

# An Early Site Permit is the first step in building a new nuclear power plant.

The U.S. Nuclear Regulatory Commission (NRC) is the regulatory agency that nuclear power companies must apply to for site permits—to allocate land with permission to build a nuclear reactor on the site—and licenses to construct and operate nuclear reactors. Recently, the NRC has been changing their own regulations to make it much easier for companies to get these permits and licenses while simultaneously making it harder for the public to keep nuclear reactors out of their communities.

An early site permit (ESP) essentially allows a specific location to be approved for building a new nuclear power plant (many nuclear power facilities have more than one reactor) without a company actually committing to building a reactor or using any specific reactor design. Instead, the site is approved for a range of designs. Once an early site permit is issued, there are many environmental and public health and safety issues that cannot be challenged for the duration of the permit, which is 10-20 years with the option of a 10-20 year extension. An early site permit allows a utility company to apply for a construction and operation license (a “combined license”) at any point during the time period of the permit with no requirement to address site-specific issues and contentions, even in light of new information that may raise additional safety concerns. While the NRC and the nuclear industry attempt to draw a sharp line between the granting of an ESP and the approval for construction of a nuclear reactor, the fact is that an ESP is a “partial construction permit,” as the NRC concedes. In short, ESPs

allow a company to “bank” a site for up to 40 years (if an ESP is extended). Thus, if a company is granted an ESP by the NRC in 2005, that company could do nothing with that permit through 2043, and surprise the local community in 2044 with a combined license application to build and operate multiple reactors at the site. Needless to say, much can change in 40 years.

Public Citizen and other groups oppose the early site permit process based on the fact that it artificially segments and disjoins the process of designing and approving a specific reactor for a specific site and decreases the opportunities for the public and surrounding communities to have meaningful involvement in decisions affecting their own environment, health and safety. Deadlines for filing contentions (a legal case against a nuclear plant that cites specific issues) are unreasonably short and tend to pass

before most concerned people even become aware of the situation. Many factors that should reasonably be included in the consideration of a permit, such as the actual need for additional power generating capacity in that geographic area, the impact a new nuclear plant in that area will have on the cost of power, and possible alternative sources of power generation for that area, are expressly denied consideration by the NRC.

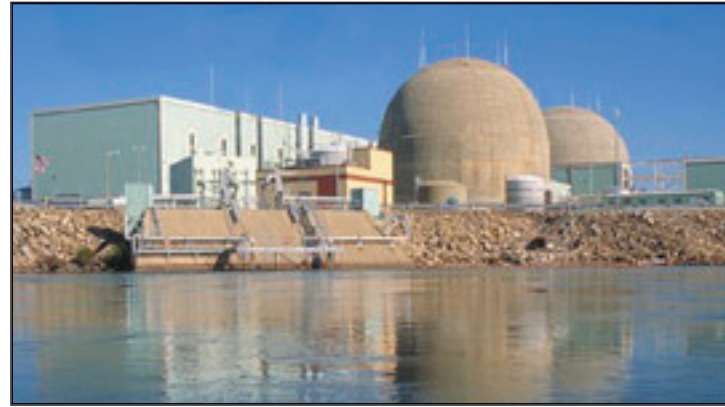
Two recent developments regarding NRC policy directly effect the real impact that the public can

have on the ESP process. First, The NRC has recently finalized a rule that will substantially reduce the public’s ability to meaningfully intervene in licensing proceedings conducted by the NRC (which cover license amendments, license renewals, and early site permit and “combined licenses” (that include both construction and operation of a new nuclear power reactor). This rule will change most hearings from formal to informal in nature, and thus will eliminate the public’s right to legal discovery of facts and cross-examination in these hearings. This will severely limit the public’s ability to intervene in such a way that a community with valid health, safety

and environmental concerns would not be able to stop the creation or extended lifespan of a facility they do not want.

The NRC has also recently issued a draft policy

statement on environmental justice (EJ) that would have the practical result of eliminating environmental justice considerations in nuclear facility licensing decisions made by the agency. This statement is a clear retreat from the agency’s previous actions to fulfill a 1994 Executive Order for government agencies to “analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communi-



ties...” This abandonment of concern for EJ issues stems directly from the demands of an angry Nuclear Energy Institute, the largest nuclear industry lobbying group in the U.S., which suffered defeats based on EJ concerns regarding member nuclear companies’ attempts to license a uranium enrichment plant in Tennessee, and a high-level waste dump in Utah. The NRC’s draft policy statement mirrors the arguments made by the NEI in its December 2002 letter to the NRC.

Public Citizen has filed or is planning to file legal interventions against all three pending early site permit applications: at North Anna, Virginia (filed by Dominion); Clinton, Illinois (filed by Exelon); and Grand Gulf, Mississippi (filed by Entergy).

Finally, as part of a U.S. Department of Energy (DOE) “pilot program,” fully half the cost for the three companies to file the early site permit applications is being paid by the DOE with taxpayer money – about \$3 million dollars so far.

The nuclear industry and its alleged regulators both know that nuclear power would not continue to exist in a free market economy with proper democratic protections for affected communities. Thus, the early site permit system is serving as yet another way to grease the skids for another generation of dangerous, polluting nuclear reactors and the deadly waste they produce.

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# WHAT IS AN EARLY SITE PERMIT?

