

April 5, 2010

MEMORANDUM TO: Doug Huyck, Chief  
Reactor Security Rulemaking and Licensing Branch  
Division of Security Policy  
Office of Nuclear Security Incident Response

FROM: Will Smith, Security Specialist */RA/*  
Reactor Security Rulemaking and Licensing Branch  
Division of Security Policy  
Office of Nuclear Security and Incident Response

SUBJECT: NRC STAFF REVIEW OF THE DEPARTMENT  
OF HOMELAND SECURITY (DHS) CONSULTATION REPORTS

The 2005 Energy Policy Act (Epack 2005), Section 657 states: “*Before issuing a license for a utilization facility, the Nuclear Regulatory Commission (NRC) shall consult with Department of Homeland Security (DHS) concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.*”

In February, 2007, NRC and DHS signed a Memorandum of Understanding (MOU), which established a process to implement the new reactor consultations. The MOU, states in part: *Each new reactor application is provided to DHS within **10 working days** of the docketing of Combined License Application (COLA) acceptance. After the docketing of the acceptance of an application, DHS/Office of Infrastructure Protection (OIP) provides NRC a final written report within 90 work days.*

To date, DHS has completed 17 consultations and submitted the reports for the following sites:

|  |   |
|--|---|
| South Texas Project (NRG Energy)       | Harris (Progress Energy)                |
| Bellefonte (NuStart Energy)            | Grand Gulf (NuStart Energy)             |
| Calvert Cliffs (UniStar)               | Vogtle (Southern Nuclear Operating Co.) |
| North Anna (Dominion)                  | VC Summer (South Carolina Electric)     |
| William Lee (Duke)                     | Watts Bar (TVA)                         |
| Callaway (Union Electric)              | Levy (Progress Energy)                  |
| Fermi (Detroit Edison)                 | Comanche Peak (Luminant)                |
| Nine Mile Point (UniStar)              | Bell Bend (PPL Bell Bend, LLC)          |
| Turkey Point (Florida Power and Light) |   |

The NRC staff has reviewed all 17 reports submitted by DHS, and have concluded that there are no regulatory issues associated with the reports.

CONTACT: W. Smith, DSP/NSIR  
301-415-6144

April 5, 2010

MEMORANDUM TO: Doug Huyck, Chief  
 Reactor Security Rulemaking and Licensing Branch  
 Division of Security Policy  
 Office of Nuclear Security Incident Response

FROM: Will Smith, Security Specialist */RA/*  
 Reactor Security Rulemaking and Licensing Branch  
 Division of Security Policy  
 Office of Nuclear Security and Incident Response

SUBJECT: NRC STAFF REVIEW OF THE DEPARTMENT  
 OF HOMELAND SECURITY (DHS) CONSULTATION REPORTS

The 2005 Energy Policy Act (Epack 2005), Section 657 states: *“Before issuing a license for a utilization facility, the Nuclear Regulatory Commission (NRC) shall consult with Department of Homeland Security (DHS) concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.”*

In February, 2007, NRC and DHS signed a Memorandum of Understanding (MOU), which established a process to implement the new reactor consultations. The MOU, states in part: *Each new reactor application is provided to DHS within 10 working days of the docketing of Combined License Application (COLA) acceptance. After the docketing of the acceptance of an application, DHS/Office of Infrastructure Protection (OIP) provides NRC a final written report within 90 work days.*

To date, DHS has completed 17 consultations and submitted the reports for the following sites:

|  |   |
|--|---|
| South Texas Project (NRG Energy)       | Harris (Progress Energy)                |
| Bellefonte (NuStart Energy)            | Grand Gulf (NuStart Energy)             |
| Calvert Cliffs (UniStar)               | Vogtle (Southern Nuclear Operating Co.) |
| North Anna (Dominion)                  | VC Summer (South Carolina Electric)     |
| William Lee (Duke)                     | Watts Bar (TVA)                         |
| Callaway (Union Electric)              | Levy (Progress Energy)                  |
| Fermi (Detroit Edison)                 | Comanche Peak (Luminant)                |
| Nine Mile Point (UniStar)              | Bell Bend (PPL Bell Bend, LLC)          |
| Turkey Point (Florida Power and Light) |   |

The NRC staff has reviewed all 17 reports submitted by DHS, and have concluded that there are no regulatory issues associated with the reports.

CONTACT: W. Smith, DSP/NSIR  
 301-415-6144

Distribution:  
 DSP R/F B.Schnetzler, DSP/NSIR P.Prescott, DSP/NSIR  
 ADAMS Acession No.: ML100910533

|        |                |                   |
|--------|----------------|-------------------|
| OFFICE | NSIR/DSP/RSRLP | NSIR/DSP/RSRLP/BC |
| NAME   | W.Smith        | D.Huyck           |
| DATE   | 4/5/10         | 4/5/10            |

OFFICIAL RECORD COPY