

January 16, 2003

Mr. Ronald L. Simard
Nuclear Energy Institute (NEI)
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF ESP TOPIC 15 (ESP-15), APPROPRIATE LEVEL OF DETAIL
FOR SITE REDRESS PLANS

Dear Mr. Simard:

The purpose of this letter is to confirm our understanding and expectations regarding the appropriate level of detail for site redress plans that may be included in an early site permit (ESP) application. This topic, which was identified in ESP-15 on the list of Nuclear Energy Institute (NEI) generic ESP issues, was discussed during a public meeting on September 25, 2002 (Meeting Summary - ADAMS Accession No. ML022900341). Subsequently, NEI documented its position on this topic in a letter dated November 26, 2002. We confirm the understanding and expectations cited in your letter as noted below.

1. An ESP application may contain a plan for redress of the site if the applicant wishes to be able to perform the activities at the site allowed by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.10(e)(1). Under an ESP that includes approval of such a redress plan, the activities allowed by 10 CFR 50.10(e)(1) may be conducted in accordance with the ESP, and separate authorization required by 10 CFR 50.10(e)(1) would not be required. The plan must demonstrate that there is reasonable assurance that redress carried out under the plan will achieve an environmentally stable and aesthetically acceptable site suitable for whatever non-nuclear use may conform with local zoning laws.

In addition, in the Statements of Consideration supporting the 10 CFR Part 52 rulemaking, the Commission stated that "[c]ontaining a redress plan, the permit itself will constitute assurance that, if site preparation activities are carried out but the site never used for a nuclear power plant, the site will not be left in an unacceptable position." Therefore, the staff has assurance that the approved redress plan would be implemented, if necessary.

2. As identified in the Statements of Consideration supporting the 10 CFR Part 52 rulemaking (54 FR 15372, April 18, 1989), the Commission modeled the site redress requirements of 10 CFR Part 52 on the Site Redress Plan dated March 5, 1984, for the Clinch River Breeder Reactor Plant. The NRC staff also identified the following guidance in the Environmental Standard Review Plan, NUREG-1555, Sections 4.1.1 and 4.1.2:

It has been staff practice to follow the site redress procedures and practices used in the withdrawal applications for CP extension and for OLs submitted by Consumers Power Co. to NRC for its Midland Plant, Units 1 and 2 (Atomic Safety and Licensing Board 1986). These procedures included (1) preparation of and compliance with a site stabilization plan by the applicant, (2) an inspection and evaluation report

prepared by NRC after the applicant's completion of site stabilization activities, and (3) preparation of an environmental assessment by NRC based on the inspection report.

The following additional guidance is provided in the Environmental Standard Review Plan, NUREG-1555, Section 4.1.2:

[I]n the case of a[n] ... early site permit,... a description of proposed restoration and management actions within the corridors and offsite areas should be addressed in the redress plan. Some examples are recontouring or grading, permanent landscaping, revegetation of disturbed areas, and establishment of recreational areas (from the ER and on request from the applicant).

3. The NRC staff is not currently developing any additional guidance, review standards or acceptance criteria related to site redress plans.
4. The available guidance describes an acceptable level of information to support the review of redress plans submitted by the applicant. Additional actions may be necessary to satisfy the requirements of Federal (other than the NRC), State, and local agencies that are not within the purview of the NRC.

Please contact Ronaldo Jenkins, the ESP Senior Project Manager at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA M. Gamberoni for:/

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

Project No. 689

cc: See next page

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