From: Hall, Randy
Sent: Tuesday, March 09, 2010 3:16 PM
To: Russell.Stroud@aps.com
Subject: Acceptance Review for Exemption Request from 10 CFR 73.55 Physical Security Requirements for PVNGS Units 1, 2, and 3 (TAC Nos. ME3024, ME3025 and ME3026)

March 9, 2010

Russell A. (Rusty) Stroud
Licensing Section Leader
Regulatory Affairs
Palo Verde Nuclear Generating Station
Arizona Public Service Company

Rusty:

By letter dated December 21, 2009, as supplemented by letters dated February 16 and March 5, 2010, Arizona Public Service Company (APS) submitted a request for exemption for Palo Verde Nuclear Generating Station (PVNGS), Units 1, 2, and 3.

The exemption requested is from the specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 73, Section 73.55, concerning physical protection of nuclear reactors against radiological sabotage. The proposed action would exempt APS from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. APS has proposed an alternate full compliance implementation date of December 17, 2010. The proposed action is needed to allow APS additional time to implement two specific elements of the new requirements that involve significant physical modifications to the PVNGS security systems.

The purpose of this e-mail is to provide the results of the U.S. Nuclear Regulatory Commission (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.

Consistent with 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life and property or the common defense and security, and are otherwise in the public interest.

The NRC staff has reviewed your application 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 exemption in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its technical review, you will be advised by separate correspondence.

If you have any questions, please contact me at (301) 415-4032

Randy Hall, Senior Project Manager
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Subject: Acceptance Review for Exemption Request from 10 CFR 73.55 Physical Security Requirements for PVNGS Units 1, 2, and 3 (TAC Nos. ME3024, ME3025 and ME3026)
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