



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 28, 2009

LICENSEE: PSEG Nuclear LLC

FACILITY: Hope Creek Generating Station and
Salem Nuclear Generating Station, Unit Nos. 1 and 2

SUBJECT: SUMMARY OF DECEMBER 15, 2009, CLOSED MEETING WITH PSEG
NUCLEAR LLC, REGARDING REQUEST FOR EXEMPTION FROM
SCHEDULAR REQUIREMENTS OF 10 CFR 73.55 FOR HOPE CREEK
GENERATING STATION AND SALEM NUCLEAR GENERATING STATION,
UNIT NOS. 1 AND 2 (TAC NOS. ME2525, ME2526 AND, ME2527)

On December 15, 2009, a closed meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and representatives of PSEG Nuclear LLC (PSEG or the licensee) at the NRC's office at 21 Church Street, Rockville, Maryland. The purpose of the meeting was to discuss the proposed exemption from the schedular requirements of a recent change to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical Protection of Plants and Materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," for Hope Creek Generating Station (Hope Creek) and Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), as described in PSEG's submittal dated November 3, 2009, as supplemented on November 20, 2009. The meeting was closed since safeguards information was discussed. A list of attendees is provided as Enclosure 1.

On March 27, 2009, the NRC published a final rule in the *Federal Register* (74 FR 13926) which changed existing regulatory requirements and added new regulatory requirements pertaining to security at nuclear power plants. The final rule became effective on May 26, 2009, and compliance with the final rule is required by March 31, 2010.

Due to the time required to complete certain plant modifications associated with the new security requirements, the licensee has requested an exemption from the March 31, 2010, compliance date for certain requirements in the final rule. The items subject to the request for exemption are proposed to be implemented by December 17, 2010.

Since the exemption request pertains only to the schedular requirements for implementation of certain security requirements of the final rule, only new regulatory requirements specified in the final rule should be in the scope of such a request. The NRC staff reviewed PSEG's application dated November 3, 2009, and concluded that the scope of the exemption request includes several items that pertain to current regulatory requirements and not new requirements. This issue was discussed in a conference call between the NRC staff and PSEG staff on November 12, 2009. During the call, PSEG clarified that: (1) Hope Creek and Salem are currently in compliance with the current regulatory requirements specified in 10 CFR 73.55; (2) certain items listed in the exemption request are associated with upgrades to enhance the current site security; and (3) these "upgrade" items do not require an exemption from the current regulatory requirements.

As a result of the call on November 12, 2009, PSEG supplemented its application by letter dated November 20, 2009. The NRC staff reviewed the supplemental information and determined that further information was needed for the staff to perform its detailed review. Specifically, the staff concluded that the scope of the exemption request still included several items that pertain to current regulatory requirements and not new requirements. As such, the NRC staff requested a meeting with the licensee to discuss the specific details of the exemption request.

During the meeting on December 15, 2009, PSEG provided an overview of the plant modifications associated with the security system upgrade project using the slides included as Enclosure 2. Following the licensee's presentation, the NRC staff made the following comments:

- 1) Some of the high level overarching performance-based security requirements are met by the totality of the security plan (e.g., security force, detection, assessment, etc.).
- 2) The exemption request should be focused as narrowly as possible on the specific new security requirements rather than broadly on the overarching security requirements which are included in the current regulations.
- 3) For upgrades to the security system pertaining to aspects of the current requirements, compensatory measures can be put in place, as necessary, to support implementation of plant modifications.
- 4) If the exemption is granted allowing certain items to be implemented by December 17, 2010, as proposed by the licensee, rather than the March 31, 2010, compliance date in the final rule, compensatory measures are not expected to be put in place to meet the new requirements within the scope of the exemption during this interim period (i.e., from March 31, 2010, until December 17, 2010).

The licensee stated that it would provide a supplement to clarify the specific items for which an exemption is needed. The NRC staff emphasized that the licensee should take the time necessary to provide a high-quality submittal. The staff mentioned that the licensee may want to review the NRC staff's publicly available guidance concerning the criteria the staff will use in evaluating 10 CFR Part 73 compliance date exemption requests¹.

The NRC staff requested that the licensee's supplement be submitted as two letters; one containing safeguards information, and a redacted version that could be made publicly available (as was done with the application dated November 3, 2009).

The NRC staff mentioned that its environmental assessment will address the schedular aspects of the exemption rather than the physical modifications. Since the licensee's application dated November 3, 2009, focused on the physical modifications, the staff stated that the licensee should consider submitting further information in this area.

¹ NRC internal memorandum from Rick Costa to Doug Huyck, dated December 10, 2009 (ADAMS Accession No. ML093440192)

No members of the public were in attendance. Public Meeting Feedback forms were not received.

Please direct any inquiries to me at 301-415-1420 or Rick.Ennis@nrc.gov.

A handwritten signature in black ink, appearing to read "RBE Ennis". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-354, 50-272, and 50-311

Enclosures:

1. List of Attendees
2. Licensee Handout - PSEG Nuclear Security Project

cc w/encls: Distribution via Listserv

LIST OF ATTENDEES

DECEMBER 15, 2009, MEETING WITH PSEG

REQUEST FOR EXEMPTION FROM SCHEDULAR REQUIREMENTS OF 10 CFR 73.55

FOR HOPE CREEK GENERATING STATION

AND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2

Name	Title	Organization
Rick Ennis	Sr. Project Manager	NRC/NRR/DORL
Tom Wengert	Sr. Project Manager	NRC/NRR/DORL
Rick Costa	Security Specialist	NRC/NSIR/DSP
Amy Steen	Security Specialist	NRC/NSIR/DSP
Amanda Nerret	Security Specialist	NRC/NSIR/DSP
Bonnie Schnetzler	Team Lead	NRC/NSIR/DSP
Christine Neely	Director Regulatory Affairs	PSEG Nuclear LLC
Jeff Keenan	Manager Licensing	PSEG Nuclear LLC
Charles Morlock	Project Manager	PSEG Nuclear LLC
Michael Bruecks	Director Nuclear Security	PSEG Nuclear LLC
Michelle Patti	Security Program Manager	PSEG Nuclear LLC

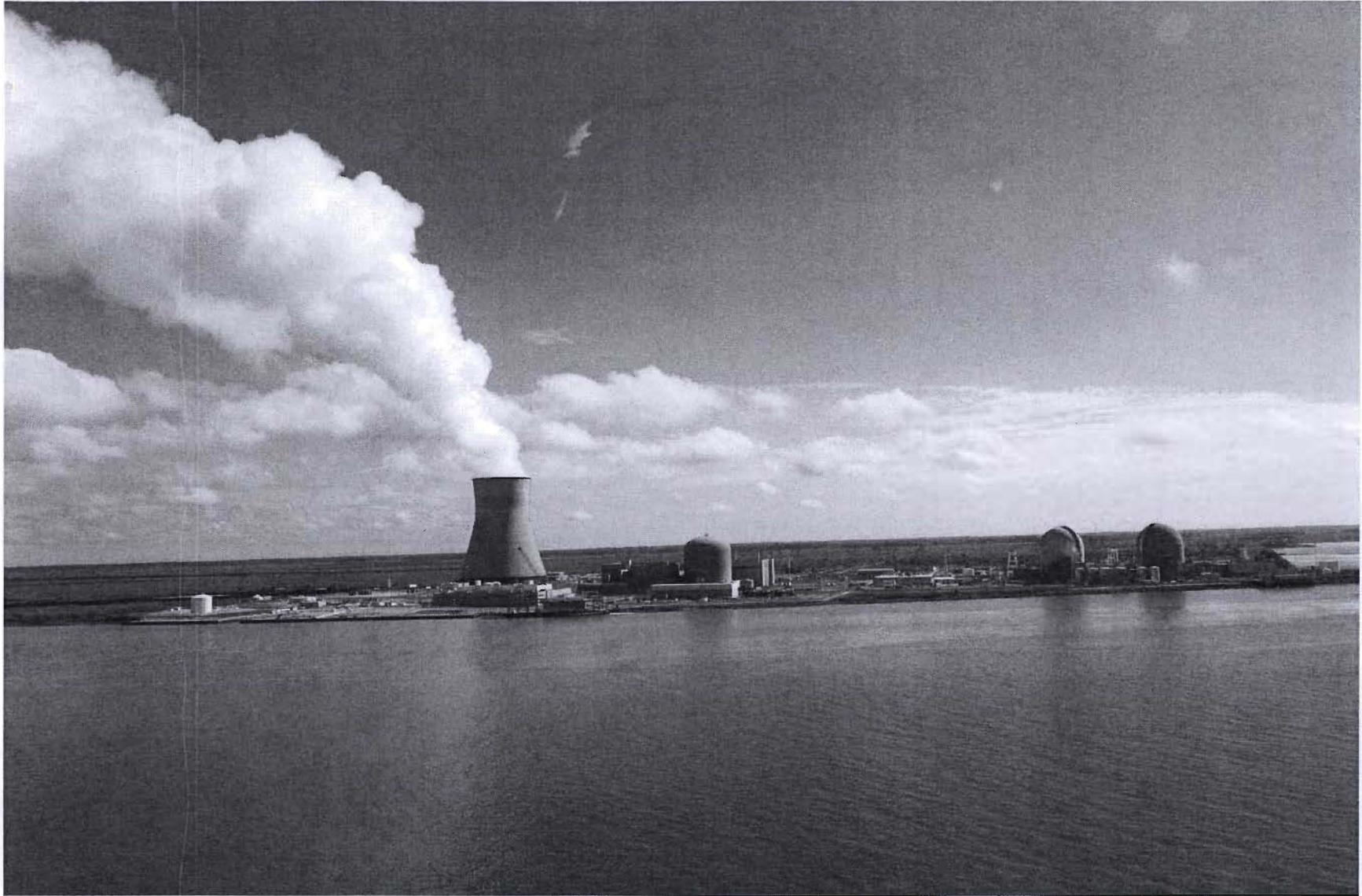
PSEG Nuclear Security Project

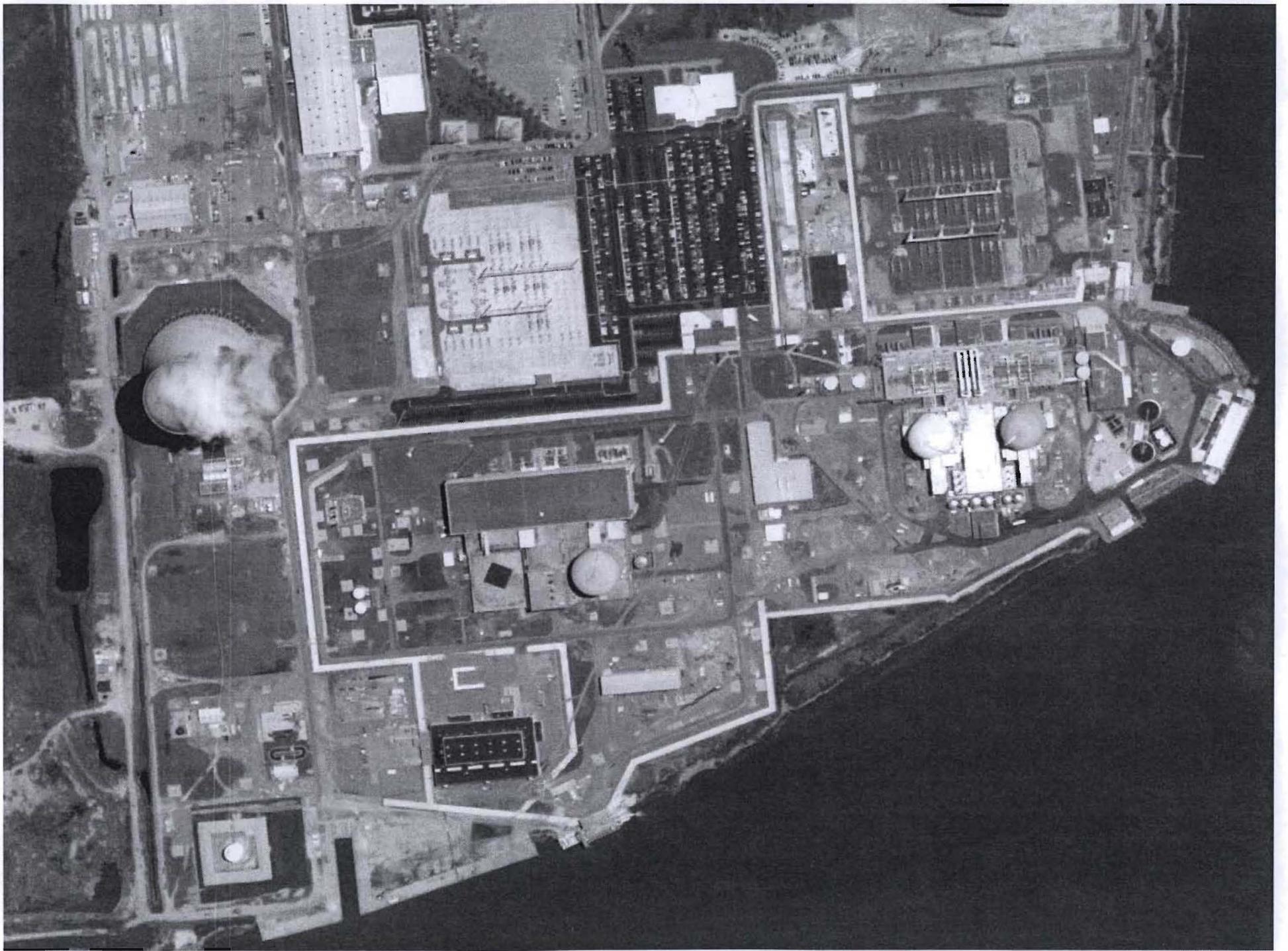
- Replace existing 30KVA UPS with 40KVA UPS
- Relocate Delta Gate Controls
- CWIS/SWIS Cameras and Grates
- Hardwire Land Lines to BREs for Communications
- Single Act Preventative Measures
- Protected Area Perimeter

Rev. Date: 12-15-09

Enclosure 2

Salem and Hope Creek





No members of the public were in attendance. Public Meeting Feedback forms were not received.

Please direct any inquiries to me at 301-415-1420 or Rick.Ennis@nrc.gov.

/RA/

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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ADAMS Accession Nos.

Package: ML093500620

Meeting Notice: ML093440558

Meeting Summary: ML093500644

OFFICE	LPL1-2/PM	LPL1-2/LA	NSIR/RSRLB/BC	LPL1-2/BC
NAME	REnnis	ABaxter	DHuyck	HChernoff
DATE	12/22/09	12/22/09	12/28/09	12/28/09

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