

March 17, 2003

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY INSTITUTE
REGARDING EARLY SITE PERMIT (ESP) ISSUES

On January 29, 2003, representatives from the Nuclear Energy Institute (NEI) met with the Nuclear Regulatory Commission (NRC) staff. The meeting was requested by NEI in order to discuss issues related to ESP applications and reviews. Representatives from Dominion Generation (Dominion), Exelon Generating Company (Exelon) and Entergy Operations, Inc. (Entergy) were in attendance.

Enclosure 1 is a list of the meeting attendees. NRC and NEI provided handouts during the meeting which can be accessed through the Agencywide Documents Access and Management System (ADAMS). This system provides text and image files of NRC's public documents. The handouts mentioned above may be accessed through the ADAMS system under Accession No. ML030300448. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Follow-up Items from the December 5th Meeting

The staff deferred until later the following action items: (1) consideration of NEI comments on Inspection Manual Chapter (IMC) 2501, "Nuclear Reactor Inspection Program Early Site Permit," (NEI will provide specific comments on IMC 2501 at the next meeting) and (2) additional comments on the ESP-8 presentation given during the December meeting (Staff will respond to the NEI issue resolution letter for ESP-8). Russell Bell of NEI noted that the Plant Parameter Envelope (PPE) Worksheet will be transmitted to the staff by February 7, 2003. NEI ESP Task Force (ESPTF) addressed an action item to respond to staff questions and comments on the environmental impact mitigation alternatives issue with Enclosure 1 (PPE White Paper) of the NEI Letter titled "Resolution of Generic Topic ESP-6 (PPE Approach for ESP)" dated December 20, 2002.

Topics for Next Meeting

NEI ESPTF proposed the following topics to be discussed at the next meeting:

- ESP-2 ESP inspection guidance - NEI to provide specific comments on IMC 2501; Staff to discuss future inspection procedures
- ESP-4 Nominal NRC review timeline - NEI to provide specific comments
- ESP-9 Criteria for assuring control of the site by the ESP Holder
- ESP-13 Guidance for ESP seismic evaluations - Follow up by NEI

- ESP-19 Addressing effects of potential new units at existing site
- ESP-21 Understanding the interface of ESP with the COL process
- ESP-22 Form and Content of an ESP - Additional NEI comments

Industry Comments on RS-002, Draft ESP Review Standard

The staff responded to comments (See handouts) which were transmitted via e-mail on January 16, 2003 on RS-002. The staff noted that a formal response to the subject comments requires that those comments be submitted in writing in accordance with the public comment procedure for RS-002. NEI stated that applicable comments will be submitted in accordance with the public comment procedure before the end of the comment period on March 31, 2003.

ESP-4 (NRC nominal review timeline)

The NRC staff provided a presentation (see handouts) on the Draft ESP Review Schedule detailing the steps needed to complete the Final Safety Evaluation Report and the Final Environmental Impact Statement for ESP applications. The staff estimates a 12-month period for the mandatory ESP hearing assuming there are no contentions. The subject schedule milestone dates represent bounding time intervals. For example, the time interval for Requests for Additional Information (RAIs) is intended to allow sufficient interaction time to clearly identify issues and concerns with the applicant given that this filing would be the first time use of the ESP process. Any reduction in the time period for RAIs would result in a corresponding reduction in the overall schedule. The staff noted that there may be up to three inspections which will be scheduled based upon an applicant specific timetable. Although the Advisory Committee for Reactor Safeguards (ACRS) milestones on the subject ESP Review Schedule will be subject to the available ACRS meeting time it was felt that the staff can plan around the multiple applications (i.e., Exelon and Entergy ESP applications) to be filed in June 2003.

ESP-18x (Alternative sources review under 10 CFR Part 52)

The NEI ESPTF discussed their e-mail note (See handouts) on the alternative sources review requirement which was transmitted to the staff on January 16, 2003. Although the staff indicated that both Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 and the applicable section of the Draft ESP Review Standard called for all alternatives to be addressed including alternative power sources, there may be some flexibility in how that requirement is addressed by the ESP applicant. NEI stated that they will submit their position on alternative sources as a comment to RS-002.

ESP-8 (Use of a bounding approach for providing fuel cycle and transportation info required by the National Environmental Policy Act (NEPA) (Table S-3 and S-4)

The NEI ESPTF provided a follow up presentation (See handouts) which was transmitted to the staff via e-mail on January 16, 2003. The NEI ESPTF seeks agreement with the staff that mitigating factors are adequate for the fuel cycle and transportation impacts using Tables S-3 and S-4 and that the subject methodology is applicable for any reactor technology. The

methodology is limited to the uranium fuel cycle. The staff noted that the final results should factor in previous information from the Pebble Bed Modular Reactor discussions and any application of the methodology should include justification regarding any assumptions (e.g., amount of yellow cake, centrifuge technology).

ESP-16 (Guidance for ESP approval of emergency plans)

The NEI ESPTF discussed a briefing sheet (See handouts) on Topic ESP-16 which was transmitted to the staff via e-mail on January 16, 2003. The staff had the following comments/observations: (1) reference to an existing emergency preparedness plan should be discussed in the ESP application; (2) the term "significant" implies the same level of importance that is consistent with past licensing decisions in this area; (3) the staff expects ESP applicants to address all of the planning standards and evaluation criteria identified in NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," Revision 1, Supplement 2; (4) the staff prefers written letters establishing the arrangements between the ESP applicant and state and local officials; and (5) SECY-91-041, "Early Site Permit Readiness," provides additional information on this subject to assist the ESP applicant. The staff stated that NRC interactions with the Federal Emergency Management Agency (FEMA) are managed through the memorandum of understanding between FEMA and the NRC and the staff meets with FEMA representatives on a quarterly basis. There were no concerns expressed regarding future performance of the joint emergency preparedness review by FEMA and NRC.

Status/Plans for the balance of generic ESP topics

NEI discussed and distributed the Table of Generic ESP Interactions (See handouts) listing the status and future plans for the balance of those ESP topics which had not yet been discussed or resolved with the staff. The table also provides target dates as to when NEI expects to transmit resolution letters to the staff. The staff took an action item to consider the development of a Regulatory Guide (RG) to provide staff guidance on the form and content of ESP applications.

Public Comments

A representative from Greenpeace commented that the industry only wants to talk about the benefits of nuclear power and did not want to address the impacts. He hopes the NRC staff will force the industry to address the impacts. He noted that it is inappropriate for the applicants to ask for finality on the Tables S-3 & S-4 (ESP-8) issue when the results of their analysis will not bound all of the designs they are considering and he hopes the finality of an ESP will be carefully considered such that issues won't be closed out prematurely. He also hopes that an ESP is not made so broad as to be useless. He requested that the Table of ESP Generic Interactions (See handouts) be put on the NRC website and that there be links to the correspondence associated with each ESP issues. The staff committed to place more information regarding the ESP issues on the NRC website.

The Entergy representative announced that the Grand Gulf ESP application will be filed during the last week of June 2003.

The handouts also contained transmittals from NEI entitled "Industry Comments on Preliminary NRC Identification of SRP & ESRP Applicability to ESP" and "Industry Response to NRC Questions on ESP applications Using the Plant Parameter Envelope (PPE) Approach" which were e-mailed to the staff on November 11 and December 20, 2002, respectively.

/RA/

Ronaldo V. Jenkins, Senior Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

Enclosure: As stated

cc w/encl: See next page

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Meeting
With the Nuclear Energy Institute
January 29, 2003

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James Lyons, NRR
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Jim Wilson, NRR
Stephen Koenick, NRR
Barry Zalcman, NRR
Bruce Musico, NRR
Jay Lee, NRR
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Rebecca Karas, NRR
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Dan Barss, NRR
Jocelyn Mitchell, RES
Antonio Fernandez, OGC

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Russell Bell
Ronald Simard
Robert Bishop
Ellen Anderson

Other Attendees

Roger Huston, Licensing Support Services
Stefan Doerffer, AECL
Jim Riccio, Greenpeace
Mike Bourgeois, Entergy
George Zinke, Entergy
Eddie Grant, Exelon
Thomas P. Mundy, Exelon
Bill Maher, Exelon
Marvin Smith, Dominion
Jenny Weil, McGraw-Hill
Robert Nitschke, INEEL
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