



NUCLEAR ENERGY INSTITUTE

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April 7, 2003

Mr. James E. Lyons  
Director, New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT:** Resolution of Generic Topic ESP-16 (Emergency Planning)

**PROJECT 689**

Dear Mr. Lyons:

In a public meeting on January 29, 2003, we discussed generic topic ESP-16, which concerns emergency planning information to be submitted as part of an early site permit (ESP) application. Our ESP-16 discussion focused on the emergency planning information required by 10 CFR 52.17(b), as well as the optional information to be provided if the ESP applicant seeks NRC approval of either "major features" of the emergency plans or complete and integrated emergency plans.

In accordance with the protocol established for documenting resolution of generic ESP issues, we request that, by reply to this letter, the NRC confirm the understandings and expectations that resulted from our discussions as identified below. To promote timely resolution of generic issues and continued progress toward submittal of ESP applications in 2003, we request that NRC respond within 30 days.

1. Pursuant to 10 CFR 52.17(b)(1), the ESP applicant will identify physical characteristics unique to the proposed site that could pose a significant impediment to the development of emergency plans through a preliminary analysis of the evacuation times utilizing the evacuation time estimate (ETE) methods recommended in NUREG-0654, Revision 1, Supplement 2 (Section II). A description of the analysis methods and results will be provided in the application.
2. Pursuant to 10 CFR 52.17(b)(3), the ESP applicant will provide in the application a description of contacts and arrangements made with local, state, and federal governmental agencies with emergency planning responsibilities. Documentation obtained by the ESP applicant evidencing such contacts will also be discussed in or included with the ESP application.

3. An ESP applicant who elects to propose major features of the emergency plans in accordance with §52.17(b)(2)(i) will prepare the information considering the guidance of NUREG-0654, Revision 1, Supplement 2. Appendix E (Section II) of 10 CFR Part 50 may also be utilized as additional guidance.
  - If the proposed site is one with a pre-existing nuclear facility and associated existing state and local emergency plans, the ESP application may rely on, and refer to, information contained in these existing plans. Major features proposed in the ESP application that differ significantly from major features discussed in existing plans and relied upon in the ESP application will be discussed in the ESP application.
  - If the site does not have a pre-existing nuclear facility and associated emergency plans, the appropriate discussion of the major features of the emergency plans will be provided.

In either case, major features information may consist of state and local agency prepared emergency planning information, applicant prepared information, or combination thereof, depending on the level of state and local governmental agency participation at the ESP stage.

4. If the ESP applicant chooses to propose complete and integrated emergency plans in accordance with §52.17(b)(2)(ii), the application will provide the information required by 10 CFR 50.47 and 10 CFR Part 50, Appendix E (using the regulatory guidance found primarily in Revision 1 to NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," and the latest revision of Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors").
5. The ESP applicant will identify differences between its emergency planning information and the guidance provided by NUREG-0654, Supplement 2. These differences may include addressing additional planning standards or evaluation criteria for which the ESP applicant has sufficient information, or not addressing some NUREG-0654, Supplement 2, planning standards or evaluation criteria for which the applicant does not have sufficient information at the ESP stage. Any NUREG-0654, Supplement 2, planning standards or evaluation criteria not addressed will be explained.

The NRC will review the emergency planning information provided in the application. An ESP applicant's desire to provide information on less than all "major features" planning standards or associated evaluation criteria identified in NUREG-0654, Supplement 2, will not result in rejection of the application. Similarly, if additional planning standards or evaluation criteria are addressed by

the ESP applicant (beyond those identified in NUREG-0654, Supplement 2), the NRC will review and evaluate the additional information in the same manner as the planning standards and evaluation criteria identified in NUREG-0654, Supplement 2.

6. The NRC will coordinate reviews and schedules with the Federal Emergency Management Agency (FEMA) in accordance with their current memorandum of understanding.


Additionally, NUREG-0654, Supplement 2, Section V, identifies the ESP applicable planning standards and evaluation criteria. Evaluation Criterion 4 states: "Each organization shall update its plan and agreements as needed." The following two expectations would establish the "as needed" criterion for an ESP.

7. An ESP holder will not be required to periodically update the approved emergency planning information since the plan is not implemented until after an operating license is issued. When referenced in a construction permit (CP) application or combined license (COL) application, the CP or COL applicant will update the information as necessary and will specifically identify and address any changes that represent a decrease in the effectiveness of the previously approved information.
8. An ESP holder will also not be required to periodically update the supporting organization agreements. When referenced in a CP application or COL application, the CP or COL applicant will update the agreement information, as appropriate.

Enclosed for your use is an updated list and status of generic ESP topics that have been identified for discussion during the pre-application period.

We look forward to your confirmation of the understandings and expectations described above related to ESP-16. If you have any questions concerning this request, please contact Russ Bell ([rjb@nei.org](mailto:rjb@nei.org) or 202-739-8087).

Sincerely,



Ron Simard

Enclosure

c: Ronaldo V. Jenkins, NRC/NRR  
NRC Document Control Desk

## Status of Generic ESP Interactions Issues – April 2003

ESP Topic	NEI Resolution Letter	NRC Response	Status/Remarks (Concerns highlighted)
1. ESP application form & content and ESP review guidance	*Later		<ul style="list-style-type: none"> <li>Industry comments on ESP Review Standard (RS-002) provided 3/31</li> <li>More time to be provided for late sections on QA, Security, and Dose Consequence Analyses (available in April)</li> <li>ESP-1 resolution letter to follow RS-002 review/comment/revision process *</li> </ul>
2. ESP inspection guidance	Post-IMC-2501		<ul style="list-style-type: none"> <li>IMC-2501 to be conformed to resolution of ESP-3 (QA)</li> <li>IMC-2501 and ESP inspection procedures to be completed to support June submittals</li> </ul>
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	11/26	1/10	Resolved
3. QA requirements for ESP information	12/20	2/3	<ul style="list-style-type: none"> <li>Follow-up questions discussed on Mar. 5</li> <li>Continuing concern about NRC expectations for Appendix B-equivalent controls</li> </ul>
4. Nominal NRC review timeline	Target April		<ul style="list-style-type: none"> <li>NRC discussed ESP review timeline on 1/29</li> <li>Industry may propose ways to reduce overall time to ESP</li> </ul>
5. Mechanism for documenting resolution of ESP issues	9/10	11/5	Resolved
6. Use of plant parameters envelope (PPE) approach	12/20	2/5	Resolved
7. Guidance for satisfying §52.17(a)(1) requirements	12/20	2/5	<ul style="list-style-type: none"> <li>Continuing concern about nature of dose analyses to be provided by pilot applicants</li> <li>NRC revising RS-002 based on March 5 discussions</li> <li>NEI to continue to pursue more optimal resolution (i.e., sole focus for ESP on Chi/Q) via RS-002 and other means</li> </ul>
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	Target April		<ul style="list-style-type: none"> <li>Industry preparing resolution letter based on March 26 discussion w/NRC</li> </ul>
9. Criteria for assuring control of the site by the ESP holder	Target April		Resolution Pending
10. Use of License Renewal GEIS for ESP	2/6	4/1	Resolution Pending
11. Criteria for determining ESP duration (10-20 years)	12/20	2/5	Resolved
12. NEPA consideration of severe accident issues (SAMAs and impacts)	a. 12/20	2/12	<ul style="list-style-type: none"> <li>Second resolution letter planned based on March 26 discussion w/NRC to clarify treatment in ESPAs of severe accident impacts</li> </ul>
	b. Target April		
13. Guidance for ESP seismic evaluations	Target April		Resolution pending

ESP Topic	NEI Resolution Letter	NRC Response	Status/Remarks (Concerns highlighted)
14. Applicability of Federal requirements concerning environmental justice	*None		<ul style="list-style-type: none"> <li>Commission action pending in response to Dec. 20 NEI letter</li> <li>No ESP-specific discussion of EJ or ESP-14 resolution letter necessary*</li> </ul>
15. Appropriate level of detail for site redress plans	11/26	1/16	Resolved
16. Guidance for ESP approval of emergency plans	Target March		Resolution pending
17. Petition to eliminate duplicative NRC review of valid existing site/facility information	*None		<ul style="list-style-type: none"> <li>Commission action pending on petition PRM-52-1</li> <li>No ESP-specific discussion or ESP-17 resolution letter necessary*</li> </ul>
18. Petition to eliminate reviews for alternate sites, sources and need for power	*None		<ul style="list-style-type: none"> <li>Supplemental industry comments on PRM-52-2 provided on Dec. 18</li> <li>Staff recommendation and Commission action pending</li> <li>No ESP-specific discussion or ESP-18 resolution letter necessary*</li> </ul>
18a Alternative site reviews	12/20	3/7	<ul style="list-style-type: none"> <li>Evaluating NRC response</li> <li>Further input to be provided via comments on RS-002</li> </ul>
18x Need for alternative energy source evaluation and review	*None		<ul style="list-style-type: none"> <li>* NEI to comment via RS-002 that that ESPAs need not address alt. sources</li> </ul>
19. Addressing effects of potential new units at an existing site	Target April		Resolution pending
20. Practical use of existing site/facility information	11/26	12/18	Resolved
21. Understanding the interface of ESP with the COL process.	COLTF Item*		<ul style="list-style-type: none"> <li>Purpose is clarity of expectations regarding reference to an ESP by a COL applicant</li> <li>Analogous to "COL Items" identified as part of the design certifications</li> <li>Issue to be transferred to COLTF *</li> </ul>
22. Form and content of an ESP	Target April		<ul style="list-style-type: none"> <li>NEI draft included as enclosure with 12/20 ESP-6 letter</li> <li>Updated version to be provided via ESP-22 letter; NRC response to provide comments</li> </ul>