

January 29, 2004

Dr. Ronald L. Simard
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: PROPOSAL TO DISCUSS COMBINED LICENSE TOPIC 10 (COL-10), THE
10 CFR PART 52 SUBPART C EMERGENCY PLANNING INSPECTIONS,
TESTS, ANALYSES, AND ACCEPTANCE CRITERIA (ITAAC)

Dear Dr. Simard:

This letter provides a proposed draft of Emergency Planning (EP) inspections, tests, analyses, and acceptance criteria (ITAAC), for the purpose of initiating discussion with industry and public stakeholders. This topic is identified as item "COL-10" on the Nuclear Energy Institute's (NEI's) list of generic combined license (COL) issues that NEI provided to the staff during a May 22, 2003, public meeting (Reference: NRC Meeting Summary - ADAMS Accession No. ML031970065). The development of EP ITAAC is part of our ongoing NRC-industry public working group, and is associated with the development of the structure and content of prospective COL applications, which would be submitted under Subpart C of 10 CFR Part 52.

The NRC staff, in consultation with the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA), crafted the EP ITAAC, which address 15 of the 16 EP planning standards in 10 CFR 50.47(b) and NUREG-0654/FEMA-REP-1, Rev. 1. (The excluded planning standard, 50.47(b)(13), pertains to the development of general plans for recovery and reentry, and was determined to be not applicable to EP ITAAC.) The draft proposed EP ITAAC update earlier versions found in Attachment 2 of SECY-95-090, "Emergency Planning Under 10 CFR Part 52," April 11, 1995, and SECY-02-0067, "Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) for Operational Programs (Programmatic ITAAC)," April 15, 2002. SECY-95-090 included preliminary illustrative EP ITAAC, addressing 2 of the 16 planning standards. As stated in SECY-95-090, "[s]ubstantial refinement is needed to fully develop these ITAAC." The enclosed draft EP ITAAC reflect the current collective efforts of NRC and FEMA staff to provide this refinement, and incorporate various lessons learned from previous design certification reviews under Subpart B of 10 CFR Part 52.

The staff would like to meet with NEI and other stakeholders in order to discuss the enclosed EP ITAAC and solicit comments. In addition to comments on the specifics of the attached draft

proposed EP ITAAC, the staff would like to discuss the following issues with interested stakeholders:

- The enclosure contains high-level generic acceptance criteria. These criteria were adapted from those found in NUREG-0654. It is expected that a COL applicant will be able to provide more detailed EP ITAAC that are site specific at the COL application stage. Such detailed EP ITAAC would satisfy the intent of the proposed generic EP ITAAC that are attached. Is it necessary to capture guidance related to providing detailed EP ITAAC and, if so, what is the best way to capture such guidance?
- The offsite acceptance criteria in the enclosure assume state and local government participation. If the state and local officials terminate or limit their cooperation between the time of COL issuance and fuel loading the draft proposed EP ITAAC may no longer be valid. In that case, the EP ITAAC incorporated in the license under 10 CFR 52.97(b)(1) would have to be changed by a license amendment in accordance with 10 CFR 52.97(b)(2)(i). The staff would like to discuss with stakeholders the feasibility of developing offsite EP ITAAC that cover both possibilities (i.e., assuming state and local government participation, and assuming state and local governments do not participate).
- The enclosure contains references to emergency plans. The staff attempted to distinguish between issues that should be resolved prior to issuance of a COL from those that can only be resolved after issuance of a COL. For example, the emergency plans and the EP ITAAC will be reviewed and approved prior to granting a COL, while compliance with the ITAAC would be assessed post-licensing, using the ITAAC to verify the implementation of those plans. The staff would like to discuss stakeholder views on the need for clarification of the EP ITAAC in the enclosure to separate those issues that should be resolved prior to issuance of a COL from those that can only be resolved after the COL is issued.
- Compliance with some of the ITAAC in the enclosure could be assessed concurrently. The staff would like to discuss with stakeholders this concurrent review and its implications.

R. Simard

- 3-

Please contact Mr. Joseph Sebrosky (COL Project Manager) at 301-415-1132, if you have any questions regarding the enclosure. I expect that there will be at least one category 3 public meeting so that all interested stakeholders can comment on the form and content of EP ITAAC.

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
Enclosure: as stated

R. Simard

- 3 -

Please contact Mr. Joseph Sebrosky (COL Project Manager) at 301-415-1132, if you have any questions regarding the enclosure. I expect that there will be at least one category 3 public meeting so that all interested stakeholders can comment on the form and content of EP ITAAC.

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
Enclosure: as stated
Distribution: See next page

ACCESSION NO. ML033010403-Pkg.
ML033010411-Response Letter
ML033010440-Enclosure

*See Previous concurrence

OFC	INT:RNRP	PM:RNRP	SC: IEPB	SPA:RNRP	SC:RNRP	OGC	PD:RNRP
NAME	DDuvigneaud*	JSebrosky	EWeiss*	JWilson*	LDudes*	RWeisman*	JLyons
DATE	12/9/2003	1/28/2004	01/13/2004	12/10/2003	1/5/2004	1/02/2004	1/28/2004

OFFICIAL RECORD COPY

Distribution for Letter to R. Simard dated January 29, 2004

Hard Copy

PUBLIC

RNRP Rdg

JSebrosky

LDudes

JLyons

E-mail

JDyer/RBorchardt

JCraig

BSheron

OGC

ACRS/ACNW

NRR/RNRP

MAshley

JBlake

RGardner

CPaulk

GMizuno

RWeisman

JMoore

KBarber, OGC

DBarss

BMusico

NIqmbal

PQualls

TKenyon

DCoe

MEI-Zeftway

Combination List:

Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006-3919

Dr. Gail H. Marcus
U.S. Department of Energy
Office of Nuclear Energy, Science
& Technology
NE-1, Room 5A-143
1000 Independence Avenue, SW
Washington, DC 20585

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. George Alan Zinke
Project Manager
Nuclear Business Development
Entergy Nuclear
M-ECH-683
1340 Echelon Parkway
Jackson, MS 39213

Mr. Thomas P. Miller
U.S. Department of Energy
NE-20, Rm. A286
Headquarters-Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Ms. Marilyn Kray
Vice President, Special Projects
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Mr. Laurence Parme
Manager, GT-MHR Safety & Licensing
General Atomics Company
P.O. Box 85608
San Diego, CA 92186-5608

Mr. Joseph D. Hegner
Lead Engineer - Licensing
Dominion Generation
Early Site Permitting Project
5000 Dominion Boulevard
Glen Allen, VA 23060

Mr. Edward L. Quinn
MDM Services Corporations
Utility Operations Division
28202 Cabot Road, Suite 205
Laguna Nigual, CA 92677

Lynn Connor
Doc-Search Associates
2211 sw 1ST Ave - #1502
Portland, OR 97201

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. W. Edward Cummins
AP600 and AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

175 Curtner Avenue, MC 365
San Jose, CA 95125 USA

Mr. Kelly R. Fletcher, Manager
Business Development and Advanced
Technologies
GE Nuclear Energy
175 Curtner Avenue, MC 784
San Jose, CA 95125

Mr. Edward F. Sproat, III
Vice President - Int'l Projects
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. Stephen P. Frantz
Morgan, Lewis, & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. David Ritter
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Mr. Horace R. Hall, Commercial Manager
Nuclear Business Team
UCAR Carbon Company, Inc.
P.O. Box 2170
Clarksburg, West Virginia 26302-2170

Vanessa E. Quinn, Section Chief
Radiological Emergency Preparedness
Branch
Nuclear and Chemical Hazards Division
Federal Emergency Management
Agency/DHS
500 C Street SW
Washington, D.C. 20472

Mr. James Blyth
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Dr. Atambir S. Rao
Project Manager, ESBWR
GE Nuclear Energy