL SITE
RELEASE FOR FACILITY OPERATING LICENSE NO. NPF-62
(TAC NO. ME7794)

Dear Mr. Pacilio:

By letter to the U.S. Nuclear Regulatory Commission (NRC, the Commission) dated November 18, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11340A077), as supplemented by letter dated February 21, 2012 (ADAMS Accession No. ML12060A028), Exelon Generation Company, LLC (Exelon, the licensee) submitted a request to the NRC for approval of a partial site release of Clinton Power Station (CPS), Unit No. 1. The proposed action would transfer four acres of property, owned by the licensee and located across a lake on the outskirts of the licensed site to Creek Township, to expand the Lisenby Cemetery.

Specifically, Title 10 of the *Code of Federal Regulations* (§, or 10 CFR), Section 50.83, requires written approval from the NRC prior to release for unrestricted use of any part of a site for a nuclear power plant. The licensee's application contained: (1) results of evaluations performed to determine the effect of releasing the property including dose to the public, effluent release, and environmental monitoring; (2) a description of the land to be released; (3) a schedule for release of the property; (4) results of the 10 CFR 50.59 evaluation performed; and (5) environmental impact conclusions.

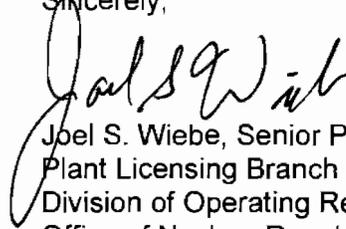
In accordance with 10 CFR 50.83, the NRC staff: reviewed the overall effects that the release would have on radiation doses; whether the classification of the release as non-impacted was justified; and held a public meeting in the vicinity of CPS to obtain public comments associated with the partial site release. The public comments are addressed in Enclosure 2 of this letter. None of the comments resulted in the NRC making changes to the review of the partial site release request. The NRC staff has completed its review of the CPS partial site release and approves the proposed release of the four acres.

M. Pacilio

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A copy of the Safety Evaluation is also enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel S. Wiebe". The signature is written in a cursive style with a large initial "J".

Joel S. Wiebe, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure:

1. Safety Evaluation
2. Comments on the Partial Site Release

cc w/encl: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO PARTIAL SITE RELEASE REQUEST FOR

FACILITY OPERATING LICENSE NO. NPF-62

EXELON GENERATION COMPANY, LLC

CLINTON POWER STATION, UNIT NO. 1

DOCKET NO. 50-461

1.0 INTRODUCTION

By letter to the U.S. Nuclear Regulatory Commission (NRC, the Commission) dated November 18, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11340A077), as supplemented by letter dated February 21, 2012 (ADAMS Accession No. ML12060A028), Exelon Generation Company, LLC (Exelon, the licensee) submitted a request to the NRC for approval of a partial site release of Clinton Power Station (CPS), Unit No. 1. The proposed action would transfer four acres of property, owned by the licensee and located across a lake on the outskirts of the licensed site to Creek Township, to expand the Lisenby Cemetery.

2.0 REGULATORY EVALUATION

“Release of part of a power reactor facility or site for unrestricted use,” as stated in Title 10 of the *Code of Federal Regulations* (§, or 10 CFR), Section 50.83, establishes the following requirements:

- a. Prior written NRC approval is required to release part of a facility or site for unrestricted use at any time before receiving approval of a license termination plan. Section 50.75 [of 10 CFR Part 50] specifies recordkeeping requirements associated with partial release. Nuclear power reactor licensees seeking NRC approval shall—
 1. Evaluate the effect of releasing the property to ensure that—
 - i. The dose to individual members of the public does not exceed the limits and standards of 10 CFR Part 20, Subpart D;
 - ii. There is no reduction in the effectiveness of emergency planning or physical security;

- iii. Effluent releases remain within license conditions;
 - iv. The environmental monitoring program and offsite dose calculation manual are revised to account for the changes;
 - v. The siting criteria of 10 CFR Part 100 continue to be met; and
 - vi. All other applicable statutory and regulatory requirements continue to be met.
2. Perform a historical site assessment [HSA] of the part of the facility or site to be released; and
 3. Perform surveys adequate to demonstrate compliance with the radiological criteria for unrestricted use specified in 10 CFR 20.1402 for impacted areas.
- b. For release of non-impacted areas, the licensee may submit a written request for NRC approval of the release if a license amendment is not otherwise required. The request submittal must include—
1. The results of the evaluations performed in accordance with paragraphs (a)(1) and (a)(2) of this section;
 2. A description of the part of the facility or site to be released;
 3. The schedule for release of the property;
 4. The results of the evaluations performed in accordance with § 50.59; and
 5. A discussion that provides the reasons for concluding that the environmental impacts associated with the licensee's proposed release of the property will be bounded by appropriate previously issued environmental impact statements.
- c. After receiving an approval request from the licensee for the release of a non-impacted area, the NRC shall—
1. Determine whether the licensee has adequately evaluated the effect of releasing the property as required by paragraph (a)(1) of this section [10 CFR 50.83];
 2. Determine whether the licensee's classification of any release areas as non-impacted is adequately justified; and
 3. Upon determining that the licensee's submittal is adequate, inform the licensee in writing that the release is approved.

In addition to the above requirements, Section 50.75(g) of 10 CFR Part 50, requires keeping records of information important to the safe and effective decommissioning of the facility, which includes the plant site, until the license is terminated by the Commission. In 10 CFR 50.75(g)(4), records of the following are required:

- i. The licensed site area, as originally licensed, which must include a site map and any acquisition or use of property outside the originally licensed site area for the purpose of receiving, possessing, or using licensed materials;
- ii. The licensed activities carried out on the acquired or used property; and
- iii. The release and final disposition of any property recorded in paragraph (g)(4)(i) of this section [10 CFR 50.75], the historical site assessment performed for the release, radiation surveys performed to support release of the property, submittals to the NRC made in accordance with § 50.83, and the methods employed to ensure that the property met the radiological criteria of 10 CFR Part 20, Subpart E, at the time the property was released.

Non-impacted area is defined in 10 CFR 50.2 as “the areas with no reasonable potential for residual radioactivity in excess of natural background or fallout levels.”

3.0 BACKGROUND

The licensee has requested authorization to transfer real estate as described in Section 1.0 above. The real estate (“the property”) involved in the transfer can be described as consisting of three pieces of land. The first piece of land will be used for expanding the cemetery. It is a square-shaped piece of land, approximately three acres, adjacent to the current property line on the south. The second piece of land includes all of the land from the Township Road to the current cemetery property boundary. The third piece of land extends from the Township Road to the edge of the proposed addition to the cemetery property line. The total of the land to be transferred is approximately four acres. All together, this land is referred to this document as “the property.” Maps of the property are included as Attachments to the licensee’s submittal.

The property is located approximately 2977 meters/1.85 miles from the plant site which is outside of the Exclusion Zone (975 meters/0.6 miles) and just within the Low Population Zone (LPZ) (4018 meters/2.5 miles) in the south southeast (SSE) sector.

The property is not located within the approximately 150 acres that comprise the Protected Area and Owner Controlled Area of the plant, nor is it located on the lake shoreline. It also has no effect on the cooling function of the lake, which is designed to provide cooling water to the station and to remove the design heat load from the plant.

The LPZ was selected to provide reasonable probability that appropriate protective measures could be taken to assure compliance with the guidelines of 10 CFR Part 100, or for accidents analyzed using Alternative Source Term, the limits of 10 CFR 50.67. The number and density of residents in the LPZ are low and this enables effective evacuation procedures to be followed in the event of a serious accident. There are no plans for permanent housing on the released site. The property will only be used as an expansion to the existing cemetery and to access the cemetery.

The licensee included the 10 CFR 50.59 analyses and a HSA in their submittal.

4.0 Technical Evaluation

4.1 Licensee's Assessment of the Property to be Released

In accordance with 10 CFR 50.83, the licensee performed an HSA of the property. The HSA is provided in the licensee's submittal. The licensee indicated the Annual Radioactive Effluent Release Reports and the Annual Radiological Environmental Operating Reports submitted to the NRC each year contain information about the radioactive material on the property being transferred and about the magnitude of doses an individual would receive on the property being transferred. The licensee indicated that thousands of analyses have been performed on thousands of environmental samples collected as part of the station's Radiological Environmental Monitoring Program (REMP), and that comparisons of that data with background samples collected during the site's preoperational period indicate there has been no adverse radiological impact on this property. The licensee indicated these annual reports indicate radioactive effluents from CPS have been less than allowed by their offsite dose calculation manual (ODCM) and 10 CFR Part 50, Appendix I. The licensee indicated a review of the decommissioning file (maintained in accordance with 10 CFR 50.75(g)) revealed no records of any spills, leaks, or uncontrolled releases of radioactive material on the property being transferred.

The licensee's review indicated the following:

1. The land has not been used for plant operations.
2. The land has not been used for storage of any radioactive material or waste.
3. There are no event records that any spills, leaks, or uncontrolled release of radioactive material have ever occurred on the land, reportable or non-reportable.
4. The last liquid radioactive release from the plant was in 1992 in the circulating water discharge canal which is on the north side of Salt Fork. This property is located on the south side of Salt Fork and is not in the groundwater gradient of the discharge canal.
5. No state or local agency has required additional groundwater monitoring or remedial actions on the property.
6. Three separate hydro geologic studies have been conducted at CPS, in accordance with Nuclear Energy Institute 07-07 between 2006 and 2010. This property does not impact these studies.
7. The Radioactive Groundwater Protection Program conducts periodic monitoring of shallow groundwater. This program shows that shallow groundwater continues to flow predominantly towards the lake. This property is located on the south side of Salt Fork, whereas, the plant is on the north side of Salt Fork; therefore, no contamination of this property through normal groundwater gradient flow can occur from plant discharges.
8. In assessing all the data gathered for the REMF annual report and comparing each year's results with preoperational baseline data, it is concluded that the operation of CPS has had no adverse radiological impact on this property.

The licensee indicated that it continues to implement a radiation protection program commensurate with 10 CFR Part 20 and CPS technical specifications (TSs) 5.6.2 and 5.6.3. The licensee then indicated that this property has no reasonable potential for residual radioactivity in excess of natural background or fallout levels, therefore, this property qualifies as a "non-impacted area" as per 10 CFR 50.2.

The licensee evaluated the property transfer with respect to the criteria in 10 CFR 50.83(a)(1) items (i) through (vi). The NRC staff reviewed the following items:

- i. The dose to individual members of the public does not exceed the limits and standards of 10 CFR Part 20, Subpart D because of the strict control of radioactive effluents, use of radiation monitoring systems within the plant, and the surveillance and analyses performed as part of the REMP. The release of this property does not change any controls used to comply with dose limits for individual members of the public. CPS has determined that the property was never used for any radiological purposes.
- ii. Impact on the effectiveness of emergency planning or physical security has been evaluated. No credit is taken for this land in either the Emergency Plan or Security Plan. Therefore, the transfer of this property has no adverse effect on either plan.
- iii. Effluent releases remain within license conditions and, because the property is distant from the plant site and is not down-gradient of discharge structures, it does not have the potential to be affected by effluent releases. The plant programs to maintain effluent releases within license conditions remain in effect and the transfer of this property does not impact those programs. Therefore, the effluent releases from CPS will remain within license limits.
- iv. The transfer of this property does not have any effect on the environmental monitoring program and offsite dose calculation manual revisions, and neither requires revision as a result of this property transfer.
- v. The siting criteria of 10 CFR Part 100 continues to be met. The transfer of this property has been reviewed with respect to the siting criteria in 10 CFR Part 100 and it has no effect on meeting these criteria. In addition, the limits of 10 CFR 50.67, Alternative Source Term, have been reviewed and the transfer has no effect on meeting these criteria. In 2002, Exelon conducted an Early Site Permit (ESP) study on an area that is contained entirely within the CPS exclusion area. The transfer of this land does not have any effect on the ESP.
- vi. Other statutory and regulatory requirements continue to be met. There are no changes to the CPS policies and procedures to ensure that statutory and regulatory requirements continue to be met as a result of this property transfer.

The licensee concludes that this property transfer has no impact on CPS's continued compliance with applicable NRC regulatory standards.

4.2 NRC Staff Evaluation of the Property to be Released

The NRC staff has reviewed the licensee's application for the release of part of the CPS site for unrestricted use. In this case, the release of part of the plant site is for the expansion of the Lisenby Cemetery. This property totals about four acres and is located 1.85 miles from the plant site. Except for the existing cemetery, land immediately adjacent to the property is used for farming or recreational activities (boating, fishing, hunting, and hiking) associated with the Lake Clinton State Recreation Area. People will not be living on the property. The property will not be used for farming, ranching, hunting, or fishing. This means the property will not be a future source of food. Release of this property should not degrade the environment, impact public health, or impact local land uses.

The environmental impacts associated with the proposed release of the property are bounded by previously issued environmental impact statements. No environmental concerns associated with the release of the four acre parcel of land were identified. Due to its remote location, the transfer of this land will not impact ongoing plant operation and monitoring. Therefore, the environmental impacts associated with plant operation will not change as a result of this property transfer.

Transfer of the property will not result in public or environmental exposure to radioactive contamination. There are no known records of any spills, leaks, or uncontrolled release of radioactive material on this parcel of land. The property was not used for any activities that could have contaminated the property. Contaminated groundwater from power plant operations does not occur and is very unlikely to occur under the property.

A historical cultural review was performed during the initial stages of planning and construction of Lake Clinton (State of Illinois, 1974). No historic properties or cultural sites have been identified in the area of the Lisenby Cemetery. Therefore, transfer of this property will not affect any known historic or cultural sites.

The NRC staff reviewed the 10 CFR 50.59 evaluation for the partial site release. The NRC finds that the property is not specifically listed in the license or the TSs; is not within the security fence of the plant; is 1.85 miles from the plant site; is not within the exclusion zone (975 meters/0.6 miles); is just within the LPZ of the plant (4018 meters/2.5 miles); is not located on the lake shoreline; has no effect on the cooling function of the lake; is not related to either the safety-related structures, systems, or components or the effluent discharge equipment of the plant; has no effect on plant operation; and the property is classified as a non-impacted area.

The NRC staff has reviewed the licensee's justification for concluding that the property to be sold to the Creek Township is a non-impacted area as defined in 10 CFR 50.2. Based on the licensee's environmental assessment of the property, the NRC staff concludes the property has no reasonable potential for residual radioactivity in excess of natural background or fallout levels. The property is distant from the plant site or structures that would have any potential for effluent releases. The NRC evaluation of the information submitted by the licensee indicates that those mobile radioactive materials that may have been released in abnormal liquid effluents (e.g., spills or leaks) would enter the shallow groundwater and (given sufficient time and absent radioactive decay) be transported to the Clinton Lake Impoundment. As a result, any radioactive material from spills and leaks of radioactive liquids should not migrate to the opposite side of the impoundment where the property is located. Although no environmental

sampling was done on the property to be sold, the REMP sampling and analyses provides results that are consistent with the classification of a non-impacted area. Therefore, the NRC staff concludes the property meets the definition of a non-impacted area in accordance with 10 CFR 50.2.

Based on the property being a non-impacted area, the NRC staff reviewed the requirements in 10 CFR 50.83(c)(1) and (2) for releasing non-impacted areas for unrestricted use and determined that the licensee's submittal, as listed in Section 4.1, has sufficiently addressed the requirements as follows:

- i. 10 CFR 50.83(a)(1)(i) – Ensure that the dose to individual members of the public does not exceed the limits and standards of 10 CFR Part 20, Subpart D. The NRC finds that the licensee's surveillance and analyses conducted as part of their REMP provides sufficient information to conclude that the doses to members of the public on the property are currently within 10 CFR Part 20, Subpart D, and are expected to remain within 10 CFR Part 20, Subpart D, following the property transfer. The NRC staff concludes that additional assurance is provided by the licensee's radiation monitoring systems and the fact that no licensed activities were ever conducted on this property.
- ii. 10 CFR 50.83(a)(1)(ii) – Ensure that there is no reduction in the effectiveness of emergency planning or physical security. This is addressed in the licensee's request that they evaluated the release of the property and no credit is taken for the land by the licensee in its emergency plan or physical security plan. The NRC staff verified that there are no off-site emergency plan facilities on this property. The NRC staff concludes that the transfer of the land will not reduce the effectiveness of the emergency plan or physical security.
- iii. 10 CFR 50.83(a)(1)(iii) – Ensure effluent releases remain within the license conditions. The NRC has evaluated the release of the property and finds that the property is distant from the plant site and structures that would have any potential for effluent releases. After the transfer, the use of the property by members of the public will not create new pathways of exposure that would cause radioactive releases from the site to exceed license conditions. The NRC finds sufficient information in the licensee's submittal to conclude that the licensee's site programs, which maintain effluent releases from CPS within license conditions, will remain in effect and this transfer of property does not impact those programs. Therefore, the NRC concludes the transfer of this land will not impact the licensee's ability to maintain effluent releases from CPS within license conditions.
- iv. 10 CFR 50.83(a)(1)(iv) – Ensure the environmental monitoring program and offsite dose calculation manual are revised to account for the change. The NRC recognizes a radiological exposure pathway as the vehicle by which the public may become exposed to radioactivity released from nuclear facilities. The major pathways of concern are those that could cause the highest calculated radiation dose. These pathways are determined from the type and amount of radioactive material released, the environmental transport mechanism, and how the plant environs are used (i.e., residence, gardens, etc.). The environmental transport mechanism includes the historical meteorological characteristics of the area that are defined by wind speed and wind direction. This information is used to evaluate how the radionuclides will be

distributed within the surrounding area. The most important factor in evaluating the exposure pathway is the use of the environment by the public living around CPS. Factors such as location of homes in the area, use of cattle for milk, and the growing of gardens for vegetable consumption are important considerations when evaluating exposure pathways. Based on the information submitted by the licensee, and the NRC staff's review of this information, the NRC finds that the property will be used as an extension of the Lisenby Cemetery and will not be used for housing development. The property is located SSE of the site, and the licensee's ODCM indicates the nearest residence in this sector is 1.7 miles from the site. Because the property is located approximately 1.85 miles from the site, and will not be used as a housing development, the transfer of this property will not impact the nearest residence in the SSE meteorological sector. The NRC finds that the transfer of this land will not impact housing in the area, use of cattle for milk, vegetable gardens, or drinking water. As a result, the NRC concludes the release of the land has no effect on the environmental monitoring program, the offsite dose calculation manual, or the established plant programs used to maintain effluent releases within license conditions. Therefore, the NRC concludes the current radiological effluent control program (RECP), the REMP, and the ODCM are not impacted by the transfer of this land, and no changes to the RECP, the REMP, or the ODCM would be required by the transfer of this land.

- v. 10 CFR 50.83(a)(1)(v) – Ensure the siting criteria of 10 CFR Part 100 continue to be met. This is addressed by item v in the licensee's request that states the release of property has no effect on meeting the siting criteria of 10 CFR Part 100. Thus, the NRC concludes that the siting criteria of 10 CFR Part 100 continue to be met.

Additionally, the licensee stated in their application that the transfer of land does not affect the early site permit (ESP). The NRC staff concludes that since the ESP has been issued, there is no regulatory requirement to identify or analyze changes that occur after the ESP is issued. 10 CFR 52.35 states that the ESP holder must inform the NRC of any "significant uses for the site which have not been approved in the early site permit." The release of this small parcel of land is not a significant use and changes are expected to occur between issuance of an ESP and any combined operating license (COL) referencing it. The COL applicant is required to look for new information and identify in the COL application any information it determines to be new and significant. But there is no COL application under review for this request.

- vi. 10 CFR 50.83(a)(1)(vi) – Ensure that all other applicable statutory and regulatory requirements continue to be met. This is addressed by item vi in the licensee's request that states other statutory and regulatory requirements continue to be met because there are not changes to CPS' policies and procedures. The NRC staff concludes that the release of the property has no adverse effect on the licensee's compliance with all other statutory and regulatory requirements.

Based on the NRC staff evaluation of the items in (i) through (vi) above, the NRC concludes the requirements of 10 CFR 50.83(c)(1) are satisfied.

The requirements in 10 CFR 50.83(c)(2) are addressed by the licensee as listed in Section 4.1 of this safety evaluation (SE), and the NRC's assessment is as follows:

- i. 10 CFR 50.83(c)(2) – After receiving an approval request from the licensee for the release of a non-impacted area, the NRC shall determine whether the licensee's classification of any release areas as non-impacted is adequately justified. The NRC (in 10 CFR 50.2) defines non-impacted areas as "areas with no reasonable potential for residual radioactivity in excess of natural background or fallout levels." The NRC (in 10 CFR 20.1003) defines residual radioactivity as "radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 10 CFR Part 20." Based on the information supplied by the licensee and the definitions above, the NRC finds the property in question is distant from the plant site and structures that are potential sources of radioactive effluents. The NRC evaluation of the information submitted by the licensee indicates that any mobile radioactive materials that may have been released in abnormal liquid effluents (e.g., spills or leaks) from the site (1.85 miles distant from the property in question) to the ground would enter the shallow groundwater and (given sufficient time and absent radioactive decay) be transported to the Clinton Lake Impoundment. As a result, any radioactive material from spills and leaks of radioactive liquids should not migrate to the opposite side of the impoundment where the land to be sold is located. As a result, the NRC concludes that no radioactive liquid effluents (either normal or abnormal) have a reasonable potential to leave residual radioactivity in excess of natural background or fallout levels on the property in question. The NRC also evaluated potential gas releases to determine the potential to leave residual radioactivity in excess of natural background or fallout levels on the property in question. The licensee's REMP indicates the meteorological sectors with the highest calculated annual average ground-level deposition (i.e., D/Q) are found in the north northeast (NNE), north east (NE), and north (N) meteorological sectors. Furthermore, the NRC found that the south meteorological sector was the sector least affected by routine annual average gaseous effluents. The property is in the SSE sector, and as a result, any deposition resulting from routine, annual-average radioactive effluents on the property to be sold would be less than that found in the NNE, NE, or N meteorological sectors. The licensee's REMP routinely measures air particulates and deposition in the NNE, NE, or N meteorological sectors, and has found results are consistent with the pre-operational, natural background levels of radiation. The REMP results indicate the operation of the plant has not affected the property to be sold. As a result, although no environmental sampling was done on the property to be sold, the sampling and analyses that are part of the REMP provide results that are consistent with the classification of a non-impacted area. Therefore, the NRC staff concludes the property meets the definition of a non-impacted area in accordance with 10 CFR 50.2. The NRC has evaluated the release of the property and based on the licensee's environmental assessment of the property, the NRC staff concludes the property has no reasonable potential for residual radioactivity in excess of natural background or fallout levels. As a result, the requirement in 10 CFR 50.83(c)(2) is met.

Based on the above considerations, the NRC staff concludes that the licensee has adequately met the requirements in 10 CFR 50.83(c)(1) and (2) for releasing non-impacted areas for unrestricted use.

In 10 CFR 50.75(g)(4), there is the requirement for the licensee to keep records of the release and disposition of any property that was part of the original licensed site area. In the supplemental letter, the licensee stated that a record of the release and transfer of the property is part of the decommissioning file for CPS. Therefore, the NRC staff concludes that the licensee meets 10 CFR 50.75 (g).

5.0 CONCLUSION

The licensee requested approval for the release of the land described in Section 3.0 of this SE, which is currently part of the CPS, Unit No. 1, site for unrestricted use. Based on the NRC staff evaluation of this partial site release application, the NRC staff concludes that the licensee's submittal has adequately:

1. Assessed the property to be released,
2. evaluated the effect of releasing the property,
3. Justified the property is a non-impacted area and no amendment to the license is needed, and
4. Addressed the effect of releasing the property for unrestricted use.

The NRC staff concludes that, the licensee's request meets the requirements in 10 CFR 50.83 and (1) there is reasonable assurance that the health and safety of the public will not be endangered, and (2) the transfer will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Richard Conatser, NRR
William Ford, NRR
Andy Kugler, NRO

Date:



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PUBLIC COMMENTS RELATED TO
PARTIAL SITE RELEASE REQUEST FOR
FACILITY OPERATING LICENSE NO. NPF-62
EXELON GENERATION COMPANY, LLC
CLINTON POWER STATION, UNIT NO. 1
DOCKET NO. 50-461

This section presents a list of the comments received on the partial site release, and the NRC's response to the comments.

The NRC received three comments from the members of the public in attendance. The three members of the public were from Creek Township in Illinois, which is the group that will be receiving the four acres of property from Exelon.

The Commission sought to obtain comments from the public associated with the request for partial site release. The comments and NRC responses to the issues raised are as follows.

1. Support for the Proposed Rule

Comment: None of the commenters were opposed to the idea of releasing part of the site. All three members of the public provided specific comments in general support of the release of the four acres. They stated that by releasing the four acres to the Township, real value would be added to the community.

Response: The NRC is not making any changes to the review or approval of the request that the NRC believes would negate the general support for this partial site release.

2. Partial Site Release Process

Question from a member of the public. What is the NRC's role in releasing the site to Creek Township?

Response: The NRC licenses corporations to operate nuclear power plants. CPS is operated by Exelon Generating Company, LLC, a licensee of the NRC. To transfer the four acres of property to Creek Township, Exelon, by regulation has to submit a request to the NRC requesting approval. The NRC reviews the request in accordance with Title 10 of the *Code of Federal Regulations*, Section 50.83. This includes determining if the transfer will result in public or environmental exposure to radioactive contamination; if the release of the property would degrade the environment, or public health; the property's future uses; and if contaminated groundwater on the property from power plant operation is a possibility. The review process also requires that the NRC staff obtain public comments regarding information that could impact

the partial site release. This includes any knowledge or records of spills, leaks, or uncontrolled releases of radioactive material on the land or if the property was used for any activities that could have contaminated the property.

Question from a member of the public. When will the property be released to Creek Township?

Response: At the time of the meeting, the members of the public made the NRC aware, that they requested the release of the property about three years earlier from the licensee. The NRC became involved on November 18, 2011, with the submittal of the partial site release request from the licensee. The NRC plans to finish its review and approval by the end of July 2012. The NRC is not involved in other legal processes involving the transfer of property in the state of Illinois so we are unable to speculate when the property will ultimately become Creek Township owned.

Question from a member of the public. How many partial site releases has the NRC done?

Response: The NRC staff research found four examples of partial site releases since the inception of 10 CFR 50.83, in late 2002. The four previous examples each presented a different aspect of the partial site release, so the CPS request and release was the first of its kind. Brief summaries of the four examples are below.

2005 – R.E. Ginna Nuclear Power Plant

This partial site release request was to sell a portion of land to a residential developer in the vicinity of the plant. The licensee ultimately withdrew the request due to the site land release being "neither cost nor benefit effective."

2006 – Big Rock Point Plant

This partial site release request was in conjunction with a license termination plan and decommissioning. The release was partial because some of the licensed site was still going to be used for independent spent fuel storage installation casks. However, the plant was not longer producing power.

2007 – Callaway Plant

This partial site release request was due to the state of Missouri requiring the site to sell them a piece of land for highway maintenance and improvement. The land was sold in April 2004, but the request for release was not submitted until May 2007 so a public meeting was not held to obtain public comments.

2008 – San Onofre Nuclear Generating Station (SONGS)

This partial site release was of an area that was previously exposed to radioactive material. SONGS wanted to release the off-shore portion of the Circulating Water System for unrestricted use. The site permanently shutdown Unit 1 in 1992 and had been in the process of decommissioning it. They abandoned the site in place. An environmental assessment and a license amendment were required for this site release.

M. Pacilio

- 2 -

A copy of the Safety Evaluation is also enclosed.

Sincerely,

/ RA /

Joel S. Wiebe, Senior Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure:

1. Safety Evaluation
2. Comments on the Partial Site Release

cc w/encl: Distribution via Listserv

DISTRIBUTION:

PUBLIC

RidsOgcRp Resource

RidsNrrDssStsb Resource

RidsNrrDorlPl3-2 Resource

RidsNrrRgn3MailCenter Resource

LPL3-2 R/F

RidsNrrLASRohrer Resource

RidsNrrPMClinton Resource

RidsNrrDorIDpr Resource

RidsAcrsAcnw_MailCTR Resource

Accession Number: Memo: ML12184A299

*via email

OFFICE	LPL3-2/PM	LPL3-2/PM	LPL3-2/LA	NRO/DNRL/EPB2/BC	DLR/RERB
NAME	PHernandez	JWiebe MMahoney for	SRohrer	AHsia*	WFord*
DATE	7/10/12	7/10/12	7/10/12	3/ 14 /12	1/20/12
OFFICE	DRA/AHPB/BC	OGC	LPL3-2/BC	LPL3-2/PM	
NAME	UShoop*	SUttal	MDudek	JWiebe	
DATE	5/18/12	7/19/12	7/27/12	7/30/12	

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