

November 20, 2001

Dr. Ronald L. Simard, Senior Director
Business Services Department
Business Operations Division
Nuclear Energy Institute
1776 I Street, Suite 400
Washington, DC 20006 - 3708

Dear Mr. Simard:

SUBJECT: REQUEST TO REVIEW NEI 01-02, "GUIDANCE FOR PREPARING AN EARLY SITE PERMIT APPLICATION"

In your letter dated September 28, 2001, the Nuclear Energy Institute (NEI) requested the U.S. Nuclear Regulatory Commission (NRC) to review NEI 01-02, "Guidance For Preparing an Early Site Permit Application." The stated purpose of the guidance is to provide an approach for implementing the requirements of Subpart A to 10 CFR Part 52.

Based on a limited review, the document appears to be a general overview of the early site permit (ESP) process and needs, but does not provide, clear cross-references to all of the NRC regulatory guidance documents concerning related topics. The document is duplicative of guidance currently publicly available, quoting (or paraphrasing) many of the related Commission's regulations. As discussed during a March 29, 2001 meeting with the NEI ESP Task Force (see May 8, 2001 meeting summary), a significant amount of guidance on format, content, and review plans is already available in the public domain in the form of Regulatory Guides, the Standard Review Plan (NUREG-0800), the Environmental Standard Review Plan (NUREG-1555), and other documents. NEI 01-02 does not appear to propose any new guidance that is necessary to support developing an ESP application. Existing NRC guidance to be used to prepare for future licensing activities that the staff plans to update has already been identified in SECY-01-0188, "Future Licensing and Inspection Readiness Assessment," dated October 12, 2001.

In addition, NEI identifies certain policy issues in NEI 01-02 that have not been resolved, and have already been raised by the nuclear industry, such as the incorporation of information from previous reviews in an ESP application. These issues are currently being addressed through other agency processes, such as through petitions for rulemaking. The staff believes that review of NEI 01-02 is not the appropriate forum for discussing and resolving policy matters.

Therefore, on the basis of its cursory review of NEI 01-02, dated September 28, 2001, the staff concludes that the document does not appear to provide a complete summary of the guidance currently available for developing an ESP application, and does not provide any additional guidance to support such an effort. The staff has not reviewed the document in sufficient detail to determine whether it would be an accurate reference for a potential ESP applicant while

R. Simard

- 2 -

developing an ESP application, and therefore, cannot endorse its use. If you have any questions concerning this matter, please contact Thomas J. Kenyon at (301) 415-1120.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

cc: G. Bagchi
P.T. Kuo
K. Manoly
B. Zalzman
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