

March 12, 2013

Mr. Rodney McCullum
Director Used Fuel Programs
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: ENDORSEMENT OF NUCLEAR ENERGY INSTITUTE 10-07, REVISION 1,
“INDUSTRY GUIDELINE FOR EFFECTIVE PRE-APPLICATION INTERACTIONS
WITH AGENCIES OTHER THAN U.S. NUCLEAR REGULATORY COMMISSION
DURING THE EARLY SITE PERMIT PROCESS”

Dear Mr. McCullum:

On January 22, 2013, the Nuclear Energy Institute (NEI) requested the U.S. Nuclear Regulatory Commission's (NRC's) endorsement of NEI 10-07, Revision 1,¹ “Industry Guideline for Effective Pre-Application Interactions with Agencies Other Than NRC during the Early Site Permit Process.” NEI stated the following:

The purpose of NEI 10-07 Revision 1 is to provide a logical, consistent, and workable framework to guide interactions between prospective applicants and the wide range of federal, state, and local agencies other than NRC that become involved in the licensing and permitting processes at the time an Early Site Permit (ESP) application is being developed for submittal to the United States (U.S.) Nuclear Regulatory Commission (NRC).

* * *

The primary goal of this guidance is to improve the effectiveness of pre-application interactions by preparing applicants and encouraging federal, state, and local agency participation in the ESP application process. The receipt of input from federal, state, and local agencies prior to the submittal of an ESP application to the NRC has the potential to provide significant efficiencies for all involved in the ESP process. As discussed during the two NRC public meetings, this document focuses on providing applicants and stakeholders a common framework for interactions in advance of ESP applications and highlights the benefits of such interactions.

While the process is focused on early site permit (ESP) applications, the guidance for interactions with other Federal, State, and local agencies also provides valuable direction for construction permits and combined license applications. The development of this guidance was the result of lessons learned on the ESP applications submitted to the NRC. The lesson learned was that the review process would be more efficient if issues important to other

¹ NEI 10-07, Revision 1, is available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13028A392.

regulatory agencies were considered in the project development and in the environmental report.

The development of NEI 10-07, Revision 1, involved public meetings between NEI, the NRC, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Virginia Department of Environmental Quality, U.S. Fish and Wildlife Service, and the Advisory Council on Historic Preservation to provide guidance on each agencies' regulatory authority and how to interact with each agency. Appendices C and D of NEI 10-07, Revision 1, contain summaries of the meetings with the other agencies, including the ADAMS Accession Number for the slide presentations.

As requested in the letter of January 22, 2013, the NRC has reviewed and endorsed NEI 10-07, Revision 1, as guidance that will aid applicants in efficient interactions with Federal, State, and local agencies other than the NRC and requests that the NEI publish an accepted version of NEI 10-07, Revision 1. The accepted version shall incorporate this letter between the title page and the first section and add an "A-" (designating accepted) following the report identification number. If you, or your staff, have additional questions, please contact Jack Cushing at 301-415-1424 or by email at Jack.Cushing@nrc.gov.

Sincerely,

/RA/

Scott C. Flanders, Director
Division of Site Safety and Environmental Analysis
Office of New Reactors

Project No. 689

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