

PSEGSPeRAIPEm Resource

From: Clark, Phyllis
Sent: Thursday, March 01, 2012 11:53 AM
To: 'PSEGRAIResponses@pseg.com'
Cc: PSEGSPeRAIPEm Resource; 'James.Mallon@pseg.com'; 'David.Robillard@pseg.com'; Segala, John; Silvia, Andrea; Roach, Kevin; Chowdhury, Prosanta; Canova, Michael; McLellan, Judith; Tammara, Seshagiri; Schaaf, Robert; McCoppin, Michael
Subject: PSEG Site ESPA Final RAI 58 (eRAI 6250) SRP-02.01.02 (RPAC-RSAC)
Attachments: PSEG Site ESPA Final RAI 58 (eRAI 6250).pdf

Please find attached RAI 58 for the PSEG Site ESP Application. A draft of the RAI was provided to you on February 10, 2012. You informed via email on March 1, 2012, that you would not need a clarification call involving this specific RAI, and therefore, we are issuing this RAI as final with no changes made to it.

The schedule we have established for review of your application assumes technically correct and complete responses within 30 calendar days of receipt of RAIs. For any RAIs that cannot be responded to within 30 calendar days, it is expected that a date for receipt of this information will be provided to the staff within the 30-calendar day period so that the staff can assess how this information will impact the published schedule.

If you have any questions, please contact me.

P. Clark

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From: Clark, Phyllis

Created By: Phyllis.Clark@nrc.gov

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Options

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Request for Additional Information No. 58

Application Revision 0

FINAL

3/1/2012

PSEG Site ESP
PSEG Power LLC, PSEG Nuclear LLC
Docket No. 52-043
SRP Section: 02.01.02 - Exclusion Area Authority and Control
Application Section: 2.1.2

QUESTIONS for Siting and Accident Conseq Branch (RSAC)

02.01.02-4

[Follow up to RAI 10, Question 02.01.02-1]

The staff reviewed the applicant's responses to RAI 10, Question 02.01.02-1, for the PSEG Site Early Site Permit Application (PSEG Site ESPA), Site Safety Analysis Report (SSAR), submitted on March 22, 2011 (ML110880442), regarding various aspects of the Exclusion Area Boundary (EAB), including the discussion of activities unrelated to plant operation and the authority to control activities within the EAB.

The applicant's response contains clarifications as stated below:

- Item (c) – of the difference, if any, between the phrases “controlled by the USACE” and “owned by the USACE” (as used in SSAR Subsections 2.1.2.1, 2.1.2.2, and 2.1.1.2), and of the orientation of 146 acres of land within the EAB with respect to the existing and proposed PSEG site property; and
- Item (d) – of the description of public use of the 146 acres of U.S. Army Corps of Engineers (USACE)-owned or –controlled land within the EAB for recreational purposes, where such uses or activities may take place, and ingress to and egress from this area in relation to the expected time for evacuation if it were to become necessary.

Similarly, the applicant's response to Items (a), (b), (e), and (f) of RAI 10, Question 02.01.02-1, contains the following clarification:

- Item (a) – of an area, designated as “Dike Area,” shown in SSAR Figure 1.2-3 (Site Utilization Plan) with respect to its use by the USACE for disposal of dredged material, points of access to that area relative to the EAB, and the relationship of that area to where cooling towers and a portion of the power block for the proposed facility are also to be located;
- Item (b) – of the number and kinds of persons engaged in the USACE's disposal of dredged materials during the construction and operational phases of the proposed facility and their locations with respect to the EAB, and the frequency and length of time that these activities are expected to occur;
- Item (e) – for an indication of the number of persons that may be engaged in hunting, fishing, or other recreational activities on USACE-owned or –controlled land within the EAB and when these activities are expected to occur; and

- Item (f) – of the USACE’s and the U.S. Coast Guard’s responsibilities for evacuation of the land within the EAB on which public use for recreational purposes may occur and, in particular, identification of the other unspecified “agencies” with similar responsibilities.

However, the applicant has also identified numerous actions that must occur and provisions that are yet to be incorporated into various agreements with federal and state agencies (not only in the responses to the questions in RAI 10, Question 02.01.02-1, but also in RAI 10, Questions 02.01.02-2 and 02.01.02-3) before it can demonstrate Exclusion Area authority and control consistent with 10 CFR 100.3. Therefore, pursuant to NUREG-0800, SRP Section 2.1.2, Subsection II (Acceptance Criteria), SRP Acceptance Criteria 1, 2, and 3, the staff believes that the narrative discussions in the responses to Items (a), (b), (e), and (f) of RAI 10, Question 02.01.02-1, should be integrated into the appropriate subsections under SSAR Section 2.1.2. This information will help the staff to evaluate whether the applicant will acquire the appropriate legal authority and control over the designated Exclusion Area, including the exclusion or removal of personnel or property from the EAB in the event of an accident.

02.01.02-5

[Follow up to RAI 10, Question 02.01.02-2]

The staff reviewed the applicant’s responses to RAI 10, Question 02.01.02-2 for the PSEG Site Early Site Permit Application (PSEG Site ESPA), Site Safety Analysis Report (SSAR), submitted on March 22, 2011 (ML110880442), regarding potential activities unrelated to plant operation in that portion of the Delaware River within the Exclusion Area Boundary (EAB).

The applicant's response to Item (a) of RAI 10, Question 02.01.02-2, contains explanation regarding the requested reconciliation of the difference, if any, between the phrases “maritime exclusion zone” (as used in SSAR Subsection 2.1.2.2) and “security zone” as designated in 33 CFR Part 165, Subpart F, Section 165.553 for the waters of the Delaware River in the vicinity of the existing Salem and Hope Creek Generation Stations.

In addition, the applicant's responses to Items (b) and (c) of RAI 10, Question 02.01.02-2, contain information regarding the requested:

- clarification in Item (b) of SSAR Figure 1.2-3 (or the addition of other figure(s)) to illustrate the area(s), relative to the EAB, that are expected to be covered by the existing maritime exclusion zone and/or the current security zone (as mandated by regulation), and the Applicant’s planned extension of the maritime exclusion zone and/or security zone to be adjacent to the new plant location; and
- explanation in Item (c), of the plans (including the timelines for doing so relative to the project schedule) for agency interaction regarding establishment of the extended “maritime exclusion zone” and for promulgating revisions to any associated regulations for an extension to the “security zone” currently specified at 33 CFR Part 165, Subpart F, Section 165.553;

and the applicant’s plan to defer development of the security plan for the proposed facility until the combined license application stage after a reactor technology has been selected.

In addition to the action items indicated above, the responses to the questions in RAI 10, Questions 02.01.02-1 and 02.01.02-3, identify other actions that must occur and provisions that are yet to be incorporated into various agreements with federal and state agencies before the applicant can demonstrate authority and control over the Exclusion Area consistent with 10 CFR 100.3. Therefore, pursuant to NUREG-0800, SRP Section 2.1.2, Subsection II (Acceptance Criteria), SRP Acceptance Criteria 2 and 3, the staff believes that the narrative discussions in the responses to Items (a), (b), and (c) of RAI 10, Question 02.01.02-2, should be integrated into the SSAR Subsection 2.1.2.2. This information will help the staff to evaluate whether the applicant will acquire the appropriate legal authority and control over the designated Exclusion Area, including the exclusion or removal of personnel or property from the EAB in the event of an accident.

02.01.02-6

[Follow up to RAI 10, Question 02.01.02-3]

The staff reviewed the applicant's response to RAI 10, Question 02.01.02-3, for the PSEG Site Early Site Permit Application (PSEG Site ESPA) Site Safety Analysis Report (SSAR), submitted on March 22, 2011 (ML110880442), regarding whether the planned acquisition of an additional 85 acres of land within the Exclusion Area Boundary (EAB) from the U.S. Army Corps of Engineers (USACE) will include the purchase of the associated mineral rights. The applicant stated in its response, that the "land will be acquired from the USACE by PSEG with the same ownership characteristics as the existing property, including mineral rights."

In addition to this action item, the responses to the questions in RAI 10, Questions 02.01.02-1 and 02.01.02-2, identify other actions that must occur (including the promulgation of regulations under 33 CFR Part 165, Subpart F) and provisions that are yet to be incorporated into various agreements with federal and state agencies before the applicant can demonstrate authority and control over the Exclusion Area consistent with 10 CFR 100.3. Therefore, pursuant to NUREG-0800, SRP Section 2.1.2, Subsection II (Acceptance Criteria), SRP Acceptance Criterion 1 (Establishment of Authority), the staff believes that SSAR Subsection 2.1.2.1 should clearly indicate that mineral rights will be conveyed as part of this 85-acre land purchase. This information will help the staff to evaluate whether the applicant will acquire the appropriate legal authority and control over the designated Exclusion Area, including the exclusion or removal of personnel or property from the EAB in the event of an accident.