



April 3, 2014  
ND-2014-0011

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: **PSEG POWER, LLC**  
**Docket No. 52-043**  
**Documents in Support of Application**  
**Early Site Permit for the PSEG Site**  
**Supplemental Comments on Advanced Safety Evaluation for Chapter**  
**2, Section 2.1, "Geography and Demography" and Section 2.2,**  
**"Identification of Potential Hazards in Site Vicinity"**

- Reference:
- 1) Letter from P. Chowdhury, USNRC, to J. Mallon, PSEG Power, LLC, PSEG EARLY SITE PERMIT APPLICATION – ADVANCED SAFETY EVALUATION WITH NO OPEN ITEMS FOR CHAPTER 2, SECTION 2.1, "GEOGRAPHY AND DEMOGRAPHY" AND SECTION 2.2, "IDENTIFICATION OF POTENTIAL HAZARDS IN SITE VICINITY", dated January 8, 2014
  - 2) PSEG Power, LLC Letter No. ND-2014-0001 to USNRC, Comments on Advanced Safety Evaluation for Chapter 2, Section 2.1, "Geography and Demography" and Section 2.2, "Identification of Potential Hazards in Site Vicinity," dated January 21, 2014

In Reference 1, USNRC transmitted the Advanced Safety Evaluation with No Open Items for Chapter 2, Section 2.1, "Geography and Demography" and Section 2.2, "Identification of Potential Hazards in Site Vicinity", associated with PSEG's Early Site Permit (ESP) application, for review to confirm that the Advanced Safety Evaluation does not include any proprietary information that PSEG would seek to withhold under 10 CFR 2.390, or contain any factual errors.

D079  
NRD

In Reference 2, PSEG provided comments on the Advanced Safety Evaluation, including proposed revised wording for COL Action Item 2.1-1 regarding the timing of PSEG's acquisition of the 85 acres of land north of the Hope Creek Generating Station currently controlled by the U.S. Army Corps of Engineers (USACE).

On March 10, 2014, during a publicly noticed telephone conference meeting, NRC staff presented their concerns with PSEG's proposed revised wording for COL Action Item 2.1-1. As a result of the March 10, 2014 public meeting, PSEG will revise Site Safety Analysis Report (SSAR) Section 2.1.2 to resolve the NRC concerns related to PSEG control of the Exclusion Area for the PSEG Site. PSEG is also proposing an ESP Condition which would replace proposed COL Action Items 2.1-1 and 2.1-2. The proposed revision to SSAR Section 2.1.2, including the proposed ESP Condition, is provided in Enclosure 1 to this letter. Enclosure 2 includes the new regulatory commitments established in this submittal.

If additional information is needed, please contact David Robillard, PSEG Nuclear Development Licensing Engineer, at (856) 339-7914.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 3<sup>rd</sup> day of April, 2014.

Respectfully,



James Mallon  
Early Site Permit Manager  
Nuclear Development  
PSEG Power, LLC

Enclosure 1: Proposed Revision to PSEG Early Site Permit Application, Part 2, Site Safety Analysis Report, Section 2.1.2, EXCLUSION AREA AUTHORITY AND CONTROL

Enclosure 2: Summary of Regulatory Commitments

cc: USNRC Project Manager, Division of New Reactor Licensing, PSEG Site (w/enclosure)  
USNRC Environmental Project Manager, Division of New Reactor Licensing (w/enclosure)  
USNRC Region I, Regional Administrator (w/o enclosure)

**PSEG Letter ND-2014-0011, dated April 3, 2014**

**Enclosure 1**

**Proposed Revision to PSEG Early Site Permit Application**

**Part 2, Site Safety Analysis Report, Section 2.1.2,**

**EXCLUSION AREA AUTHORITY AND CONTROL**

**3 Pages**

**PSEG Site  
ESP Application  
Part 2, Site Safety Analysis Report**

property acquisition is complete PSEG will have ownership of 373 ac. of land within the proposed EAB as shown in Figure 2.1-23.

Insert A

The only land area within the proposed EAB that will not be owned by PSEG is 146 ac. located to the north and northeast of the PSEG property line. This land is owned by the federal government and controlled by the USACE. PSEG will obtain legal authority from the USACE prior to the issuance of the COL that will either allow PSEG and its surrogates to ~~control activities on this land or obtain an agreement with the USACE that provides assurances that the USACE will control activities and access if required.~~ The agreement will specify that no residences are allowed within the Exclusion Area. Some public uses of the land may be allowed, but PSEG will acquire the ability to remove and ~~subsequently~~ exclude people in a timely manner in the event of an accident.

Under the existing PSEG Site Radiological Emergency Response Plan, the U.S. Coast Guard (USCG) is responsible for warning people in boats, assisting in traffic control of boats, and notifying persons participating in swimming, fishing, and boating on the Delaware River in the site vicinity in the event of a radiological emergency. This agreement will be extended to address all open water areas within the proposed EAB for the new plant.

The USACE and USCG are the two primary agencies who interface with PSEG in establishing the control of the EAB. The USCG establishes control over the Delaware River portion of the EAB, while PSEG or the USACE controls the land area associated with the EAB that is not on PSEG's property. Other agencies, such as state and local police, fire departments, state and county emergency management agencies, etc., are active in the event of an Emergency Response situation and can be called upon to support the situation. Details of the Emergency Plan, including roles and responsibilities, are included in Part 5 of the ESPA. Emergency Response Support and Resources are presented in Section 4 of the Emergency Plan. Certification Letters and Memoranda of Understanding with offsite support agencies are presented in Attachments 2 and 3, respectively, of the Emergency Plan.

#### 2.1.2.2 Control of Activities Unrelated to Plant Operation

The part of the proposed EAB that includes the Delaware River is sometimes used for boating, swimming, and/or fishing. The existing PSEG Site Security Plan provides for a maritime exclusion zone or "security zone" as described in 33 CFR Part 165, Subpart F, Section 165.553 around the existing power plant facilities. As part of developing the Site Security Plan, PSEG and the USCG will establish the specific boundaries and enforcement provisions of the extended maritime exclusion zone, and promulgate revisions to associated regulations regarding an extension to the "security zone" currently specified at 33 CFR Part 165, Subpart F, Section 165.553. A portion of the proposed EAB will be within this extended exclusion zone. Beyond the exclusion zone, no additional limitations are proposed for legal public use activities, maximum number of people, or maximum frequency of use in the open water portions of the EAB.

The land area of the proposed EAB includes a confined disposal facility (CDF) used by the USACE for the disposal of dredged material. The CDF currently stretches into the 85 acre parcel of land that PSEG intends to acquire from the USACE. After the land is acquired, this 85 acre parcel of land will be PSEG property and no longer used as a CDF, because structures associated with the power block and cooling towers will occupy this land. The northern portion

Rev. 3

2.1-3

**PSEG Site  
ESP Application  
Part 2, Site Safety Analysis Report**

of the CDF (labeled as Laydown and Batch Plant on Figure 1.2-3) will be returned to the USACE after construction and potentially could continue to be used by the USACE as a CDF for dredge spoils. PSEG will develop notification provisions related to USACE use of the CDF that is within the EAB.

Access to the CDF by land is via the PSEG property from the existing site access road or the proposed causeway as shown on Figure 1.2-3. PSEG will allow USACE personnel vehicular access to the CDF north of the proposed site. During past usage of the CDF, access by water was generally made at the northern tip of the CDF, at a location outside of the EAB.

The USACE does not have a defined schedule for disposal of spoils in the CDF, nor do they delineate the number or kinds of persons who are engaged in the activity, the location of those persons, or the length of time the activity occurs. However, based on typical dredge spoils disposal activities conducted by the USACE at other sites, approximately five or less people would be present within the CDF during the dredging operation. A USACE representative inspects the CDF annually by traveling through the PSEG Site. Activities associated with the USACE CDF occur infrequently, and PSEG would maintain awareness of the CDF activities ongoing in the vicinity of the site.

The land area of the proposed EAB includes 146 acres of land that is owned by the federal government and controlled by the USACE. The USACE does not officially permit recreational use of this land; however, there are no physical barriers to prevent access. In the context of the EAB, PSEG considers the land to be accessible by the public for recreational use such as hunting and fishing during the respective seasons. There are no pre-established features (e.g., trails or launches) to enable access to this undeveloped land. Unauthorized recreational access to this land is by water via the Delaware River or, in a limited capacity, coastal salt marshes. The physical limitations on both access and the use result in infrequent use. PSEG will establish provisions for evacuation of this land in the agreements with the USACE, USCG, or other agencies.

Salem and Hope Creek have provisions to notify people in the EAB of the need to evacuate in an emergency. This includes sirens, plant page, and an agreement with the U.S. Coast Guard. Provisions will be established for the new plant similar to that of Salem and Hope Creek Generating Stations. These provisions provide reasonable assurance that the Exclusion Area can be evacuated in a manner that prevents radiation exposure in excess of guideline values.

#### 2.1.2.3 Arrangements for Traffic Control

As discussed in Subsection 2.1.2.1, a small part of the Delaware River is within the proposed Exclusion Area, and the USCG is responsible for controlling traffic on the Delaware River in the event of an emergency. No other arrangements for traffic control are required, because no public roads, railways, or other waterways traverse the proposed Exclusion Area.

#### 2.1.2.4 Abandonment or Relocation of Roads

There are no public roads to be abandoned or relocated in the proposed Exclusion Area.

Insert B

Rev. 3

2.1-4

Insert A

determine all activities including exclusion or removal of personnel and property from the area or to insist that the USACE exercise that control in a specified manner.

Insert B

#### 2.1.2.5 Summary of Exclusion Area Authority and Control Issues

As discussed above, PSEG already owns 288 ac. of land within the proposed EAB for the new plant. PSEG will enter into the appropriate agreements to ensure the necessary authority and control over the remainder of the Exclusion Area. First, PSEG will complete the acquisition of 85 ac. of land, including mineral rights, from the USACE that is currently part of the confined disposal facility north of the site. Second, PSEG will modify the existing PSEG Site Radiological Emergency Response Plan and the existing PSEG Site Security Plan, and reach agreements with the USCG, to extend the protections for the Delaware River portion of the existing Salem and Hope Creek Exclusion Area to cover the Delaware River portion of the Exclusion Area related to the ESP. Third, PSEG will reach agreement with the USACE for any land within the EAB that will not be owned by PSEG to obtain legal authority from the USACE to either allow PSEG and its surrogates to determine all activities including exclusion or removal of personnel and property from the area or insist that the USACE exercise that control in a specified manner.

Consistent with the NRC regulations in 10 CFR Part 100, which applies the Exclusion Area requirements to "licensees," and Section 2.1.2 of the Standard Review Plan (NUREG-0800, Rev. 3), PSEG may enter into the agreements following issuance of an Early Site Permit. Consistent with the Standard Review Plan, PSEG proposes the following Permit Condition to require PSEG to notify the Nuclear Regulatory Commission staff when PSEG has acquired the required authority and control over the Exclusion Area and the basis for that conclusion.

PSEG will notify the Nuclear Regulatory Commission staff when PSEG has acquired the required authority and control over the Exclusion Area (no later than issuance of any combined license that references this ESP) and the basis for that conclusion, including the following agreements:

1. PSEG will complete the acquisition of 85 ac. of land, including mineral rights, from the USACE that is currently part of the confined disposal facility north of the site.
2. PSEG will modify the existing PSEG Site Radiological Emergency Response Plan and the existing PSEG Site Security Plan, and reach agreements with the USCG, to extend the protections for the Delaware River portion of the existing Salem and Hope Creek Exclusion Area to cover the Delaware River portion of the Exclusion Area related to the ESP.
3. PSEG will reach agreement with the USACE for any land within the EAB that will not be owned by PSEG to obtain legal authority from the USACE to either allow PSEG and its surrogates to determine all activities including exclusion or removal of personnel and property from the area or insist that the USACE exercise that control in a specified manner.

**PSEG Letter ND-2014-0011, dated April 3, 2014**

**Enclosure 2**

**Summary of Regulatory Commitments**

## ENCLOSURE 2

### SUMMARY OF REGULATORY COMMITMENTS

The following table identifies commitments made in this document. (Any other actions discussed in the submittal represent intended or planned actions. They are described to the NRC for the NRC's information and are not regulatory commitments.)

COMMITMENT	COMMITTED DATE	COMMITMENT TYPE	
		ONE-TIME ACTION (Yes/No)	Programmatic (Yes/No)
PSEG will revise SSAR Section 2.1.2 to incorporate the changes in Enclosure 1.	This revision will be included in a future update of the PSEG ESP application.	Yes	No