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December 20, 2002

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Director, New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Resolution of ESP-11 (Duration of Early Site Permits)

In a public meeting on December 5, 2002, we discussed generic Early Site Permit (ESP) topic ESP-11, which concerns the duration of ESPs issued under 10 CFR Part 52, Subpart A.

Per 10 CFR 52.27, an ESP may be "valid for not less than ten nor more than twenty years from the date of issuance." Our discussion with the NRC staff focused on the need for a common understanding of the circumstances under which an ESP would be approved for a period less than twenty years.

In accordance with the protocol established for documenting resolution of generic ESP issues, we request that, by reply to this letter, the NRC confirm the understandings and expectations, as identified below, that resulted from this interaction. To provide for timely resolution of generic issues and continued progress toward submittal of ESP applications in mid-2003, we request that NRC respond by February 1, 2003.

ESP-11 Understandings and Expectations

1. Each ESP application will request a specific duration (10-20 years) and provide the information necessary to justify the requested duration. The lead ESP applicants will request and support 20-year ESPs.
2. Duration dependent information will primarily be the population distributions. Other site characteristics, such as meteorology, geology, and seismology, do not change significantly over a periods as short as ten or twenty years, and thus do not affect the approval duration of ESPs.

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3. It is expected that the NRC staff will review ESP applications to confirm the information provided therein supports the requested duration, and, if so, approve the application with the requested duration.
4. It is not expected that the duration of ESPs would be limited to less than that requested and supported by applicants based on the possibility of change in site environs. This is because NRC regulations already provide specific recourse for addressing new information at COL. Specifically,
 - Section 52.79(a)(1) provides for consideration in a combined license proceeding of significant new environmental issues,
 - 10 CFR 50.9 requires COL applicants to identify to the Commission information "having for the regulated activity a significant implication for public health and safety or common defense and security," and
 - Section 52.39 provides for the Commission to impose new requirements to assure adequate protection of the public health and safety or the common defense and security.

An updated status listing of generic ESP topics is provided for information in the enclosure.

We look forward to your confirmation of the understandings and expectations described above related to ESP-11. If you have any questions concerning this request, please contact me (202-739-8128 or rls@nei.org) or Russ Bell (rjb@nei.org or 202-739-8087).

Sincerely,

Original Signed By:

Ron Simard

Enclosure

c: Ronaldo V. Jenkins, NRC/NRR
Document Control Desk

Status of Generic ESP Interactions

ESP Topic Higher priority topics shaded	Initial Discussion	Resolution Pending	Discussions Ongoing	Next Discussion	NEI Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Remarks
1. ESP application form & content	8/22		x	1/29					NRC provided TOC comparison on Oct. 16
2. ESP inspection guidance	4/24		x	1/29					<ul style="list-style-type: none"> • IMC-2501 issued; reflects QA open issue (see ESP-3) • ESP Review Std to be issued for use & comment by year end
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	4/24	x			11/26				
3. QA requirements for ESP information	5/28	x			12/20			2/1/03	
4. Nominal NRC review timeline	10/17		x	1/29					
5. Mechanism for documenting resolution of ESP issues	5/28				9/10	11/5			
6. Use of plant parameters envelope (PPE) approach	7/16	x			12/20			2/1/03	
7. Guidance for satisfying §52.17(a)(1) requirements	7/16	x			12/20			2/1/03	Related to ESP-6
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	9/25		x	1/29				3/1/03	
9. Criteria for assuring control of the site by the ESP holder				3/5					
10. Use of License Renewal GEIS for ESP	9/25	x							
11. Criteria for determining ESP duration (10-20 years)	12/5	x			12/20				

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<p align="center">ESP Topic Higher priority topics shaded</p>	<p align="center">Initial Discussion</p>	<p align="center">Resolution Pending</p>	<p align="center">Discussions Ongoing</p>	<p align="center">Next Discussion</p>	<p align="center">NEI Letter</p>	<p align="center">NRC Response</p>	<p align="center">Potential Snr. Mgmt Issue</p>	<p align="center">ESP Schedule Impact if not Resolved by</p>	<p align="center">Remarks</p>
12. Guidance for evaluating severe accident mitigation alternatives under NEPA	8/22	x			12/20			2/1/03	
13. Guidance for ESP seismic evaluations	6/13		x	1Q03					2 nd meeting on pilot demonstration activity planned for 1Q03
14. Applicability of Federal requirements concerning environmental justice				3/5					Evaluating related PFS decision by Commission
15. Appropriate level of detail for site redress plans	9/25	x			11/26				
16. Guidance for ESP approval of emergency plans				1/29					
17. Petition to eliminate duplicative NRC review of valid existing site/facility information									Staff recommendation pending on petition PRM-52-1
18. Petition to eliminate reviews for alternate sites, sources and need for power									Staff recommendation pending on petition PRM-52-2
18a Alternative site reviews	12/5	x			12/20			3/1/03	
19. Addressing effects of potential new units at an existing site				3/5					
20. Practical use of existing site/facility information	9/25	x			11/26				
21. Understanding the interface of ESP with the COL process.				3/5					
22. Form and content of an ESP	8/22		x	1Q03				2/1/03	NEI draft under consideration by NRC