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November 26, 2002

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 ESP-15 (Appropriate Level of Detail for Site Redress Plans)

In a public meeting on September 25, 2002, we discussed generic ESP topic ESP-15, which concerns the appropriate level of detail for site redress plans included with ESP applications per Sections 52.17 and 52.25.

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, as identified below, that resulted from this interaction. To ensure timely resolution of generic issues and continued progress toward ESP applications in 2003, we request that NRC respond within 30 days.

Understandings and expectations

1. An ESP application may contain a plan for redress of the site if activities are anticipated at the site as allowed by 10 CFR 50.10(e)(1). Under an ESP that includes such a redress plan, the activities allowed by 10 CFR 50.10(e)(1) may be conducted without first obtaining the separate authorization required by that section. The plan must demonstrate that there is reasonable assurance that redress carried out under the plan will achieve an environmentally stable and aesthetically acceptable site suitable for whatever non-nuclear use may conform with local zoning laws.
2. As identified in the Statements of Consideration for Part 52, the Commission intends that site redress plans under Part 52 follow the precedent of the Site Redress Plan dated March 5, 1984, for the Clinch River Breeder Reactor Plant. The NRC staff also identified the following guidance in the Environmental Standard Review Plan, NUREG-1555, Section 4.1.1:

Mr. James E. Lyons
U.S. Nuclear Regulatory Commission
November 26, 2002
Page 2

"It has been staff practice to follow the site redress procedures and practices used in the withdrawal applications for CP extension and for OLs submitted by Consumers Power Co. to NRC for its Midland Plant, Units 1 and 2 (Atomic Safety and Licensing Board 1986). These procedures included (1) preparation of and compliance with a site stabilization plan by the applicant, (2) an inspection and evaluation report prepared by NRC after the applicant's completion of site stabilization activities, and (3) preparation of an environmental assessment by NRC based on the inspection report."

3. The NRC Staff is not currently developing any additional guidance, review standards or acceptance criteria related to site redress plans.
4. The available guidance describes an acceptable level of information to support the review of redress plans and required reasonable assurance finding by NRC.

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-15. If you have any questions concerning this request, please contact Russ Bell (rjb@nei.org or 202-739-8087).

Sincerely,

Original Signed By,

Ron Simard

Enclosure

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

Status of Generic ESP Interactions

ESP Topic Higher priority topics shaded	Initial Discussion	Resolution Pending	Discussions Ongoing	Next Discussion	NEI Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Remarks
1. ESP application form & content	8/22		x						NRC provided TOC comparison on Oct. 16
2. ESP inspection guidance	4/24		x						<ul style="list-style-type: none"> IMC-2501 issued; reflects QA open issue (see ESP-3) ESP Review Std. to be issued for trial use & comment by year end
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	4/24	x				11/26			
3. QA requirements for ESP information	5/28		x	12/5			x	2/1/03	Open issue – Applicability of Appendix B to ESP
4. Nominal NRC review timeline	10/17		x	1Q03					
5. Mechanism for documenting resolution of ESP issues	5/28	x			9/10	11/5			Closed
6. Use of plant parameters envelope (PPE) approach	7/16		x	12/5			x	2/1/03	Remaining aspects of PPE approach and NRC questions to be discussed Dec. 5
7. Guidance for satisfying §52.17(a)(1) requirements	7/16		x	12/5			x	2/1/03	Subset of ESP-6
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	9/25		x	12/5				3/1/03	
9. Criteria for assuring control of the site by the ESP holder				1Q03					
10. Use of License Renewal GEIS for ESP	9/25	x							
11. Criteria for determining ESP duration (10-20 years)				12/5					

Enclosure

ESP Topic Higher priority topics shaded	Initial Discussion	Resolution Pending	Discussions Ongoing	Next Discussion	NEI Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Remarks
12. Guidance for evaluating severe accident mitigation alternatives under NEPA	8/22		x	12/5				2/1/03	Deferral to COL likely; to be further discussed Dec. 5 in connection with ESP-6
13. Guidance for ESP seismic evaluations	6/13		x	1/03					2 nd meeting on pilot demonstration activity planned for Jan. 2003
14. Applicability of Federal requirements concerning environmental justice				1Q03					Evaluating related PFS decision by Commission
15. Appropriate level of detail for site redress plans	9/25	x			11/26				
16. Guidance for ESP approval of emergency plans				1Q03					
17. Petition to eliminate duplicative NRC review of valid existing site/facility information									Staff recommendation pending on petition PRM-52-1
18. Petition to eliminate reviews for alternate sites, sources and need for power									Staff recommendation pending on petition PRM-52-2
18a Alternative site reviews				12/5				3/1/03	
19. Addressing effects of potential new units at an existing site				1Q03					
20. Practical use of existing site/facility information	9/25	x			11/26				
21. Understanding the interface of ESP with the COL process.				2Q03					
22. Form and content of an ESP	x		x	12/5			x	2/1/03	NEI draft provided Aug. 22; NRC feedback requested for Dec. 5 meeting