



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

January 29, 2010

Mr. Thomas Joyce
President and Chief Nuclear Officer
PSEG Nuclear
P.O. Box 236, N09
Hancocks Bridge, NJ 08038

SUBJECT: HOPE CREEK GENERATING STATION AND SALEM NUCLEAR
GENERATING STATION, UNIT NOS. 1 AND 2 - ENVIRONMENTAL
ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT
(TAC NOS. ME2525, ME2526 AND ME2527)

Dear Mr. Joyce:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for exemption dated November 3, 2009, as supplemented on November 20, and December 22, 2009. The proposed action would exempt Hope Creek Generating Station (HCGS) and Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), from the required implementation date of March 31, 2010, for several new requirements of Part 73 to Title 10 of the *Code of Federal Regulations* (10 CFR). Specifically, HCGS and Salem would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. Instead, PSEG Nuclear LLC has proposed to extend the implementation date to December 17, 2010.

The assessment is being forwarded to the Office of the *Federal Register* for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "R. B. Ennis", is located below the "Sincerely," text.

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

Enclosure:
Environmental Assessment

cc w/encl: Distribution via Listserv

NUCLEAR REGULATORY COMMISSIONPSEG NUCLEAR LLCDOCKET NOS. 50-272, 50-311 AND 50-354HOPE CREEK GENERATING STATIONAND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2ENVIRONMENTAL ASSESSMENT ANDFINDING OF NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain requirements of 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License Nos. NPF-57, DPR-70, and DPR-75, issued to PSEG Nuclear LLC (PSEG, the licensee), for operation of the Hope Creek Generating Station (HCGS) and the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), located in Salem County, New Jersey. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

ENVIRONMENTAL ASSESSMENTIdentification of the Proposed Action:

The proposed action would exempt HCGS and Salem from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, HCGS and Salem would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. PSEG has proposed an alternate full compliance implementation date of December 17, 2010, approximately 8 1/2 months beyond the date required by 10 CFR Part 73. The proposed action, an extension of the

schedule for completion of certain actions required by the revised 10 CFR Part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the site for HCGS and Salem.

The proposed action is in accordance with the licensee's application dated November 3, 2009, as supplemented by letters dated November 20, and December 22, 2009.

The Need for the Proposed Action:

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the combined HCGS - Salem security system due to the significant number of engineering design packages, procurement needs, and installation activities.

Environmental Impacts of the Proposed Action:

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73, as discussed in a *Federal Register* notice dated March 27, 2009 (74 FR 13967). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species

under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, as discussed above, in promulgating its revisions to 10 CFR Part 73, the Commission prepared an environmental assessment and published a finding of no significant impact (74 FR 13967).

The NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation, if granted.

Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation date. The environmental impacts of the proposed exemption and the "no action" alternative are similar.

Alternative Use of Resources:

The action does not involve the use of any different resources than those considered in the Final Environmental Statement (FES) for the HCGS, NUREG-1074, dated December 1984, or the FES for Salem dated April 1973.

Agencies and Persons Consulted:

In accordance with its stated policy, on January 4, 2010, the NRC staff consulted with the New Jersey State officials, Mr. Jerry Humphreys (for HCGS) and Mr. Elliot Rosenfeld (for

Salem) of the New Jersey Department of Environmental Protection, regarding the environmental impact of the proposed action. The State officials had no comments.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 3, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093100222), as supplemented by letter dated December 22, 2009 (ADAMS Accession No. ML093640062). These documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Website: <http://www.nrc.gov/reading-rm/adams.html>. Note, the above letters contain enclosures with redacted versions of safeguards information that is not available to the public. Another letter from the licensee dated November 20, 2009, also contains safeguards information and, accordingly, is not available to the public.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 29th day of January 2010.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "R B Ennis". The signature is written in a cursive, flowing style.

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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Sincerely,

/ra/

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
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