

June 23, 2003

Mr. Kenneth Hughey  
Sr. Manager Business Development  
Entergy Nuclear, Incorporated  
Jackson, MS 39286

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSES TO ENTERGY  
NUCLEAR, INC. COMMENTS ON DRAFT RS-002, "PROCESSING  
APPLICATIONS FOR EARLY SITE PERMITS"

Dear Mr. Hughey:

This letter provides the responses of the U.S. Nuclear Regulatory Commission (NRC) staff to the comments on the subject document provided in your letter to James E. Lyons dated March 31, 2003. Because your letter endorsed the comments of the Nuclear Energy Institute (NEI) on the draft RS-002, we are providing, as an enclosure, the item-by-item NRC staff responses to NEI's comments. The responses reflect the staff's positions on NEI's comments, and they will be addressed as appropriate in the development of the final RS-002 scheduled for completion by the end of 2003.

The staff believes that the combination of the following will constitute sufficient guidance to the staff to allow rigorous, consistent, and efficient NRC staff reviews of any early site permit (ESP) applications received prior to release of the final RS-002:

- Staff guidance on ESP reviews in draft RS-002
- The staff's positions on ESP-related issues raised by NEI as documented in various letters from the staff to NEI in 2002 and 2003
- The staff's responses to public comments on draft RS-002
- Additional guidance to be made available to the NRC staff reviewers of potential ESP applications as needed

We also believe that draft RS-002, the staff's responses to public comments on draft RS-002, and the letters the staff has provided to NEI collectively provide sufficient information to enable ESP applicants to understand the staff's expectations for content of an ESP application.

Your letter also expressed concerns regarding lack of guidance in draft RS-002 concerning the use of a plant parameter envelope (PPE). The staff plans to add guidance to RS-002 to better address this approach. Because RS-002 is written to accommodate all ESP applicants, and not only those who might use a PPE approach, the guidance will address both the PPE approach and an applicant's use of a specific plant design. Please also see the staff's responses to specific NEI comments on this subject.

K. Hughey

-2-

Your letter also recommends a pre-planned revision to RS-002 to address lessons learned from the three pending ESP applications. The staff plans to incorporate lessons learned from the acceptance reviews of the initial ESP applications into the final RS-002 to be developed by the end of 2003. The staff will determine in the future whether additional revisions are needed to address lessons learned from the staff's safety and environmental reviews of these applications.

Finally, your letter recommends that the NRC use a standard approach in all sections to incorporate the 1996 changes to Title 10, Part 100, of the *Code of Federal Regulations* (10 CFR Part 100). The staff agrees that a few of the references to 10 CFR Part 100 that carried over to RS-002 from NUREG-0800 inappropriately reference Subpart A of 10 CFR Part 100. The staff will update those references accordingly. However, the manner of referencing Subpart B (i.e., general reference or more specific reference to one or more rules in Subpart B) will depend on the context of the reference. Therefore, while the staff will attempt to be appropriately consistent in such reference citations, we do not believe it is appropriate to specify one approach throughout RS-002. Please also see the staff's responses to specific NEI comments related to referencing 10 CFR Part 100.

If you have any questions regarding this letter or the staff's responses to your comments, please contact Mr. Michael L. Scott at (301) 415-1421.

Sincerely,

*/RA/*

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

Project No. 720

Enclosure: As stated

cc w/encl: See next page

K. Hughey

-2-

Your letter also recommends a pre-planned revision to RS-002 to address lessons learned from the three pending ESP applications. The staff plans to incorporate lessons learned from the acceptance reviews of the initial ESP applications into the final RS-002 to be developed by the end of 2003. The staff will determine in the future whether additional revisions are needed to address lessons learned from the staff's safety and environmental reviews of these applications.

Finally, your letter recommends that the NRC use a standard approach in all sections to incorporate the 1996 changes to Title 10, Part 100, of the *Code of Federal Regulations* (10 CFR Part 100). The staff agrees that a few of the references to 10 CFR Part 100 that carried over to RS-002 from NUREG-0800 inappropriately reference Subpart A of 10 CFR Part 100. The staff will update those references accordingly. However, the manner of referencing Subpart B (i.e., general reference or more specific reference to one or more rules in Subpart B) will depend on the context of the reference. Therefore, while the staff will attempt to be appropriately consistent in such reference citations, we do not believe it is appropriate to specify one approach throughout RS-002. Please also see the staff's responses to specific NEI comments related to referencing 10 CFR Part 100.

If you have any questions regarding this letter or the staff's responses to your comments, please contact Mr. Michael L. Scott at (301) 415-1421.

Sincerely,  
*/RA/*  
James E. Lyons, Director  
New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation

Project No. 720

Enclosure: As stated                      Distribution: See next page  
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