



Order EA-03-038

LR-N09-0220
September 28, 2009

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Salem Nuclear Generating Station Units 1 and 2
Facility Operating License Nos. DPR-70 and 75
NRC Docket Nos. 50-272 and 50-311

Hope Creek Nuclear Generating Station
Facility Operating License No. NPF-57
NRC Docket No. 50-354

Subject: Relaxation of Order for Compensatory Measures Related to Fitness-for-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel

References: (1) Letter from U.S. NRC (S. J. Collins) to Holders of Licenses for Operating Power Reactors as Listed in Enclosure 2, "Issuance of Order for Compensatory Measures Related to Fitness-to-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel [EA-03-038]," dated April 29, 2003

(2) Letter from U.S. NRC (E. J. Leeds) to Holders of Licenses for Operating Power Reactors as Listed in Enclosure 1, "Relaxation of Order for Compensatory Measures Related to Fitness-for-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel," dated June 8, 2009

In Reference 1, the NRC identified security measures to address issues that may arise from fatigue of nuclear facility security force personnel in an Order that was determined to be effective immediately. These security measures were implemented at Salem and Hope Creek Station in accordance with the Order.

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In Reference 2, the NRC acknowledged that the amendment of 10 CFR 26 strengthened the effectiveness of fitness-for-duty programs and recognized that Order EA-03-038 would need to be relaxed prior to 10 CFR 26, Subpart I, implementation due to conflicting terminology and work hour calculation methodology between the Order and the rule.

In light of the above determination, the NRC stated in Reference 2 that licensee's would not be required to comply with the requirements of Order EA-03-038 for security force personnel if a licensee "*... implements all of the requirements of 10 CFR 26, Subpart I, prior to October 1, 2009, and submits a letter to the NRC under 10 CFR 50.4 that affirms the licensee's implementation of the Part 26, Subpart I requirements, the NRC will find that good cause is shown and I hereby relax Order EA-03-038 in its entirety for that licensee as of the date of the licensee's letter.*"

Therefore, in accordance with the guidance provided in Reference 2, PSEG Nuclear hereby submits and affirms to the NRC that it has fully implemented the requirements of 10 CFR Part 26, Subpart I on September 28, 2009. There are no commitments contained in this letter.

Should you have any questions concerning this letter, please contact Mr. Jeffrie Keenan at (856) 339-5429.

Sincerely,



Christine Neely
Director - Regulatory Affairs

Attachments (0)

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cc: S. Collins, Regional Administrator - NRC Region I
R. Ennis, Project Manager - USNRC
D. Schroeder, NRC Senior Resident Inspector - Salem
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