

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 02/15/07

COMMISSIONERS:

SERVED 02/15/07

Dale E. Klein, Chairman
Edward McGaffigan
Jeffrey S. Merrifield
Gregory B. Jaczko
Peter B. Lyons

In the Matter of)
)
)
SYSTEM ENERGY RESOURCES, INC.)
)
)
(Early Site Permit for Grand Gulf ESP Site))
_____)

Docket No. 52-009-ESP

CLI-07-07

ORDER

On January 26, 2007, the Atomic Safety and Licensing Board issued an Initial Decision authorizing the issuance of the Grand Gulf Early Site Permit.¹ Before the Early Site Permit for the Grand Gulf ESP site can be made effective, the Commission must review and approve the Licensing Board’s Initial Decision authorizing its issuance.² In support of our review, we direct the NRC Staff and the Applicant, System Energy Resources, Inc., to respond to three specific issues raised by that order and to submit any other comments they deem pertinent to our review:

First, the Board deferred to the COL stage issues regarding possible ground water contamination by radwaste. Specifically, the Board found that Permit Condition 2 “does not fully resolve the uncertainty in the characterization required to address radionuclide transport, and

¹ LBP-07-01, 65 NRC __ (Jan. 26, 2007).

² See 10 C.F.R. 2.340(f).

as such, PC-2 does not resolve the issues discussed in FSER 2.4.13.”³ The Board also found that it is “possibly advantageous to defer further characterization of radionuclide transport to the COL stage when design details and facility locations are available to focus the additional information.”⁴ The parties should state their position on the deferral.

Second, the Board found the Staff position that there is no short-term damage to the environment and no commitment of resources with an ESP to be inconsistent with CEQ regulations requiring agencies to consider “related” actions, and deferred this issue to the COL stage.⁵ The parties should state their position on the deferral.

Third, the Board found that any power level selected at the COL stage other than the 2,000 Mwe target value used in the alternative energy analysis would constitute new information that, if found to be significant, would have to be evaluated at the COL stage.⁶ The parties should state their position on this assertion.

³ LBP-7-01, slip op. at 36.

⁴ *Id.* at 37.

⁵ *Id.* at 96.

⁶ *Id.* at 66.

The NRC Staff and Applicant are encouraged to include any other views on the Board's decision that they believe pertinent to the Commission's review. Comments should be limited to twenty-five pages and filed no more than ten days from the date of this Order.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 15th day of February, 2007