



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

December 23, 2004

RAS 11189

SECRETARY

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

DOCKETED ☐

USNRC ☐

☐

December 23, 2004 (3:35pm) ☐

☐

OFFICE OF SECRETARY ☐

RULEMAKINGS AND ☐

ADJUDICATIONS STAFF ☐

☐

Docket No. 52-007-ESP

Re: Request for postponement of release of the DEIS for the Clinton ESP site

Dear Ms. Curran:

I am responding to your letter to the Commission dated November 4, 2004. In your letter you request that the Commission exercise its supervisory authority over the NRC staff by ordering suspension of the release of the Draft Environmental Impact Statement (DEIS) for the proposed early site permit for the Clinton nuclear power plant site. You further request that the proposed suspension last until 30 days after the Commission publishes a notice in the *Federal Register* that documents pertaining to the early site permit consideration for Clinton are available to the public through ADAMS. Your concern is that your client and members of the public will not be able to comment meaningfully on the DEIS, because relevant documents would be unavailable if the DEIS was issued while public access to ADAMS is restricted.

You also indicated in your letter that you were filing a motion with the Atomic Safety and Licensing Board (ASLB) for this proceeding requesting relief identical to that requested from the Commission. Your motion was docketed by my office on November 5, 2004. By order dated November 30, 2004, the ASLB denied your motion to suspend the proceeding. The Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards or presiding officers. Under the circumstances, it would be premature for the Commission to address the issue that you have raised. Therefore, the Commission will not issue a formal ruling on your request at this time.

I will take this opportunity to point out that on November 16, 2004, subsequent to your letter, the NRC restored publically available filings in the Clinton ESP case, as well as the Hearing File for the proceeding, to the Electronic Hearing Docket. In addition, on December 7, 2004, the NRC restored Part 50 Docket material to the ADAMS Publically Available Record Systems (PARS).

Should you have additional questions on the public availability of Clinton ESP case files please contact Emile Julian of my staff on (301) 415-1966. A copy of your letter and this response will be served on the participants in the Clinton ESP proceeding.

Sincerely,



Annette L. Vietti-Cook

cc: Service List



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December 23, 2004

SECRETARY

Howard A. Learner, Esq.
Shannon Fisk, Esq.
Environmental Law and Policy Center
35 E. Wacker Dr., Suite 1300
Chicago, IL 60601

Re: Request for postponement of release of the DEIS for the Clinton ESP site

Dear Mr. Learner and Ms. Fisk:

I am responding to your letter to the Commission dated November 4, 2004. In your letter you request that the Commission exercise its supervisory authority over the NRC staff by ordering suspension of the release of the Draft Environmental Impact Statement (DEIS) for the proposed early site permit for the Clinton nuclear power plant site. You further request that the proposed suspension last until 30 days after the Commission publishes a notice in the *Federal Register* that documents pertaining to the early site permit consideration for Clinton are available to the public through ADAMS. Your concern is that your client and members of the public will not be able to comment meaningfully on the DEIS, because relevant documents would be unavailable if the DEIS was issued while public access to ADAMS is restricted.

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Sincerely,



Annette L. Vietti-Cook

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SECRETARY

Dave Kraft, Executive Director
Nuclear Energy Information Service
P.O. Box 1637
Evanston, IL 60204-1637

Re: Request for postponement of release of the DEIS for the Clinton ESP site

Dear Mr. Kraft:

I am responding to your letter to the Commission dated November 4, 2004. In your letter you request that the Commission exercise its supervisory authority over the NRC staff by ordering suspension of the release of the Draft Environmental Impact Statement (DEIS) for the proposed early site permit for the Clinton nuclear power plant site. You further request that the proposed suspension last until 30 days after the Commission publishes a notice in the *Federal Register* that documents pertaining to the early site permit consideration for Clinton are available to the public through ADAMS. Your concern is that your client and members of the public will not be able to comment meaningfully on the DEIS, because relevant documents would be unavailable if the DEIS was issued while public access to ADAMS is restricted.

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Sincerely,



Annette L. Vietti-Cook

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December 23, 2004

SECRETARY

Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource Service
1424 16th St., NW, Suite 404
Washington, DC 20036

Re: Request for postponement of release of the DEIS for the Clinton ESP site

Dear Mr. Gunter:

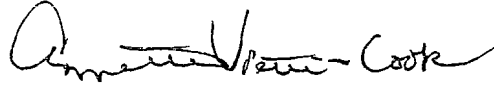
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Sincerely,

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Annette L. Vietti-Cook

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December 23, 2004

SECRETARY

Michele Boyd
Public Citizen
215 Pennsylvania Ave., SE
Washington, DC 20003

Re: Request for postponement of release of the DEIS for the Clinton ESP site

Dear Ms. Boyd:

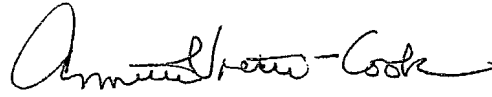
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Annette L. Vietti-Cook

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