

August 11, 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 19 (ESP-19), EFFECTS OF
POTENTIAL NEW UNITS AT AN EXISTING SITE

Dear Dr. Simard:

This letter confirms our understandings and expectations regarding the effects of potential new units at an existing site. This topic, which is identified as ESP-19 on the list of Nuclear Energy Institute's (NEI's) generic early site permit (ESP) issues, was discussed during a public meeting on March 5, 2003 (Meeting Summary - ADAMS Accession No. ML030990608). Subsequently, NEI documented its position on this topic in a letter dated May 14, 2003.

The NRC staff offers the observations and clarifications stated below.

1. The NRC staff agrees with Item 1 of the subject NEI letter, but in the context of the exclusion area (see 10 CFR 100.3) boundary (EAB). "Owner-controlled area" is synonymous with "controlled area," a term defined in 10 CFR Part 20 and related to personnel protection. The definition of "exclusion area" includes "...that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities..."
2. The NRC staff agrees with Item 2 of the subject letter that the ESP holder is responsible for compliance with 10 CFR 52.35.
3. The NRC staff agrees, as stated in Item 3 of the subject letter, that the ESP holder and the licensee for the nearby operating plant(s) should have appropriate managerial and administrative controls to address interface issues.
4. The NRC staff agrees that the requirements of 10 CFR 50.34(a)(11) are not applicable to an ESP application. However, operating unit(s) licensee(s) are expected to maintain awareness of activities performed under an ESP [i.e., activities authorized in accordance with 10 CFR 52.25(a)], to ensure no undue risk is posed to the operating plant from such activities. The staff is considering ESP condition(s) that would require the ESP holder to notify the operating plant licensee and the NRC prior to conducting any activity authorized under 10 CFR 52.25(a).
5. The NRC staff agrees, as stated in Item 5 of the subject letter, that the ESP applicant will identify and assess the potential impacts from nearby operating plants on the proposed site. The NRC staff letter to NEI (J. Lyons to R. Simard, Subject: Use of Existing Site/Facility Information) dated December 18, 2002, provides the staff's positions on use of existing information (such as that applicable to an existing facility) in an ESP application.

R. Simard

-2-

Please contact Michael Scott, ESP Project Manager, at 301-415-1421 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Program Director
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

R. Simard

-2-

Please contact Michael Scott, ESP Project Manager, at 301-415-1421 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Program Director
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

Distribution:

Hard Copy
NRLPO Rdg
MScott
LDudes
JLyons

E-mail

PUBLIC
ACRS/ACNW
RidsNrrAdip (RBorchardt)
RidsNrrAdpt (BSheron)
BZalcman
AFernandez
KCampe

NRLPO Group
RidsNrrOD (SCollins)
RidsOgcRp

*See previous concurrence

ACCESSION NO. ML031490478

OFC	PM:RNRP		SPA:NRLPO*	DD:NRLPO*		SPSB:BC*	
NAME	MScott		JWilson	MGamberoni		MTschiltz	
DATE	8/11/03		6/2/03	6/12/03		6/16/03	
OFC	RLEP:SC*		DD:DLPM*	OGC*		D:NRLPO	
NAME	JTappert		TMarsh	JMoore		JLyons	
DATE	7/1/03		7/ 9 /03	8/8 /03		8/11/03	

OFFICIAL RECORD COPY

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 16th 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. Paul Levanthal
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

Mr. Thomas Mundy
Director, Project Development
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348