

January 19, 2007

Vanessa E. Quinn, Chief
Radiological Emergency Preparedness Branch
Chemical and Nuclear Preparedness & Protection Division
Department of Homeland Security
1800 South Bell Street, Room 837
Crystal City-Arlington, VA 22202-3546

SUBJECT: VOGTLE EARLY SITE PERMIT (ESP) APPLICATION – REQUEST FOR DHS
CONCURRENCE ON REQUESTS FOR ADDITIONAL INFORMATION (RAIs) &
PROVIDE SUPPLEMENTAL PSER INFORMATION

Dear Ms. Quinn:

We have reviewed the Department of Homeland (DHS) findings and proposed requests for additional information (RAIs) associated with the Vogtle early site permit (ESP) application, transmitted with your December 28, 2006, letter. The DHS findings have been incorporated into our draft preliminary safety evaluation report (PSER) (Enclosure 1), and proposed RAIs (Enclosure 2).

The DHS findings were reformatted to reflect four jurisdictional areas (i.e., the States of Georgia and South Carolina, and the respective counties). All of the DHS RAIs were retained in RAI 13.3-17, except for Nos. 1, 4.d (regarding the Savannah River Site Memorandum of Agreement), 4.f, 5.e, and 5.f, which were considered unnecessary because the information appeared to be adequately addressed by the applicant's submission of the full set of existing letters of agreement, and supplemental letters of agreement addressing the proposed Units 3 and 4. Also, the extension of the questions in DHS RAI Nos. 5.l and 6.g to "other sites" was not included, as it is outside the scope of the ESP application for the Vogtle site.

As you are aware, the Vogtle application is the fourth ESP application; following the initial applications for the North Anna, Clinton, and Grand Gulf stations. The initial three applications requested NRC and DHS approval of the proposed "major features" of emergency plans. In comparison, the Vogtle application requests approval of "complete and integrated emergency plans." The Vogtle application addresses all aspects of emergency preparedness and response capabilities for two new reactors at the site at the ESP stage; which is essentially the same level of information that will be required for the upcoming combined license (COL) applications. As such, our joint reviews of the Vogtle ESP application establish the scope and depth of review for future COL applications. The scope of review for a major features plan and complete and integrated plans are different, in that the former is reviewed against Supplement 2 to NUREG-0654/FEMA-REP-1, Rev. 1 (Supplement 2), and the latter against NUREG-0654/FEMA-REP-1 – which evaluates the entire emergency plan, rather than just a subset of a plan (i.e., major features).

In regard to documenting the depth of review, the FEMA findings associated with the initial three ESP applications provided an appropriate level of detail, which enabled NRC to write the safety evaluation reports (SERs). The SER supports internal NRC reviews by the Advisory Committee on Reactor Safeguards, and Atomic Safety and Licensing Board (ASLB); as well as examination by the applicant, the nuclear industry, other prospective applicants, and the general public. The SER establishes the basis for subsequent issuance of the ESP (or COL).

For the three initial ESP applications, the respective FEMA offsite findings were provided in a narrative SER discussion, consistent with the format used by NRC for its evaluation of the onsite emergency plan. The FEMA findings were supported by (1) a reference to applicable State and local plan section(s) that addressed the respective individual evaluation criteria; and (2) a sufficiently detailed, yet concise, discussion of how the offsite plans met the relevant evaluation criterion, which articulated a reasonable basis in support of FEMA's adequacy determination. The review and documentation in the SER, by NRC and FEMA (or DHS), must clearly show that our respective reviews and findings are adequate, with reasonable support in logic and fact. The record should supply adequate technical information, or flow of logic, to permit a judgment as to whether the (NRC and DHS) staff had a reasonable basis for reaching their conclusion(s). The importance of this level of review and documentation is emphasized and expressed in Enclosure 3 (publicly available through ADAMS Accession No. ML063620377), which is the ASLB's December 28, 2006, Initial Decision associated with the Clinton ESP application review.

The December 28, 2006, DHS Regional Assistance Committee findings for the Vogtle ESP application addressed the appropriate (NUREG-0654/FEMA-REP-1) scope of review. However, the DHS findings did not provide the same supporting depth of analysis that was included in the findings for the previous three ESP applications. The "adequacy" findings were supported by references to the relevant State and local plan sections, with only a very brief description of the substance and context of the plans in support of the findings. We are concerned that, as currently written, the draft SER (which incorporates DHS's findings) does not contain sufficient information to show the depth of analysis behind the DHS staff's review. We request that DHS supplement its findings, consistent with the format in Enclosure 1, and provide a sufficiently detailed, yet concise, discussion of how the offsite plans meet the relevant evaluation criteria, and support DHS's "adequacy" determination. We request that you provide the supplemental information in support of the DHS findings (discussed above) by February 16, 2007.

We also request that DHS review RAI 13.3-17, and provide your concurrence for this proposed RAI by January 25, 2007, consistent with our NRC/DHS review schedule (see line item 82, as revised by subsequent agreement). Any questions pertaining to the above may be directed to either Daniel Barss (301) 415-2922 or Bruce Musico (301) 415-2310.

Sincerely,

/RA/

Anthony McMurtray, Chief
Regulatory Improvements and Outreach Branch
Emergency Preparedness
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

Enclosures: As stated

cc: (w/o Enclosures)
W. C. Conklin (DHS)
M. Takacs (DHS)
J. Purvis (DHS)
J. Dixon (DHS)
C. Fiore (DHS)
D. Wilcox (DHS)

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