

August 11, 2003

Dr. Ronald L. Simard  
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1776 I Street, NW, Suite 400  
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF EARLY SITE PERMIT TOPIC 19 (ESP-19), EFFECTS OF  
POTENTIAL NEW UNITS AT AN EXISTING SITE

Dear Dr. Simard:

This letter confirms our understandings and expectations regarding the effects of potential new units at an existing site. This topic, which is identified as ESP-19 on the list of Nuclear Energy Institute's (NEI's) generic early site permit (ESP) issues, was discussed during a public meeting on March 5, 2003 (Meeting Summary - ADAMS Accession No. ML030990608). Subsequently, NEI documented its position on this topic in a letter dated May 14, 2003.

The NRC staff offers the observations and clarifications stated below.

1. The NRC staff agrees with Item 1 of the subject NEI letter, but in the context of the exclusion area (see 10 CFR 100.3) boundary (EAB). "Owner-controlled area" is synonymous with "controlled area," a term defined in 10 CFR Part 20 and related to personnel protection. The definition of "exclusion area" includes "...that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities..."
2. The NRC staff agrees with Item 2 of the subject letter that the ESP holder is responsible for compliance with 10 CFR 52.35.
3. The NRC staff agrees, as stated in Item 3 of the subject letter, that the ESP holder and the licensee for the nearby operating plant(s) should have appropriate managerial and administrative controls to address interface issues.
4. The NRC staff agrees that the requirements of 10 CFR 50.34(a)(11) are not applicable to an ESP application. However, operating unit(s) licensee(s) are expected to maintain awareness of activities performed under an ESP [i.e., activities authorized in accordance with 10 CFR 52.25(a)], to ensure no undue risk is posed to the operating plant from such activities. The staff is considering ESP condition(s) that would require the ESP holder to notify the operating plant licensee and the NRC prior to conducting any activity authorized under 10 CFR 52.25(a).
5. The NRC staff agrees, as stated in Item 5 of the subject letter, that the ESP applicant will identify and assess the potential impacts from nearby operating plants on the proposed site. The NRC staff letter to NEI (J. Lyons to R. Simard, Subject: Use of Existing Site/Facility Information) dated December 18, 2002, provides the staff's positions on use of existing information (such as that applicable to an existing facility) in an ESP application.

Please contact Michael Scott, ESP Project Manager, at 301-415-1421 if you have any questions on this matter.

Sincerely,

***/RA/***

James E. Lyons, Program Director  
New, Research and Test Reactors Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

R. Simard

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Please contact Michael Scott, ESP Project Manager, at 301-415-1421 if you have any questions on this matter.

Sincerely,

**/RA/**

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\*See previous concurrence

**ACCESSION NO. ML031490478**

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<b>OFC</b>	<b>RLEP:SC*</b>		<b>DD:DLPM*</b>	<b>OGC*</b>		<b>D:NRLPO</b>	
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<b>DATE</b>	<b>7/1/03</b>		<b>7/ 9 /03</b>	<b>8/8 /03</b>		<b>8/11/03</b>	

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