March 15, 2004

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-03-0227 - REVIEW STANDARD RS-002, "PROCESSING APPLICATIONS FOR EARLY SITE PERMITS"

The Commission has approved issuance of Review Standard RS-002, “Processing Applications for Early Site Permits” subject to the comments noted below.

The staff, with the assistance of OGC, should revise the review standard to reflect changes to the hearing process incorporated in the revision to 10 CFR Part 2 which became effective on February 13, 2004. In particular, the Commission directs the staff to provide notice on the NRC website of receipt of applications, letters of intent to file an application, and notices of docketing and opportunity to participate in mandatory hearings. Consequently, Section 4.2, “Public Hearings,” Attachment 1, and any other relevant sections should be revised to provide guidance to the staff on implementation of the Commission’s direction to the staff and the new Part 2 requirements.

The staff should take full advantage of the interim staff guidance process described in the Commission Paper to address emergent issues that result from the staff’s review of the currently docketed applications and revise the review standard, as necessary.

Any reference to correspondence in the paper and proposed review standard should include an ADAMS accession number so that interested stakeholders can review the NRC’s position as stated in those letters.

The review standard should be revised to reflect the creation of the new “Emergency Preparedness Project Office,” and responsibility for review of emergency preparedness information should be assigned to the new office.

The staff should update the review guidance, including Regulatory Guide 1.76, "Design Basis Tornado for Nuclear Power Plants," to reflect the more recent tornado wind speed data that is available. The results (e.g., technical basis) of this initiative should be made available on a schedule that supports the current early site permit reviews. The staff should also develop options in applying a risk-informed approach to the selection of a design basis tornado and make a proposal to the Commission. In applying the risk-informed approach, the staff should factor in security and emergency preparedness considerations, as appropriate, in their analysis.
(EDO) (SECY Suspense: 8/30/04)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR