

June 28, 2006

Dr. Graham B. Wallis, Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: PROPOSED REVISIONS TO 10 CFR PART 52: LICENSES, CERTIFICATIONS,
AND APPROVALS FOR NUCLEAR POWER PLANTS, AND CONFORMING
AMENDMENTS TO APPLICABLE NUCLEAR REGULATORY COMMISSION
REGULATIONS

Dear Dr. Wallis:

I am responding to your May 22, 2006, letter documenting the results of the Advisory Committee on Reactor Safeguards (ACRS or Committee) review of the subject proposed rulemaking and providing the Commission with four recommendations. The staff agrees with the Committee's first and fourth recommendations. Regarding the second and third recommendations, I address below the issue of conducting a periodic update of the Probabilistic Risk Assessment (PRA) and clarify the Nuclear Regulatory Commission (NRC) staff's position on requiring early site permit applicants to identify only major features of the site emergency plan.

With respect to the Committee's support for a requirement that a combined license applicant maintain an updated PRA, the staff is awaiting the review of public comments on this issue before recommending a position for the final rule. The *Federal Register* Notice for the proposed Part 52 rulemaking states that the Commission is considering adopting, in the final Part 52 rulemaking, a new provision that would require combined license holders to update the PRA submitted with the combined license application periodically throughout the life of the facility on a schedule similar to the schedule for final safety analysis report (FSAR) updates. The Commission requested stakeholder feedback on whether such a requirement should be added to the regulations and what would be an appropriate update schedule if such a requirement were added.

Also, the staff would like to clarify its position on the Committee's third recommendation concerning the sufficiency of Early Site Permit (ESP) applicants identifying only the major features of the site emergency plan. In both the current and proposed 10 CFR Part 52 rules, ESP applicants are required to identify physical characteristics of the proposed site, such as egress limitations from the area surrounding the site, that could pose a significant impediment to the development of emergency plans. Therefore, the ESP applicants still may propose either (1) major features of their emergency plans or (2) complete and integrated emergency plans.

In addition, the ACRS recommendation could be interpreted to imply that the Committee is recommending elimination of the requirement for ESP applicants to identify physical

characteristics that could pose significant impediments to the development of emergency plans. The staff does not agree that it is appropriate to do so in the Part 52 rulemaking. The requirement for ESP applicants to identify significant impediments is taken from the requirement in 10 CFR Part 50, Appendix E, Section II, for construction permit applicants to "perform a preliminary analysis of the time required to evacuate various sectors and distances within the plume exposure pathway emergency planning zone for transient and permanent populations, *noting major impediments to the evacuation or taking of protective actions*" [emphasis added]. This requirement is also contained in 10 CFR 100.21(g) and is needed to determine the suitability of a site for construction of a nuclear power plant.

The staff agrees that the definition of major features should be specified in regulatory guidance documents.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
SECY

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