

February 12, 2003

Dr. Ronald L. Simard  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF EARLY SITE PERMIT TOPIC 12 (ESP-12), NEPA  
CONSIDERATION OF SEVERE ACCIDENT ISSUES

Dear Dr. Simard:

The purpose of this letter is to inform you of the Nuclear Regulatory Commission (NRC) staff's understanding and expectations regarding the need to consider severe accident issues during the preparation and subsequent review of an application for an early site permit (ESP), under 10 CFR Part 52, Subpart A. This topic, which is now identified as ESP-12 on the list of Nuclear Energy Institute (NEI) generic ESP issues, was discussed during public meetings on August 22 and December 5, 2002 (Meeting Summaries - ADAMS Accession Nos. ML022590031 and ML023540387). Prior to the December 5, 2002 meeting, this issue was limited to the consideration of severe accident mitigation alternatives. Subsequently, NEI documented its position on this topic in a letter dated December 20, 2002.

The positions presented in NEI's letter discussed severe accident issues for certified designs and combined licenses (COLs), in addition to ESPs. Instead of addressing each of the six statements under "ESP-12 Understandings and Expectations," this letter addresses only the question of whether an applicant for an ESP needs to consider severe accident impacts and severe accident mitigation alternatives.

With respect to severe accident mitigation alternatives, the staff recognizes that if sufficient design information is not available at the ESP stage, then the NRC review and findings will be deferred to the COL stage. However, the staff expects the applicant to include a discussion of severe accident impacts in its environmental report at the ESP stage. These positions are consistent with the discussions held on December 5, 2002.

In addition, these positions were articulated in the Nuclear Reactor Regulation (NRR) Review Standard, RS-002, "Processing Applications for Early Site Permits: Draft for Interim Use and Public Comment," dated December 23, 2002. Attachment 3 to RS-002 discusses the applicability of certain sections of NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants," October 1999, to the scope and associated review criteria for the Environmental Report.

Attachment 3 to RS-002 indicates that Section 7.2, "Severe Accidents," of NUREG-1555 is applicable to the early site permit review, but acknowledges that Section 7.3, "Severe Accident Mitigation Alternatives," requires detailed design information and design-specific probabilistic risk assessment. If detailed design information is not available in the ESP application, then the staff review and findings on severe accident mitigation alternatives will be deferred to the COL

stage. These sections of the Review Standard also reflect the staff position articulated in SECY-91-041, "Early Site Permit Review Readiness."

In an associated *Federal Register* Notice dated January 2, 2003, [68 FR 132], the staff requested comments on RS-002 by March 31, 2003. NEI and other interested persons can provide comments on the implementation of the staff's position during this comment period.

Please contact Stephen Koenick at (301) 415-1239, if you have any questions on this matter.

Sincerely,

*/RA/*

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

Project No. 689

cc: See next page

SECY-91-041, "Early Site Permit Review Readiness."

In an associated *Federal Register* Notice dated January 2, 2003, [68 FR 132], the staff requested comments on RS-002 by March 31, 2003. NEI and other interested persons can provide comments on the implementation of the staff's position during this comment period.

Please contact Stephen Koenick at (301) 415-1239, if you have any questions on this matter.

Sincerely,

*/RA/*

James E. Lyons, Director  
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Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

ACCESSION NO. ML030280518

\* See Previous concurrence

OFC	PM:NRLPO	DD:NRLPO	SPSB:BC	RLEP:SC	OGC	
NAME	SKoenick	MGamberoni*	MJohnson*	JTappert*	AFernandez*w/cmt	
DATE	2/11/03	2/4/03	2/6/03	2/6/03	2/10/03	
OFC	D:NRLPO					
NAME	JLyons					
DATE	2/12/03					

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SKoenick

RJenkins

MGamberoni

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RidsNrrAdip (RBorchardt)

RidsNrrAdpt (BSheron)

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NRLPO Group

RidsNrrOD (Scollins)

CBray

AFernandez

JMoore

TKenyon

BZalcman

RPalla

MRubin

CDoutt

ESP-Generic

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