

From: Scott Wall
Sent: Monday, October 30, 2023 2:34 PM
To: Reynolds, Ronnie J:(Constellation Nuclear)
Subject: FINAL RCI - Constellation Energy Generation, LLC – Peach Bottom 2 & 3 - Exemption from Security Rule (L-2023-LLE-0032)

Dear Mr. Reynolds,

By letter dated October 16, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23289A121), Constellation Energy Generation, LLC (CEG) requested an exemption from the compliance date of January 8, 2024, for the implementation of the final rule for Enhanced Weapons, Firearms Background Checks, and Security Event Notifications, that became effective on April 13, 2023, for the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 (Peach Bottom).

The NRC staff has reviewed the submittal and determined that confirmatory information is needed to complete its review. The specific question is found in the enclosed request for confirmation of information (RCI). On October 30, 2023, the CEG staff indicated that a response to the RCIs would be provided by November 17, 2023.

If you have questions, please contact me at 301-415-2855 or via e-mail at Scott.Wall@nrc.gov.

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Docket Nos.: 50-277 and 50-278

Enclosure:
Request for Confirmation of Information

cc: Listserv

RCI (Security Rule: NSIR)

REQUEST FOR CONFIRMATION OF INFORMATION

EXEMPTION FROM SECURITY RULE
CONSTELLATION ENERGY GENERATION, LLC
PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3
DOCKET NOS. 50-277 AND 50-278

By letter dated October 16, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23289A121), Constellation Energy Generation, LLC (CEG) requested an exemption from the compliance date of January 8, 2024, for the implementation of the final rule for Enhanced Weapons, Firearms Background Checks, and Security Event Notifications, that became effective on April 13, 2023, for the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 (Peach Bottom).

The U.S. Nuclear Regulatory Commission (Commission, NRC) staff is reviewing your submittal and has identified areas where confirmatory information is needed to complete its review.

Request for Confirmation of Information:

1. Regarding CEG's request for exemption from the January 8, 2024, compliance date, please confirm the following:
 - CEG is requesting an exemption for Peach Bottom from specific requirements, as described below, associated with the final rule for Enhanced Weapons, Firearms Background Checks, and Security Event Notifications, as identified in your submission; that would defer compliance with those provisions until December 31, 2024, or 180 days after publication of final Regulatory Guides, whichever is later.
 - CEG is not requesting an extension to the compliance date for Peach Bottom for specific requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Subpart B, "Enhanced Weapons, Preemption, and Firearms Background Checks," described in 10 CFR 73.15, "Authorization for Use of Enhanced Weapons and Preemption of Firearms Laws," and 10 CFR 73.17, "Firearms Background Checks for Armed Security Personnel."
 - CEG is requesting an exemption for Peach Bottom from specific requirements in 10 CFR Part 73, Subpart T, "Security Notifications, Reports, and Recordkeeping," 10 CFR 73.1200(a) through 10 CFR 73.1200(t), "Notification of Physical Security Events," 10 CFR 73.1205(a)(1) through 10 CFR 73.1205(e), "Written Follow-up Reports of Physical Security Events," 10 CFR 73.1210(a)(1) through 10 CFR 73.1210(h), "Recordkeeping of Physical Security Events," and "Suspicious Activity Reports," 10 CFR 73.1215(a) through 10 CFR 73.1215(f)

until the later of December 31, 2024, or 180 days after publication of the final Regulatory Guides.

- CEG is requesting an exemption for Peach Bottom from using the definitions for the terms “Contraband,” and “Time of Discovery” as recently revised in 10 CFR 73.2, “Definitions,” until the later of December 31, 2024, or 180 days after publication of the final Regulatory Guides. The exemption would not apply to the definitions of those terms that were in effect prior to the issuance of the 2023 revisions.

2. Confirm that the current Peach Bottom site security plan implements the requirements of 10 CFR 73.71, “Reporting of Safeguards Events” for reporting the suspension of security measures.

- Confirm that Peach Bottom will continue to comply with security event reporting, as previously required in 10 CFR 73.71, “Reporting of Safeguards Events,” and Appendix G to Part 73, “Reportable Safeguards Events.”
- Confirm that Peach Bottom will use the definitions for the terms “Contraband” and “Discovery (time of)” in its site security plan consistent with how these terms are currently defined in Regulatory Guide 5.76, Revision 1, “Physical Protection Programs at Nuclear Power Reactors.”

3. Confirm that when Peach Bottom states that it is implementing the new Access Authorization Rule it actually means that it is implementing the new 2022 10 CFR Part 26 Fitness for Duty Rule (87 FR 71422, November 22, 2022)?

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