



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

June 17, 2015

Mr. Robert Braun  
President and Chief Nuclear Officer  
PSEG Nuclear  
P.O. Box 236, N09  
Hancocks Bridge, NJ 08038

**SUBJECT: HOPE CREEK GENERATING STATION AND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2, ISSUANCE OF AMENDMENTS RE: UPDATE OF APPENDIX B TO THE RENEWED FACILITY OPERATING LICENSES (TAC NOS. MF5389, MF5390 AND MF5391)**

Dear Mr. Braun:

The Commission has issued the enclosed Amendment No. 198 to Renewed Facility Operating License No. NPF-57 for the Hope Creek Generating Station, and Amendment Nos. 308 and 290 to Renewed Facility Operating Licenses DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2. These amendments revise Appendix B, "Environmental Protection Plan (Nonradiological)," of the Hope Creek Generating Station and Salem Nuclear Generating Station Renewed Facility Operating Licenses in response to PSEG Nuclear LLC's (PSEG) application dated December 9, 2014, as supplemented by letter dated April 9, 2015.

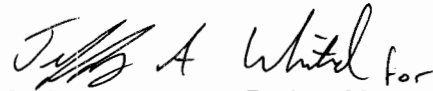
The amendments revise the PSEG Environmental Protection Plans (Non-Radiological) (EPPs), to clarify that PSEG must adhere to the currently applicable biological opinion. The amendments also simplify the Aquatic Monitoring section of the EPPs, modify reporting requirements related to New Jersey Pollutant Discharge Elimination System permits, modify the criteria for reporting Unusual or Important Environmental Events, and remove the requirement for PSEG to submit an Annual Environmental Operating Report.

R. Braun

-2-

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Carleen J. Parker for".

Carleen J. Parker, Project Manager  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-354, 50-272, and 50-311

Enclosures:

1. Amendment No. 198 to Renewed NPF-57
2. Amendment No. 308 to Renewed DPR-70
3. Amendment No. 290 to Renewed DPR-75
4. Safety Evaluation

cc w/encls: Distribution via Listserv



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

PSEG NUCLEAR LLC

DOCKET NO. 50-354

HOPE CREEK GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 198  
Renewed License No. NPF-57

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment filed by PSEG Nuclear LLC dated December 9, 2014, as supplemented by letter dated April 9, 2015, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-57 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 198, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Douglas A. Broaddus, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Renewed License  
and Environmental Plan

Date of Issuance: June 17, 2015

ATTACHMENT TO LICENSE AMENDMENT NO. 198  
RENEWED FACILITY OPERATING LICENSE NO. NPF-57  
DOCKET NO. 50-354

Replace the following page of the Renewed Facility Operating License with the revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove  
Page 3

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Page 3

Replace the following pages of the Appendix B, Environmental Protection Plan (nonradiological), with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove  
Page 3-2  
Page 3-3  
Page 4-1  
Page 5-2  
Page 5-3

Insert  
Page 3-2  
Page 3-3  
Page 4-1  
Page 5-2  
Page 5-3

reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;

- (4) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility. Mechanical disassembly of the GE14i isotope test assemblies containing Cobalt-60 is not considered separation.
- (7) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Part 30, to intentionally produce, possess, receive, transfer, and use Cobalt-60.

C. This renewed license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

PSEG Nuclear LLC is authorized to operate the facility at reactor core power levels not in excess of 3840 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 198, and the Environmental Protection Plan contained in Appendix S, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

### 3.2 Reporting Related to the NJPDES Permit and State Certification

The NRC shall be provided with a copy of the current NJPDES permit or State certification within 30 days of approval. Changes to the NJPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

### 3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.



#### 4.0 Environmental Conditions

##### 4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2.

No routine monitoring programs are required to implement this condition.

##### 4.2 Environmental Monitoring

###### 4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decisions made by the State of New Jersey under the authority of the Clean Water Act and, in the case of threatened or endangered species, decisions made by the National Marine Fisheries Service (NMFS) under the authority of the Endangered Species Act for any requirements pertaining to aquatic monitoring.

PSEG Nuclear LLC shall adhere to the specific requirements within the currently applicable Incidental Take Statement, to the Biological Opinion.

### 5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

### 5.4 Plant Reporting Requirements

5.4.1 Deleted.

#### 5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall: (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics; (b) describe the probable cause of the event; (c) indicate the action taken to correct the reported event; (d) indicate the corrective



UNITED STATES  
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PSEG NUCLEAR, LLC

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-272

SALEM NUCLEAR GENERATING STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 308  
Renewed License No. DPR-70

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment filed by PSEG Nuclear LLC, acting on behalf of itself and Exelon Generation Company, LLC (the licensees) dated December 9, 2014, as supplemented by letter dated April 9, 2015, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in Title 10 of the *Code of Federal Regulations* (10 CFR), Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B as, indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-70 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 308, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications, and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Douglas A. Broaddus, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to Renewed Facility Operating License  
and the Environmental Protection Plan

Date of Issuance: June 17, 2015

ATTACHMENT TO LICENSE AMENDMENT NO. 308  
RENEWED FACILITY OPERATING LICENSE NO. DPR-70  
DOCKET NO. 50-272

Replace the following page of Renewed Facility Operating License No. DPR-70 with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove  
Page 3

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Replace the following pages of the Appendix B, Environmental Protection Plan (nonradiological), with the attached revised pages as indicated. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove  
Page 2-1  
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Page 5-3

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Page 3-2  
Page 3-3  
Page 4-1  
Page 5-2  
Page 5-3

instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

- (5) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30 and 70, to possess but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

PSEG Nuclear LLC is authorized to operate the facility at a steady state reactor core power level not in excess of 3459 megawatts (one hundred percent of rated core power).

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A, as revised through Amendment No. 308, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications, and the Environmental Protection Plan.

(3) Deleted Per Amendment 22, 11-20-79

(4) Less than Four Loop Operation

PSEG Nuclear LLC shall not operate the reactor at power levels above P-7 (as defined in Table 3.3-1 of Specification 3.3.1.1 of Appendix A to this renewed license) with less than four (4) reactor coolant loops in operation until safety analyses for less than four loop operation have been submitted by the licensees and approval for less than four loop operation at power levels above P-7 has been granted by the Commission by Amendment of this renewed license.

(5) PSEG Nuclear LLC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety

## 2.0 Environmental Protection Issues

In the FES, dated April 1973, the staff considered the environmental impacts associated with the operation of Salem Generating Station Unit Nos. 1 and 2. Certain environmental issues were identified which required study or license conditions to resolve and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications (ETS) issued with the operating license included discharge restrictions and monitoring programs related to aquatic and terrestrial resources.



A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) as significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

### 3.2 Reporting Related to the NJPDES Permit or the State Certification

The NRC shall be provided with a copy of the current NJPDES permit or State certification within 30 days of approval. Changes to the NJPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

### 3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

#### 4.0 Environmental Conditions

##### 4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2.

No routine monitoring programs are required to implement this condition.

##### 4.2 Environmental Monitoring

###### 4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The Nuclear Regulatory Commission (NRC) will rely on the decisions made by the State of New Jersey under the authority of the Clean Water Act and, in the case of threatened or endangered species, decisions made by the National Marine Fisheries Service (NMFS) under the authority of the Endangered Species Act, for any requirements pertaining to aquatic monitoring.

In accordance with Section 7(a) of the Endangered Species Act, the National Marine Fisheries Service has issued multiple Section 7 Consultation Biological Opinions related to the operation of Salem Unit 1 and 2 Generating Stations concluding that "...continued operation is not likely to jeopardize the continued existence of listed species."

PSEG Nuclear LLC shall adhere to the specific requirements within the currently applicable Incidental Take Statement, to the Biological Opinion. Changes to the incidental take statement must be preceded by consultation between the NRC, as the authorizing agency, and NMFS.

### 5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

### 5.4 Plant Reporting Requirements

5.4.1 Deleted.

#### 5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall: (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics; (b) describe the probable cause of the event; (c) indicate the action taken to correct the reported event; (d) indicate the corrective action taken to



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PSEG NUCLEAR, LLC

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-311

SALEM NUCLEAR GENERATING STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 290  
Renewed License No. DPR-75

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment filed by PSEG Nuclear LLC, acting on behalf of itself and Exelon Generation Company, LLC (the licensees) dated December 9, 2014, as supplemented by letter dated April 9, 2015, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in Title 10 of the *Code of Federal Regulations* (10 CFR), Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-75 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 290, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Douglas A. Broaddus, Chief  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to Renewed Facility Operating License  
and the Environmental Protection Plan

Date of Issuance: June 17, 2015

ATTACHMENT TO LICENSE AMENDMENT NO. 290  
RENEWED FACILITY OPERATING LICENSE NO. DPR-75  
DOCKET NO. 50-311

Replace the following page of Renewed Facility Operating License No. DPR-75 with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove  
Page 3

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Replace the following pages of the Appendix B Environmental Protection Plan (nonradiological), with the attached revised pages as indicated. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove  
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Page 4-1  
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Page 5-3

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Page 2-1  
Page 3-2  
Page 3-3  
Page 4-1  
Page 5-2  
Page 5-3



- (4) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use at any time any byproduct, source or special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration and as fission detectors in amounts as required;
  - (5) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
  - (6) PSEG Nuclear LLC, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level  
  
PSEG Nuclear LLC is authorized to operate the facility at steady state reactor core power levels not in excess of 3459 megawatts (thermal).
  - (2) Technical Specifications and Environmental Protection Plan  
  
The Technical Specifications contained in Appendix A, as revised through Amendment No. 290, and the Environmental Protection Plan contained in Appendix B, are hereby incorporated in the renewed license. PSEG Nuclear LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

## 2.0 Environmental Protection Issues

In the FES, dated April 1973, the staff considered the environmental impacts associated with the operation of Salem Generating Station Unit Nos. 1 and 2. Certain environmental issues were identified which required study or license conditions to resolve and to assure adequate protection of the environment. The Appendix B Environmental Technical Specifications (ETS) issued with the operating license included discharge restrictions and monitoring programs related to aquatic and terrestrial resources.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) as significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

### 3.2 Reporting Related to the NJPDES Permit or the State Certification

The NRC shall be provided with a copy of the current NJPDES permit or State certification within 30 days of approval. Changes to the NJPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

### 3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

#### 4.0 Environmental Conditions

##### 4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this Subsection is not required. However, a written report is required in accordance with Section 5.4.2.

No routine monitoring programs are required to implement this condition.

##### 4.2 Environmental Monitoring

###### 4.2.1 Aquatic Monitoring

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The Nuclear Regulatory Commission (NRC) will rely on the decisions made by the State of New Jersey under the authority of the Clean Water Act and, in the case of threatened or endangered species, decisions made by the National Marine Fisheries Service (NMFS) under the authority of the Endangered Species Act, for any requirements pertaining to aquatic monitoring.

In accordance with Section 7(a) of the Endangered Species Act, the National Marine Fisheries Service has issued multiple Section 7 Consultation Biological Opinions related to the operation of Salem Unit 1 and 2 Generating Stations concluding that "...continued operation is not likely to jeopardize the continued existence of listed species."

PSEG Nuclear LLC shall adhere to the specific requirements within the currently applicable Incidental Take Statement, to the Biological Opinion. Changes to the incidental take statement must be preceded by consultation between the NRC, as the authorizing agency, and NMFS.

### 5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

### 5.4 Plant Reporting Requirements

5.4.1 Deleted.

#### 5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall: (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics; (b) describe the probable cause of the event; (c) indicate the action taken to correct the reported event; (d) indicate the corrective action taken to



UNITED STATES  
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NOS. 198, 308, AND 290  
TO RENEWED FACILITY OPERATING LICENSE NOS. NPF-57, DPR-70 AND DPR-75  
PSEG NUCLEAR LLC  
HOPE CREEK GENERATING STATION  
AND  
PSEG NUCLEAR, LLC  
EXELON GENERATION COMPANY, LLC  
SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-354, 50-272 AND 50-311

1.0 INTRODUCTION

By letter dated December 9, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14343A926), as supplemented by letter dated April 9, 2015 (ADAMS Accession No. ML15099A766), PSEG Nuclear LLC (PSEG or the licensee) submitted a request for changes to Appendix B, "Environmental Protection Plan (Nonradiological)," for Hope Creek Generating Station (Hope Creek), and Salem Nuclear Generating Station (Salem), Unit Nos. 1 and 2. The requested changes would revise the PSEG Environmental Protection Plans (Non-Radiological) (EPPs), to clarify that PSEG must adhere to the currently applicable biological opinion. The amendments also simplify the Aquatic Monitoring section of the EPPs, modify reporting requirements related to New Jersey Pollutant Discharge Elimination System (NJPDDES) permits, modify the criteria for reporting Unusual or Important Environmental Events, and remove the requirement for PSEG to submit an Annual Environmental Operating Report.

The supplement dated April 9, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (NRC or the Commission) staffs original proposed no significant hazards consideration determination as published in the *Federal Register* on April 14, 2015 (80 FR 20024).



## 2.0 REGULATORY EVALUATION

The EPPs were established during initial plant licensing to require monitoring of environmental issues. The EPPs were retained when issuing the renewed licenses for Hope Creek and Salem, Unit Nos. 1 and 2. The regulatory basis for establishment of the EPPs is contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.36b, "Environmental conditions." This section provides that a license may include conditions to protect the environment during operation and decommissioning. Such conditions will be derived from information contained in the environmental report, or the supplement to the environmental report, required by 10 CFR 51.50, "Environmental report-construction permit, early site permit, or combined license stage," and 10 CFR 51.53, "Postconstruction environmental reports," as analyzed and evaluated in the NRC record of decision. The regulations in 10 CFR 50.36b(b), state, in part, that these conditions "will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment." In the March 12, 1984, statements of consideration for the final rule that created Section 50.36b, the Commission stated that NRC "may also include additional environmental conditions as appropriate."

The regulations in 10 CFR 50.90, "Application for Amendment of License or Construction Permit," allow a licensee to amend or change the original license. The requirements contained in 10 CFR 50.92, "Issuance of Amendment," specify that the NRC staff will be guided by the considerations which govern the issuance of initial licenses to the extent applicable and appropriate in determining whether an amendment will be issued to the applicant.

The following sections provide background related to the proposed changes, describe the proposed changes, and provide the NRC staff's regulatory review of the proposed changes

## 3.0 TECHNICAL EVALUATION

PSEG proposed several changes to the Hope Creek and Salem, Unit Nos. 1 and 2 EPPs. Each change is described below by EPP section number and title, and the facility that the change affects is indicated in parentheses. A technical evaluation follows each description of the proposed change. The evaluation considers whether the proposed changes would continue to meet the requirements of 10 CFR 50.36b and whether the proposed changes would result in any conflicts with environmental protection requirements established by other Federal, State, or local agencies.

### 3.1 Background Related to the Proposed Amendments

Salem and Hope Creek withdraw cooling water from the Delaware River. Pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA), consultation between the NRC and the National Marine Fisheries Service (NMFS) for these facilities has been ongoing since 1979 to address the effects of the facilities' cooling water systems on Federally-listed species. Most recently, the NRC began coordinating with NMFS in December 2009 during the NRC's review of the Hope Creek and Salem, Unit Nos. 1 and 2, license renewal applications. On December 13, 2010, the NRC transmitted its biological assessment for license renewal to NMFS for its review (ADAMS Accession No. ML103350271). Consultation between NRC and NMFS continued until NMFS's issuance of a biological opinion on July 17, 2014 (ADAMS Accession No.

ML14202A146), which replaced the previously applicable biological opinion dated June 6, 1993 (ADAMS Accession No. ML081010597), as modified by letter dated January 21, 1999 (ADAMS Accession No. ML14094A363).

The biological opinion dated July 17, 2014, considers the effects of continued operation of Hope Creek and Salem, Units 1 and 2, under the terms of Renewed Facility Operating Licenses NPF-57, DPR-70, and DPR-75, on shortnose (*Acipenser brevirostrum*) and Atlantic (*A. oxyrinchus oxyrinchus*) sturgeons and three species of sea turtles (*Caretta caretta*, *Chelonia mydas*, and *Lepidochelys kempii*). The opinion concludes that the continued operation of Hope Creek and Salem, Unit Nos. 1 and 2, may adversely affect, but is not likely to jeopardize the continued existence of the five listed species considered. NMFS issued, as part of the opinion, a new Incidental Take Statement (ITS) that includes Reasonable and Prudent Measures (RPMs) that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated terms and conditions, which are non-discretionary and implement the RPMs.

By letter dated September 22, 2014 (ADAMS Accession No. ML14216A600), the NRC formally transmitted the biological opinion to PSEG and requested that PSEG propose changes to Section 4.2.1 of the Hope Creek and Salem, Unit Nos. 1 and 2, EPPs to address the new biological opinion. PSEG's proposed amendments address these and other proposed changes to the EPPs.

### 3.2 Section 2.0, "Environmental Protection Issues" (Salem)

#### Proposed Change

PSEG proposes to eliminate the list of specific aquatic environmental issues in this section of the EPPs. These issues were identified by the NRC staff in the April 1973 Final Environmental Statement related to the operation of Salem (ADAMS Accession No. ML110400162) as requiring further study or license conditions to resolve or to assure adequate protection of the environment.

#### Technical Evaluation

As stated in Section 2.1 of the Salem EPPs, requirements for study of station intake and discharge effects were removed by license amendments dated March 11, 1983 (ADAMS Accession No. ML011660419), such that the aquatic environmental issues listed in Section 2.0 no longer apply. Any continuing issues are now addressed through NJPDES permit No. NJ0005622 issued by the New Jersey Department of Environmental Protection (NJDEP). The proposed change is not in conflict with NRC regulations and would not affect the licensee's continuing obligation to comply with the site's NJPDES permit.

The proposed change does not alter the intent of Section 2.0 and does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed change to Section 2.0 is acceptable.

### 3.3 Section 3.1, "Plant Design and Operation" (Salem)

#### Proposed Change

PSEG proposes to delete the last sentence of this section, which refers to the Annual Environmental Operating Report, because PSEG proposes to delete the Annual Operating Report requirement in EPP Section 5.4.1.

#### Technical Evaluation

The technical evaluation of the proposal to delete the Annual Operating Report requirement from EPP Section 5.4.1 is addressed later in this safety evaluation (SE). The proposed change to Section 3.1 is editorial in nature and, therefore, not in conflict with the applicable regulations or environmental protection requirements established by other Federal, State, or local agencies. Accordingly, the NRC staff concludes that the proposed change to Section 3.1 is acceptable.

### 3.4 Section 3.2, "Reporting Related to the NJPDES Permit or the State Certification" (Hope Creek, Salem)

#### Proposed Change

PSEG proposes to replace the language in this section with the following:

The NRC shall be provided with a copy of the current NJPDES permit or State certification within 30 days of approval. Changes to the NJPDES permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

#### Technical Evaluation

The EPPs require the licensee to provide the NRC with copies of changes to or renewals of the NJPDES permits within 30 days of such changes or renewals. The licensee must also provide the NRC with copies of proposed changes to or renewal applications for NJPDES permits at the same time the licensee submits such requests to the permitting agency. Finally, this section requires the licensee to notify the NRC of appeals or stays, whether in part or in whole, of a permit or certification. The proposed change would relieve the licensee of the requirement to submit copies of proposed changes to or renewals of NJPDES permits to the NRC and the requirement to notify the NRC of appeals or stays.

As addressed in 10 CFR 51.10, "Purpose and scope of subpart; application of regulations of Council on Environmental Quality," subpart (c), the NRC does not have a role in the Federal regulation of nonradiological pollutant discharges into receiving waters under the Federal Pollution Control Act; this authority lies with the U.S. Environmental Protection Agency (EPA) and its authorized states. In the State of New Jersey, the EPA has delegated the responsibility for reviewing and issuing NJPDES permits under the Clean Water Act (CWA) to the NJDEP.

Because the NRC does not issue or oversee NJPDES permits, requiring the licensee to submit the proposed NJPDES permit changes to the NRC is of little value to the NRC staff. The paragraph that will replace the current EPP language will continue to require the licensee to

provide the NRC staff with copies of approved permit revisions and to notify the NRC of changes to permits within 30 days of the State's approval of any changes. This requirement will allow the NRC staff to remain cognizant of the NJPDES permit status and the environmental impacts of plant operations related to the permit limitations.

Section 3.1 of the EPP will continue to require PSEG to provide a written evaluation and obtain NRC approval for any significant changes in station effluents. The Section 3.1 requirements will ensure that PSEG continues to provide the NRC with proposed changes to or renewals of NJPDES permits that contain significant changes in station effluents, while the proposed change to Section 3.2 would relieve PSEG of the requirement to provide the NRC with proposed changes to or renewals of NJPDES permits that do not contain significant changes in station effluents. Additionally, Section 3.1 of the EPPs will continue to require the licensee to evaluate plant changes for unreviewed environmental questions. This requirement ensures that significant changes to the environmental impacts of plant operation will receive NRC staff review independent of the NJDEP's NJPDES permit review process. While the NRC staff would still have no role in issuing or overseeing the NJPDES permits, the NRC staff would consider other impacts (e.g., impacts to aquatic species Federally listed as endangered or threatened under the ESA) that may not be addressed under the CWA as part of the NJPDES permit review process.

The proposed change does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the staff concludes that the proposed change to Section 3.2 is acceptable.

### 3.5 Section 4.1, "Unusual or Important Environmental Events" (Hope Creek, Salem)

#### Proposed Change

PSEG proposes to add the following language to the section:

If an event is reportable under 10 CFR 50.72 [titled, "Immediate notification requirements for operating nuclear power plants"], then a duplicate immediate report under this Section is not required. However, a written report is required in accordance with Section 5.4.2 [of the EPP].

Additionally, PSEG proposes to delete the examples of unusual or important environmental events in the last sentence of the section.

#### Technical Evaluation

This section of the EPPs requires the licensee to record and report to the NRC any unusual or important environmental event that indicates or could result in significant environmental impact causally related to plant operation within 24 hours of occurrence of such an event. The licensee must also follow-up any such reports with a written report submitted to the NRC within 30 days of the event in accordance with Section 5.4.2, "Nonroutine Reports," of the EPPs.

Immediate notification requirements for operating nuclear power reactors are specified under 10 CFR 50.72. Among other reporting requirements, licensees must report to the NRC within four hours the occurrence of any event or situation related to the health and safety of the public

or onsite personnel or protection of the environment for which a news release is planned or notification to other government agencies has been or will be made (10 CFR 50.72(b)(2)(xi)).

The additional language that the licensee proposes to add to this section of the EPPs would clarify that the licensee need not make duplicative reports if an unusual or important event is also reportable under 10 CFR 50.72. The proposed change would neither relieve the licensee of the requirement to report unusual or important events or eliminate the requirement for licensee's to submit written follow-up reports. Additionally, the proposed change would not be in conflict with the applicable NRC regulations.

Regarding the proposed deletion of the list of unusual or important environmental event examples, the licensee proposes to delete the list because the licensee states that it "can be interpreted to be inconsistent with other [S]tate and Federal regulations...." The reporting requirements at 10 CFR 50.72 would continue to require PSEG to report all such events to the NRC. Each unusual or important event example is further discussed below.

*Excessive bird impactation events:* If such an event were to occur, PSEG would notify the NJDEP, as required by New Jersey regulations, and the U.S. Fish and Wildlife Service (FWS), as required by the Migratory Bird Treaty Act of 1918, as amended. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

*Onsite plant or animal disease outbreaks:* The Salem County Health Department or New Jersey Department of Fish and Wildlife would likely be involved in the event of an onsite plant or animal disease outbreak. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

*Mortality or unusual occurrence of any species protected by the ESA:* NMFS's July 17, 2014, biological opinion requires PSEG to report the incidental take of shortnose and Atlantic sturgeon and sea turtles to the NMFS and NRC. The ESA prohibits PSEG from the take of all species listed under the ESA that are not included in the ITS of the biological opinion. The mortality or unusual occurrence of a species not addressed in the biological opinion would necessitate coordination with the NMFS or FWS. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

*Fish kills or impingement events on the intake screens:* The NJDEP has the primary responsibility for implementing section 316 of the CWA, which addresses impingement and entrainment of aquatic organisms. Accordingly, PSEG would report unusual events, such as large fish kill events, to the NJDEP under the terms of the NJPDES permit. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

*Increase in nuisance organisms or conditions:* The NJDEP has the primary responsibility for implementing section 316(a) of the CWA, which addresses thermal effluents. Accordingly, increases in nuisance organisms or conditions related to thermal discharge would be addressed by the NJDEP. Other episodic occurrences would likely require reporting to the New Jersey Division of Fish and Wildlife. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

*Unanticipated or emergency discharge of waste water or chemical substances:* The unauthorized discharge of hazardous materials is strictly prohibited by New Jersey regulations and would require immediate reporting to the NJDEP. The reporting requirements at 10 CFR 50.72 would then require PSEG to notify the NRC of the non-routine notification to other government agencies.

The proposed changes do not alter the intent of Section 4.1 of the EPPs for Hope Creek and Salem, Unit Nos. 1 and 2, and do not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to Section 4.1 are acceptable.

### 3.6 Section 4.2.1, "Aquatic Monitoring" (Salem)

#### Proposed Change

PSEG proposes to modify this section to reflect NMFS's issuance of the July 17, 2014, biological opinion. Rather than specifically referencing the July 17, 2014, biological opinion, PSEG proposes the language "currently applicable" biological opinion and ITS to avoid the need for changes to the EPPs if NMFS issues a new biological opinion in the future. In addition, PSEG proposes to replace the phrase "sea turtles and shortnose sturgeon" with "threatened or endangered species."

PSEG also proposes to delete the paragraph concerning Conservation Recommendations to the biological opinion.

#### Technical Evaluation

The intent of Section 4.2.1 is to ensure that PSEG is in compliance with the ESA. The current wording of this section requires PSEG to continue to comply with the 1993 biological opinion although NMFS issued a new biological opinion on July 17, 2014. Updating the language to require PSEG's compliance with the currently applicable biological opinion would continue to ensure compliance with the ESA and would preclude the need for PSEG to submit a new license amendment request in the event that NMFS issues a new biological opinion in the future. The proposed change does not alter the intent of Section 4.2.1 and does not conflict with any NRC regulatory requirement.

The proposed replacement of the phrase "sea turtles and shortnose sturgeon" with the more general phrase "threatened or endangered species" would not alter the intent of this section and would preclude the need for PSEG to submit a new license amendment request in the event that NMFS issues a new biological opinion that contains other threatened or endangered species in the future.

Removing the paragraph concerning Conservation Recommendations is appropriate because the referenced Conservation Recommendations are those included in the 1993 biological opinion. Pursuant to the 1993 Conservation Recommendations, PSEG completed a tracking study of loggerhead sea turtles in the Delaware Estuary in 1997 and submitted the results to the NRC (ADAMS Accession No. ML15097A212). The July 17, 2014, biological opinion

recommends that NRC (not PSEG) consider implementation of the Conservation Recommendations.

Therefore, updating the paragraph with the new Conservation Recommendations in Section 4.2.1 would be inconsistent with the intent of the currently applicable biological opinion. The NRC staff finds that deleting this paragraph does not affect compliance with the ESA and does not conflict with any NRC regulatory requirement.

The proposed changes do not alter the intent of Section 4.2.1 and do not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to Section 4.2.1 are acceptable.

### 3.7 Section 4.2.1, "Aquatic Monitoring" (Hope Creek)

#### Proposed Change

PSEG proposes to replace the phrase "sea turtles and shortnose sturgeon" with "threatened or endangered species." PSEG also proposed to add the following language to the section:

PSEG Nuclear LLC shall adhere to the specific requirements within the currently applicable Incidental Take Statement, to the Biological Opinion.

#### Technical Evaluation

This section of the EPP pertains to aquatic monitoring and states that NRC will rely on the State of New Jersey, under the authority of the CWA, and the NMFS, under the authority of the ESA, for any requirements pertaining to aquatic monitoring. The proposed replacement of the phrase "sea turtles and shortnose sturgeon" with the more general phrase "threatened or endangered species" would not alter the intent of this section and would preclude the need for PSEG to submit a new license amendment request in the event that NMFS issues a new biological opinion that contains other threatened or endangered species in the future.

The additional language regarding PSEG's adherence to the requirements of the currently applicable biological opinion would continue to ensure PSEG's compliance with the ESA at Hope Creek.

The proposed changes do not alter the intent of Section 4.2.1 and do not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to Section 4.2.1 are acceptable.

### 3.8 Section 5.4.1, "Routine Reports" (Hope Creek, Salem)

#### Proposed Change

PSEG proposes to delete this section in its entirety, which would remove the requirement for PSEG to submit an Annual Environmental Operating Report to the NRC each year.

## Technical Evaluation

This section requires the licensee to submit an Annual Environmental Operating Report to the NRC prior to May 1 of each year that includes: (1) a list of EPP non-compliances and the corrective actions taken to remedy them; (2) a list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 that involved a potentially significant unreviewed environmental question; and (3) a list of non-routine reports submitted in accordance with Section 5.4.2. Elimination of this requirement would reduce the regulatory burden and paperwork associated with submitting the report. However, all information contained in the report would continue to be submitted in accordance with other sections of the EPP or would be available for NRC inspection as follows.

*EPP non-compliances and the corrective actions taken to remedy them:* Section 5.1, "Review," of the EPPs would continue to require PSEG to conduct independent reviews of the PSEG's compliance with the EPP. Records of such reviews would be available for NRC inspection in accordance with Section 5.1. Removing the requirement for PSEG to submit an Annual Environmental Operating Report would not affect the requirements of Section 5.1.

*Changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 that involved a potentially significant unreviewed environmental question:* Section 3.1 of the EPPs would continue to require PSEG to maintain records of all changes to the facility design or operation, including determinations regarding unreviewed environmental questions. Such records would be maintained onsite and would be available for NRC inspection. In addition, if it is determined that an activity involves an unreviewed environmental question, Section 3.1 requires prior NRC approval. Removing the requirement for PSEG to submit an Annual Environmental Operating Report would not affect the requirements of Section 3.1. In addition, any such changes, tests, and experiments evaluated by the licensee under 10 CFR 50.59 and implemented without prior NRC approval would be required to be reported in accordance with 10 CFR 50.71(e) and 10 CFR 50.59(d)(2).

*Non-routine reports submitted in accordance with Section 5.4.2:* Section 5.4.2 of the EPPs would continue to require PSEG to submit non-routine reports following unusual or important events to the NRC. Removing the requirement for PSEG to submit an Annual Environmental Operating Report would not affect the requirements of Section 5.4.2.

The proposed change is not in conflict with the applicable NRC regulations or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed change to Section 5.4.1 is acceptable.

### 3.9 Technical Evaluation Conclusion

Based on the technical evaluations in SE Sections 3.2 through 3.8, the NRC staff concludes that the proposed amendment is acceptable.



#### 4.0 PUBLIC COMMENTS

As discussed in SE Section 1.0, the NRC staff published a public notice concerning the proposed amendment in the *Federal Register* on April 14, 2015 (80 FR 20024). The notice included the NRC staff's proposed no significant hazards consideration.

The notice also provided an opportunity for public comment until May 14, 2015, regarding the staff's proposed no significant hazards consideration determination, and an opportunity to request a hearing until June 15, 2015.

Public comments were received regarding the proposed amendment. Specifically, the Delaware Riverkeeper Network (DRN) provided comments in a letter dated April 29, 2015 (ADAMS Accession No. ML15138A103). DRN objected to the elimination of the notification and reporting requirements and asserted that the license amendment request should be denied. The staff has provided responses below to those comments.

Consistent with the requirements in 10 CFR 50.91(a)(2)(ii), and as noted above, the NRC staff's public notice also solicited comments specifically on the proposed no significant hazards consideration determination. DRN stated that it disagreed with the proposed no significant hazards consideration determination but gave no reason for its position.

With regards to the request for a hearing regarding the proposed amendment contained in the letter dated April 29, 2015, Ms. Maya van Rossum (DRN), was contacted by Ms. Carleen Parker (NRC), on May 20, 2015 and May 27, 2015 (ADAMS Accession No. ML15148A285), regarding the process for requesting a hearing. The process is described in the April 14, 2015, *Federal Register* notice. Ms. Parker informed Ms. van Rossum that DNR must follow the instructions in the *Federal Register* notice and applicable NRC instructions in order to request a hearing regarding the application.

#### 4.1 Public Comment No. 1

*DRN provided the following comment*

We disagree with the proposed determination that the amendment requests involve no significant hazard consideration.

*NRC Response:*

DRN did not explain why they disagree with the proposed determination, and as such the NRC staff could not address this comment.

#### 4.2 Public Comment No. 2

*DRN provided the following comment*

This proposal by PSEG would eliminate the requirement to send an Annual Environmental Operating Report along with important notifications to your regulators at the NRC. Included among the requirements that PSEG wants to eliminate are reporting important information on fish kills and incidents involving

endangered species, on unanticipated emergency discharge of wastewater or chemical substances, and on unusual environmental events. Furthermore, PSEG wants to stop reporting details on permit amendments or renewals involving pollution discharge permits overseen by New Jersey. This is particularly concerning because the State of New Jersey has allowed the plant to operate with an expired discharge permit since 2006. Due to the lack of continuous State oversight, any “duplication of reports” that currently occurs is necessary to ensure full compliance with regulations and full protection of the environment.

### *NRC Response*

The specific reports PSEG has proposed to eliminate are discussed in detail in this SE. The elimination of the Annual Environmental Operating Report is discussed in detail in Section 3.8 of this SE. Based on the NRC staff’s review, the NRC staff has found the proposal to eliminate the Annual Environmental Operating Report is not in conflict with the applicable NRC regulations or environmental protection requirements established by other Federal, State, or local agencies and that all information contained in the report will continue to be submitted in accordance with other sections of the EPP, or will be available for NRC inspection.

The elimination of reporting requirements on fish kills, mortality or unusual occurrence of any species protected by the ESA, unanticipated or emergency discharge of waste water or chemical substances, and increase in nuisance organisms or conditions is discussed in detail in Section 3.5 of this SE. Based on the NRC staff’s review, the NRC has determined that these non-routine reports are required to be submitted to other government agencies and that reporting requirements at 10 CFR 50.72 would require PSEG to notify the NRC of these non-routine notifications to other government agencies.

The elimination of permit amendments or renewals involving pollution discharge permits overseen by New Jersey is discussed in detail in Section 3.4 of this SE. Based on the NRC staff review, the NRC has determined that the proposed change does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies, and that because the NRC does not issue or oversee NJPDES permits, requiring the licensee to submit to the NRC proposed NJPDES permit changes is of little value to the NRC staff. PSEG will continue to submit the information contained in these reports or have it available for inspection.

## 5.0 STATE CONSULTATION

In accordance with the Commission’s regulations, the New Jersey State official was notified of the proposed issuance of the amendments. The State official had no comments.

## 6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact were published in the *Federal Register* on June 11, 2015 (80 FR 33297). Accordingly, based on the environmental assessment, the Commission has determined that issuance of these amendments will not have a significant effect on the quality of the human environment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: B. Grange  
C. Parker

Date: June 17, 2015

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

**/RA JWhited for/**

Carleen J. Parker, Project Manager  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-354, 50-272, and 50-311

Enclosures:

1. Amendment No. 198 to Renewed NPF-57
2. Amendment No. 308 to Renewed DPR-70
3. Amendment No. 290 to Renewed DPR-75
4. Safety Evaluation

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Package Accession No.: **ML15141A336**    Amendment Accession No: **ML 15141A271**

OFFICE	LPL1-2/PM	LPL1-2/LA	RERB/BC	OGC	LPL1-2/BC	LPL1-2/PM
NAME	CParker	ABaxter	DWrona (w/ comment)	BMizuno	DBroaddus	CParker (JWhited for)
DATE	06/03/15	06/03/15	06/05/15	06/12/15	06/17/15	06/17/15

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