

U.S. NUCLEAR REGULATORY COMMISSION

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DRAFT OF 29 NOVEMBER 2006

In the Matter of System Energy Resources, Inc.

Docket No. 52-09-ESP Official Exhibit No. AKL 50050 [APPLICANT COMPANY]

OFFERED by: Applicant/Licensee Intervenor _____ [SPECIFIED SITE]
NRC Staff Other _____

IDENTIFIED on 11/30/06 Witness/Panel _____ DOCKET NO. 52-[XXX];

Action Taken: ADMITTED REJECTED WITHDRAWN
Reporter/Clerk PW _____ EARLY SITE PERMIT

Early Site Permit No. ESP-[XXX]

1. The Nuclear Regulatory Commission (the NRC or the Commission) has found that:
 - A. The application for an early site permit (ESP) filed by [applicant company] (the applicant) complies with the applicable requirements of the Atomic Energy Act of 1954, as amended, and the applicable rules and regulations of the Commission, and all required notifications to other agencies or bodies have been duly made;
 - B. Taking into consideration the site criteria contained in 10 C.F.R. Part 100, a reactor, or reactors, having design characteristics that fall within the site characteristics and bounding parameters of the [NAME OF SITE] can be constructed and operated without undue risk to the health and safety of the public;
 - C. There is reasonable assurance that the applicant will comply with the regulations in 10 C.F.R. Chapter I, and the health and safety of the public will not be endangered;
 - D. Issuance of an ESP to the applicant will not be inimical to the common defense and security or the health and safety of the public;
 - E. [FOR AN ESP WITH COMPLETE AND INTEGRATED EMERGENCY PLANS]: There is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency;

[OR]

[FOR AN ESP WITH MAJOR FEATURES OF EMERGENCY PLANS]: [There is no significant impediment to the development of emergency plans, [OR] The applicant has demonstrated that all significant impediments to the development of emergency plans can be ameliorated before an application referencing this ESP is granted,] and major features [LIST THEM BY LETTER] of emergency plans described in the application are acceptable;

[OR]

[FOR ALL OTHER ESPS]: [There is no significant impediment to the

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development of emergency plans, [OR] The applicant has demonstrated that all significant impediments to the development of emergency plans can be ameliorated before an application referencing this ESP is granted.]

- F. The issuance of this ESP [IF ANY ENVIRONMENTAL CONDITIONS ARE INCLUDED: , subject to the conditions for the protection of the environment set forth herein,] is in accordance with the National Environmental Policy Act of 1969, as amended, and with applicable sections of 10 C.F.R. Part 51 as referenced by Subpart A of 10 C.F.R. Part 52, and all applicable requirements therein have been satisfied;
 - G. [FOR APPLICATIONS CONTAINING A SITE REDRESS PLAN]: The site redress plan incorporated into this permit demonstrates that there is reasonable assurance that redress carried out under the plan, if required, will achieve an environmentally stable and aesthetically acceptable site suitable for whatever non-nuclear use may conform with local zoning laws, and any activities performed pursuant to 10 C.F.R. § 52.25(a) will not result in any significant adverse environmental impact that cannot be redressed.
2. Based on the foregoing findings, and pursuant to Sections 103 and 185b. of the Atomic Energy Act of 1954, as amended (the Act), and 10 C.F.R. Part 52, "Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants," and the Initial Decision of the Atomic Safety and Licensing Board, dated [XXX XX, 200X][IF MORE THAN ONE DECISION, NAME AND DATE THEM; IF COMMISSION ISSUES DECISION, NAME AND DATE IT], the Nuclear Regulatory Commission hereby issues Early Site Permit No. ESP-[XXX] to [applicant company] for an ESP Site [provide brief summary description of the site] as described in the application and amendments thereto (the application) filed in this matter by the applicant, and as described in the evidence received at the public hearing upon that application. As described in the application, [specified site] is located approximately [XX] miles [direction] of [reference major landmark].
 3. This ESP shall be deemed to contain and is subject to the conditions specified in the Commission's regulations in 10 C.F.R. Chapter I, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the following conditions specified or incorporated below:
 - A. The characteristics of the [NAME OF SITE] set forth in Appendix A to this ESP are hereby incorporated into this ESP;
 - B. The controlling values of parameters set forth in Appendix B to this ESP are hereby incorporated into this ESP;
 - C. The combined license (COL) action items set forth in Appendix C to this ESP are hereby incorporated herein. These COL action items identify certain matters

that shall be addressed in the final safety analysis report (FSAR) by an applicant who submits an application referencing this ESP. These items constitute information requirements but are not the only acceptable set of information in the FSAR. An applicant may depart from or omit these items, provided that the departure or omission is identified and justified in the FSAR. In addition, these items do not relieve an applicant from any requirement in 10 C.F.R. Chapter I that governs the application. After issuance of a construction permit or COL, these items are not requirements for the licensee unless such items are included in a license condition.

- D. The values of plant parameters considered in the environmental review of the application and set forth in Appendix D to this ESP are hereby incorporated into this ESP;
- E. [FOR COMPLETE AND INTEGRATED EMERGENCY PLANS OR MAJOR FEATURES OF EMERGENCY PLANS (with the exception of the first three applications filed)]: The inspections, tests, analyses, and acceptance criteria (ITAAC) applicable to emergency planning set forth in Appendix E to this ESP are hereby incorporated into this ESP, and an applicant referencing this ESP shall perform such inspections, tests, and analyses and demonstrate that the acceptance criteria have been met or the ITAAC must be incorporated into any license granted on an application referencing this ESP;
- F. [ALL OTHER SAFETY CONDITIONS IDENTIFIED IN THE SER OR IMPOSED BY THE ASLB OR COMMISSION];
- G. [IF THE APPLICANT HAS SOUGHT AUTHORIZATION TO PERFORM SITE PREPARATION AND PRELIMINARY CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH 10 CFR 52.25 AND HAS PROVIDED AN ADEQUATE SITE REDRESS PLAN:] The site redress plan set forth in Appendix F to this ESP is hereby incorporated into this ESP;
- H. [IF THE APPLICANT HAS SOUGHT AUTHORIZATION TO PERFORM SITE PREPARATION AND PRELIMINARY CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH 10 CFR 52.25 AND HAS PROVIDED AN ADEQUATE SITE REDRESS PLAN:] The applicant shall notify the NRC Regional Administrator, Region X, and the operator of [specify any nuclear plant that might be located nearby and potentially affected by the planned activities] of the applicant's plans to commence the site preparation and preliminary construction activities described in the application at least 120 days prior to commencement of such activities;
- I. [FOR APPLICANTS WHO HAVE SUBMITTED A SITE REDRESS PLAN BUT NOT OBTAINED 401 CERTIFICATIONS BEFORE ESP ISSUANCE:] The holder of this ESP shall not perform any site preparation or preliminary construction activities authorized by 10 C.F.R. § 52.25 unless such holder obtains the certification required pursuant to Section 401 of the Federal Water Pollution

Control Act from [the permitting authority], or obtains a determination by [the permitting authority] that no certification is required and submits the certification or determination to the NRC before commencement of any such activities.

J. [ALL OTHER ENVIRONMENTAL CONDITIONS IDENTIFIED IN THE EIS OR IMPOSED BY THE ASLB OR COMMISSION]

- 4. [Provide a limit on integrated risk posed by all reactors that are or might be operated at the site, if called for by NRC regulations or required for adequate protection of public health and safety or the common defense and security. This issue, which is addressed in SECY-03-0047, "Policy Issues Related to Licensing Non-Light-Water Reactor Designs," SECY-04-0103, "Status of Response to the June 26, 2003, Staff Requirements Memorandum on Policy Issues Related to Licensing Non-Light Water Reactor Designs," and SECY-05-0006, "Second Status Paper on the Staff's Proposed Regulatory Structure for New Plant Licensing and Update on Policy Issues Related to New Plant Licensing," has not been resolved as of the date of development of this template. While not applicable to ESP applications currently under consideration, 10 CFR 100.11(b) discusses possible considerations related to this issue.]
- 5. In accordance with 10 C.F.R. § 52.37, the holder of this ESP is subject to the requirements of 10 C.F.R. Part 21 as of the date of issuance of this ESP;
- 6. This ESP is effective as of its date of issuance and shall expire at midnight on [XXX XX, 2XXX].

FOR THE NUCLEAR REGULATORY COMMISSION

Richard W. Borchardt, Director
Office of New Reactors

- Enclosures: Appendix A: Characteristics of the [NAME OF SITE]
- Appendix B: Controlling Values of Parameters
- Appendix C: Combined License (COL) Action Items
- Appendix D: Values of Plant Parameters Considered in the Environmental Review of the Application

[FOR COMPLETE AND INTEGRATED EMERGENCY PLANS OR MAJOR FEATURES OF EMERGENCY PLANS (with the exception of the first three applications filed)]:

Appendix E: Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)

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Applicable to Emergency Planning

[IF THE APPLICANT PROPOSED, AND THE STAFF APPROVED, A SITE REDRESS PLAN:]

Appendix F: Site Redress Plan

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Appendix A: Characteristics of the [NAME OF SITE]

[PROVIDE TABLES OF SITE CHARACTERISTICS FROM SER]

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Appendix B: Controlling Values of Parameters

[INSERT TABLE OF PARAMETERS, IF ANY, FROM SER].

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Appendix C: Combined License (COL) Action Items

[INSERT COL ACTION ITEM TABLE FOR SER]



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Appendix D: Values of Plant Parameters
Considered in the Environmental Review of the Application

[INSERT TABLE OF PLANT PARAMETERS FROM FEIS]



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D [FOR COMPLETE AND INTEGRATED EMERGENCY PLANS OR MAJOR FEATURES OF EMERGENCY PLANS (with the exception of the first three applications filed)]:

Appendix E: Inspections, Tests, Analyses,
and Acceptance Criteria (ITAAC) Applicable to Emergency Planning

[INCLUDE EP ITAAC APPROVED IN SER]

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[IF THE APPLICANT PROPOSED, AND THE STAFF APPROVED, A SITE REDRESS PLAN:]

Appendix F: Site Redress Plan

[INSERT ENTIRE SITE REDRESS PLAN, AS APPROVED IN SER].

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