

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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<b>NAME</b>	RJenkins	JTappert	MGamberoni-JMS1 for:	RWeisman	JLyons-M. Gamberoni for:
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cc:

Mr. David Lochbaum  
Union of Concerned Scientists  
1707 H Street, NW  
Suite 600  
Washington, DC 20006-3919

Mr. Paul Gunter  
Director of the Reactor Watchdog Project  
Nuclear Information & Resource Service  
1424 16<sup>th</sup> Street, NW, Suite 404  
Washington, DC 20036

Mr. Ron Simard  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Russell Bell  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Mr. Thomas P. Miller  
U.S. Department of Energy  
Headquarters - Germantown  
19901 Germantown Road  
Germantown, MD 20874-1290

Mr. James Riccio  
Greenpeace  
702 H Street, NW, Suite 300  
Washington, DC 20001

Rod Krich  
Vice President, Licensing Projects  
Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

Patricia Campbell  
Winston & Strawn  
1400 L Street, NW  
Washington, DC 20005

Mr. Eddie Grant  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Mr. James F. Mallay, Director  
Regulatory Affairs  
FRAMATOME, ANP  
3315 Old Forest Road  
Lynchburg, VA 24501

Mr. Ernie H. Kennedy  
Vice President New Plants  
Nuclear Plant Projects  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Dr. Regis A. Matzie  
Senior Vice President and  
Chief Technology Officer  
Westinghouse Electric Company  
2000 Day Hill Road  
Windsor, CT 06095-0500

Mr. Gary Wright, Manager  
Office of Nuclear Facility Safety  
Illinois Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Mr. Vince Langman  
Licensing Manager  
Atomic Energy of Canada Limited  
2251 Speakman Drive  
Mississauga, Ontario  
Canada L5K 1B2

Mr. David Ritter  
Research Associate on Nuclear Energy  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Tom Clements  
6703 Guide Avenue  
Takoma Park, MD 20912

Mr. Edwin Lyman  
Nuclear Control Institute  
1000 Connecticut Avenue, NW  
Suite 410  
Washington, DC 20036

Mr. Jack W. Roe  
SCIENTECH, INC.  
910 Clopper Road  
Gaithersburg, MD 20878

Dr. Gail H. Marcus  
U.S. Department of Energy  
Room 5A-143  
1000 Independence Ave., SW  
Washington, DC 20585

Ms. Marilyn Kray  
Vice President, Special Projects  
Exelon Generation  
200 Exelon Way, KSA3-E  
Kennett Square, PA 19348

Mr. Joseph D. Hegner  
Lead Engineer - Licensing  
Dominion Generation  
Early Site Permitting Project  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Mr. George Alan Zinke  
Project Manager  
Nuclear Business Development  
Entergy Nuclear  
M-ECH-683  
1340 Echelon Parkway  
Jackson, MS 39213

Mr. Charles Brinkman  
Westinghouse Electric Co.  
Washington Operations  
12300 Twinbrook Pkwy., Suite 330  
Rockville, MD 20852

Mr. Ralph Beedle  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
Suite 400  
1776 I Street, NW  
Washington, DC 20006-3708

Dr. Glenn R. George  
PA Consulting Group  
130 Potter Street  
Haddonfield, NJ 08033

Arthur R. Woods  
Enercon Services, Inc.  
500 TownPark Lane  
Kennesaw, GA 30144