

June 23, 2003

Dr. Ronald L. Simard
Senior Director, New Plant Development
Nuclear Generation Division
Nuclear Energy Institute
1776 I Street, NW
Suite 400
Washington, DC 20006-3708

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSES TO
NUCLEAR ENERGY INSTITUTE (NEI) COMMENTS ON DRAFT RS-002,
"PROCESSING APPLICATIONS FOR EARLY SITE PERMITS"

Dear Dr. Simard:

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. Enclosed with this letter are item-by-item NRC staff responses to the comments provided in the enclosure to your letter. The responses reflect the staff's positions on your 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 the Nuclear Energy Institute (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 the content of an ESP application.

Your letter also expressed concerns regarding NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants." The staff continues to believe that the document, with the clarifications noted in Attachment 3 to draft RS-002 and as noted in the enclosure to this letter, provides appropriate guidance to the staff for its review of an ESP

applicant's environmental report and for the staff's development of the environmental impact statement. We do not believe that the clarifications warrant markups of NUREG-1555 as suggested in your letter. Please see the staff's response to NEI comment J.1 for additional discussion on the staff's reasoning for this position.

Your letter also notes that several sections of RS-002 have not yet been released for public comment and interim use. Since the date of your letter, the staff has issued additional sections of the document on the subjects of quality assurance and accident analysis. The staff has decided that the appropriate method of providing guidance to the three potential ESP applicants on the subject of physical security is by letter. Letters providing this guidance were sent to all three potential ESP applicants on May 8, 2003. The staff may supplement this guidance in the future. The other subjects noted in your letter as missing from the draft RS-002 (emergency planning, site missiles, and aircraft hazards) are, in fact, already addressed in draft RS-002 (in Sections 13.3, 2.2.1, and 3.5.1.6, respectively).

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. 689

Enclosure: As stated

cc w/encl: See next page

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Sincerely,
/RA/

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

Project No. 689

Enclosure: As stated

cc w/encl: See next page

ACCESSION NO.: ML031320110-ML031710698-Pkg. *See previous concurrence

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