

From: Ennis, Rick
Sent: Wednesday, January 06, 2010 11:52 AM
To: Jeff Keenan
Cc: Paul Duke; Lee Marabella; Lingam, Siva; Feintuch, Karl
Subject: Acceptance Review for TACs ME2525, ME2526 and ME2527 - Hope Creek and Salem 1 and 2 - Exemption from Part 73

Jeff,

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," published as part of a final rule in the *Federal Register* on March 27, 2009 (74 FR 13926), requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security plans. The final rule became effective on May 26, 2009, and compliance with the final rule is required by March 31, 2010.

By two letters dated November 3, 2009, PSEG Nuclear LLC (PSEG or the licensee) requested, pursuant to 10 CFR 73.5, that the Nuclear Regulatory Commission (NRC) approve an exemption from the schedular requirements of the final rule for 10 CFR 73.55 for Hope Creek Generating Station (Hope Creek) and Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem). Specifically, due to the time required to complete plant modifications, the licensee has requested an exemption from the March 31, 2010, implementation date specified in the new rule for certain requirements in the rule. The items subject to the request for exemption are proposed to be implemented by December 17, 2010. The first letter, PSEG letter number LR-N09-0248 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093100223), contains one enclosure which was designated by the licensee as containing safeguards information and, accordingly, the enclosure is not available to the public. The second letter, PSEG letter number LR-N09-0249 (ADAMS Accession No. ML093100222) including its two enclosures is publicly available. The first enclosure is a redacted version of the safeguards enclosure in letter number LR-N09-0248 and the second enclosure is an environmental impact statement.

Based on discussion with the NRC staff, as documented in an e-mail dated November 12, 2009 (ADAMS Accession No. ML093200070), PSEG submitted a letter dated November 20, 2009, to clarify the exemption request. The November 20, 2009, letter contains safeguards information and, accordingly, is not publicly available.

On December 15, 2009, the NRC staff held a closed meeting with PSEG to discuss the proposed exemption. A summary of the meeting was issued by the NRC staff on December 28, 2009 (ADAMS Accession No. ML093500644). As followup to the meeting, PSEG submitted two letters, dated December 22, 2009, that superseded the November 3, and November 20, 2009, submittals, with the exception of the environmental impact statement. The first letter, PSEG letter number LR-N09-0313, contains safeguards information and, accordingly, is not available to the public. The second letter, PSEG letter number LR-N09-0314 (ADAMS Accession No. ML093640062), is publicly available and contains a redacted version of the safeguards information contained in letter number LR-N09-0313.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of this exemption request. The acceptance review was performed to determine if there is sufficient

technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Pursuant to 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

The NRC staff has reviewed your exemption request and concluded that it does provide technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of the proposed request in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

If you have any questions, please contact me at (301) 415-1420.

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

E-mail Properties

Mail Envelope Properties (9E28710E0B702149AEC66397286364401AA8AB68BC)

Subject: Acceptance Review for TACs ME2525, ME2526 and ME2527 - Hope Creek
and Salem 1 and 2 - Exemption from Part 73
Sent Date: 01/06/2010 11:52:08 AM
Received Date: 01/06/2010 11:52:08 AM
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| Files | Size | Date & Time |
|---------|-------|-------------|
| MESSAGE | 17388 | 01/06/2010 |

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Priority: olImportanceNormal
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