

September 12, 2013

Mr. James Mallon  
Early Site Permit Manager  
PSEG Power, LLC  
244 Chestnut Street  
Salem, NJ 08079

SUBJECT: CHANGE IN SCHEDULE OF PSEG SITE EARLY SITE PERMIT APPLICATION  
REVIEW

Dear Mr. Mallon:

On August 4, 2010, the U.S. Nuclear Regulatory Commission (NRC) docketed (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102010714) the PSEG Site Early Site Permit (ESP) application, submitted by PSEG Power, LLC, and PSEG Nuclear, LLC (PSEG). On May 31, 2012, the NRC issued the current schedule (ADAMS Accession No. ML121070466) reflecting new safety review milestones based on PSEG's delay in responding to two Requests for Additional Information (RAIs) involving the review areas of "Vibratory Ground Motion" and "Identification of Potential Hazards in Site Vicinity," the environmental review milestones remained unaffected by these delays.

As of this date, the staff has issued 69 safety RAIs and you have submitted responses to 68 of these RAIs; the staff notes that your responses to most of these RAIs have been reasonably timely. However, the significant response delays are associated with RAIs 61 and 67.

Regarding RAI 61 on Fukushima Near-Term Task Force Recommendation 2.1 (seismic), you informed the staff on August 21, 2012 (ADAMS Accession No. ML12235A517), that you would need additional time (from October 2012 out to January 2013) to provide a complete response, so the total delay from the usual 30-day response period was a little over six months.

Regarding RAI 67 on Probable Maximum Surge, Seiche, & Flooding, you informed the staff on November 27, 2012 (ADAMS Accession No. ML12334A030), that you would need an additional six months (from November 2012 out to May 2013) to provide response to this RAI; however, you informed the staff on May 13, 2013 (ADAMS Accession No. ML13135A177), that this response would be further delayed until October 31, 2013, so the total delay from the usual 30-day response period was 11 months. These additional times, along with the staff's schedule to review these responses when received, have impacted the safety review milestones as well as the overall project completion milestone.

The environmental review schedule has been principally impacted by NRC resource constraints. In response to project funding challenges, NRC has been utilizing available in-house staff resources to make meaningful progress on the preparation of the Draft Environmental Impact Statement (DEIS). Although additional contract funding for the environmental review became available in the 4<sup>th</sup> quarter of this fiscal year, the cumulative effects of prior resource limitations have had an impact on the overall project completion milestone. Other agency priorities, specifically, waste confidence and Fukushima-related activities, are expected to have some effect on projected staff availability over the remainder of the environmental review. Changes to

the review schedule account for these factors accordingly. The staff notes that PSEG's responses to environmental RAIs have been reasonably timely and have not had an adverse impact on the environmental review schedule.

The staff acknowledges that while additional time is needed to respond to some of the RAIs, PSEG overall performance has enabled the staff to make meaningful progress in the review of your application. The revised schedule for the PSEG Site ESP application review is enclosed and staff review of your application is continuing to proceed accordingly. The environmental review schedule, however, could be extended as a result of stakeholder input and engagement that may occur between the draft and final versions of the EIS. Also note that the schedule does not reflect the anticipated duration of the mandatory hearing process. As always, we will consider any opportunity that may allow us to complete the review ahead of the attached schedule.

Should you have questions or comments concerning this matter, please contact the NRC Lead Project Manager, Mr. Prosanta Chowdhury, for review of the PSEG Site ESP application, by telephone at 301-415-1647 or via e-mail to [Prosanta.Chowdhury@nrc.gov](mailto:Prosanta.Chowdhury@nrc.gov).

Sincerely,

*/RA/*

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket No.: 52-043

Enclosure:  
As stated

cc w/encl: See next page

the review schedule account for these factors accordingly. The staff notes that PSEG's responses to environmental RAs have been reasonably timely and have not had an adverse impact on the environmental review schedule.

The staff acknowledges that while additional time is needed to respond to some of the RAs, PSEG overall performance has enabled the staff to make meaningful progress in the review of your application. The revised schedule for the PSEG Site ESP application review is enclosed and staff review of your application is continuing to proceed accordingly. The environmental review schedule, however, could be extended as a result of stakeholder input and engagement that may occur between the draft and final versions of the EIS. Also note that the schedule does not reflect the anticipated duration of the mandatory hearing process. As always, we will consider any opportunity that may allow us to complete the review ahead of the attached schedule.

Should you have questions or comments concerning this matter, please contact the NRC Lead Project Manager, Mr. Prosanta Chowdhury, for review of the PSEG Site ESP application, by telephone at 301-415-1647 or via e-mail to [Prosanta.Chowdhury@nrc.gov](mailto:Prosanta.Chowdhury@nrc.gov).

Sincerely,

/RA/

David B. Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket No.: 52-043

Enclosure:  
As stated

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**ADAMS Accession No.: ML12361A136**

\*via E-mail

NRO-002

<b>OFFICE</b>	DNRL/LB1:PM	DNRL/LB1:LA	DNRL/EPB2:PM	DSEA/RGS1:BC
<b>NAME</b>	PChowdhury	*RButler JMcLellan for	AFetter	RKaras
<b>DATE</b>	12/26/12	12/27/12	1/7/13	7/15/13
<b>OFFICE</b>	DSEA/RHMB:BC	DNRL/EPB2:BC	OGC: NLO	DNRL/LB1:BC
<b>NAME</b>	CCook(KErwin for)	SLee	KRoach	JSegala
<b>DATE</b>	7/15/13	7/22/13	1/18/13	7/16/13
<b>OFFICE</b>	DSEA:DD	DNRL:DD	DNRL:DD	DNRL:D
<b>NAME</b>	NChokshi	MDelligatti	FAkstulewicz	DMatthews
<b>DATE</b>	7/15/13	8/28/13	8/29/13	9/12/13

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### PSEG Site Early Site Permit Application Review Schedule

<b>Key Milestones</b>	<b>Current Completion Date Actual – A Target – T</b>	<b>Revised Completion Date Actual – A Target – T</b>
<i>Safety Review</i>		
Phase A - Requests for Additional Information (RAIs) and Supplemental RAIs issued	01/2013-T	09/2013-T
Phase B - Advanced safety evaluation (SE) with no Open Items developed	11/2013-T	08/2014-T
Phase C - ACRS meeting on Advanced SE	03/2014-T	12/2014-T
Phase D - Final safety evaluation report (SER) issued	07/2014-T	04/2015-T
<i>Environmental Review</i>		
Phase 1 - Scoping period ends	12/2010-A	12/2010-A
Phase 2 - Draft Environmental Impact Statement (EIS) issued to U. S. Environmental Protection Agency (EPA)	06/2013-T	06/2014-T
Phase 3 - Public comment period for Draft EIS ends	10/2013-T*	08/2014-T
Phase 4 - Final EIS issued to EPA	06/2014-T	05/2015-T

\*Note that the previous 10/2013 target date for “Phase 3 - Public comment period for Draft EIS ends” reflected an internal milestone related to issuance of a meeting summary on the DEIS public meeting rather than the end of the comment period; hence the incongruence in the schedule shift. The new date of 08/2014 for “Phase 3 - Public comment period for Draft EIS ends” is correct.

Enclosure

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(Revised 07/25/2013)

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