

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

May 19, 2004

**NRC REGULATORY ISSUE SUMMARY 2004-07
RELEASE OF FINAL REVIEW STANDARD (RS)-002,
“PROCESSING APPLICATIONS FOR EARLY SITE PERMITS”**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, all applicants for early site permits (ESPs), and all prospective vendors of nuclear power plants in the United States.

INTENT

The NRC is issuing this regulatory issue summary (RIS) to inform addressees of the availability of Review Standard (RS) 002, “Processing Applications for Early Site Permits.” This RIS requires no action or written response on the part of an addressee.

BACKGROUND INFORMATION

The regulations in Title 10 of the *Code of Federal Regulations*, Part 52 (10 CFR Part 52), Subpart A, “Early Site Permits,” specify the requirements for issuing an ESP. The ESP process is intended to allow a prospective applicant for a nuclear power reactor facility to resolve site-related licensing issues and obtain approval of a site (or sites) without having to file an application for a construction permit or a combined license. An ESP is effective for a period of up to 20 years.

Three ESP applications were submitted to the NRC in 2003 and are currently under review. Additional ESP applications may be submitted in the future (though no entities have stated firm intentions of submitting such applications). Consequently, the NRC has prepared RS-002 to provide guidance to NRC staff reviewers of ESP applications to help ensure that the applications currently under review and any future applications will be reviewed in a consistent, effective, efficient, and thorough manner.

SUMMARY OF ISSUE

RS-002 provides guidance for the NRC staff to use in reviewing ESP applications. The document also identifies for stakeholders the types of information that the NRC staff will look for in an ESP application. For each area of review, the review standard provides staff guidance on acceptance criteria, review procedures, and sample evaluation findings. The review standard was developed from existing regulatory guidance, such as that found in NUREG-0800,

ML041340058

“Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants.” The guidance in RS-002 differs to some extent from the guidance in NUREG-0800 in that it addresses the 10 CFR Part 52 regulatory framework and, in particular, ESPs, which did not exist when most sections of NUREG-0800 were last revised.

A draft version of RS-002 was issued for interim use and public comment in December 2002 (as announced in RIS 2003-03). The NRC staff addressed comments received and provided the revised draft to the Commission for approval in SECY 03-0227. The Commission approved issuance of RS-002 in a staff requirements memorandum.

In its staff requirements memorandum, the Commission directed the staff to update review guidance, including Regulatory Guide 1.76, "Design Basis Tornado for Nuclear Power Plants," to reflect the more recent tornado wind speed data that are available. The Commission required that the results (e.g., technical basis) of this initiative be made available on a schedule that supports the current early site permit reviews. The staff is currently evaluating available data to address this concern and will revise applicable review guidance as appropriate when the evaluation is complete.

The review standard is available electronically in the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records System (PARS) component of the NRC Agencywide Documents Access and Management System (ADAMS). PARS is accessible from the NRC's public Web site at <http://www.nrc.gov/reading-rm/adams.html>; the ADAMS accession number for RS-002 is ML040700094.

BACKFIT DISCUSSION

This RIS requires no action or written response and, therefore, does not constitute a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not require any specific action or written response and, therefore, is not subject to the requirements of the Paperwork Reduction Act.

If you have any questions about this matter, contact the individual listed below.

/RA/

William D. Beckner, Chief
Reactor Operations Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Technical Contact: Michael L. Scott, NRR
301-415-1421
E-mail: mls3@nrc.gov

Attachment: List of Recently Issued NRC Regulatory Issue Summaries

LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2004-06	Independent Survey of Power Reactor Licensees	04/16/2004	All holders of operating licenses for nuclear power reactors except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
2004-05	Grid Reliability and the Impact on Plant Risk and the Operability of Offsite Power	04/15/2004	All holders of operating licenses for nuclear power reactors except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
2004-04	Use of Code Cases N-588, N-640, and N-641 in Developing Pressure-Temperature Operating Limits	04/05/2004	All holders of construction permits or operating licenses for nuclear power reactors except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
2004-03	Risk-informed Approach For Post-Fire Safe-Shutdown Associated Circuit Inspections	03/02/2004	All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.
2004-02	Deferral of Active Regulation of Ground-Water Protection at <i>in Situ</i> Leach Uranium Extraction Facilities	02/23/2004	All holders of materials licenses for uranium and thorium recovery facilities.

Note: NRC generic communications may be received in electronic format shortly after they are issued by subscribing to the NRC listserver as follows:

To subscribe send an e-mail to <listproc@nrc.gov>, no subject, and the following command in the message portion:

subscribe gc-nrr firstname lastname