



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

May 19, 2020

Mr. Eric Carr
President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P.O. Box 236
Hancocks Bridge, NJ 08038

SUBJECT: HOPE CREEK GENERATING STATION AND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2 – TEMPORARY EXEMPTIONS FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (EPID L-2020-LLE-0058 [COVID-19])

Dear Mr. Carr:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the below temporary exemptions from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” for the Hope Creek Generating Station (Hope Creek) and Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem). This action is in response to the PSEG Nuclear LLC (PSEG or the licensee) application dated May 12, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20133K163 (non-public, withheld under 10 CFR 2.390)), that requested temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a) and B.5.(a), regarding the medical examinations for annual physical requalification of security personnel at Hope Creek and Salem.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection B.4.(a), state:

Armed members of the security organization shall be subject to a medical examination by a licensed physician, to determine the individual’s fitness to participate in physical fitness tests.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection B.5.(a), state:

At least annually, armed and unarmed individuals shall be required to demonstrate the capability to meet the physical requirements of this appendix [10 CFR Part 73, Appendix B] and the licensee training and qualification plan.

The purpose of the medical examination required by 10 CFR Part 73, Appendix B, Section VI, subsection B.4.(a), is to have a licensed physician determine that armed members of the licensee security organization are physically fit and can participate in the physical fitness test required by subsection B.5.(a). The purpose of the physical requalification required by subsection B.5.(a) is to ensure armed and unarmed members of the licensee’s security organization are capable of performing their assigned duties necessary for implementing the

licensee's Commission-approved security plans, protective strategy, and implementing procedures.

On January 31, 2020, the U.S. Department of Health and Human Services declared a Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) for the United States. Subsequently, the Centers for Disease Control and Prevention issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19.

In your May 12, 2020, application, you stated the following:

- PSEG implemented isolation restrictions for the site personnel on March 25, 2020.
- These temporary exemptions support the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the COVID-19 virus. These restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- PSEG will maintain a list of names of the armed and unarmed individuals performing Security Program duties who will not meet the requalification requirements.
- PSEG has established measures to ensure security personnel self-report any condition that could impact their ability to perform duties as a member of the security organization.
- PSEG will begin implementing COVID-19 PHE controls for managing personnel performing Security Program duties at 00:01 hours Eastern Daylight Time on May 25, 2020.

These temporary exemptions are specific to Hope Creek and Salem security personnel who have previously demonstrated proficiency and are now currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. You also identified site-specific COVID-19 PHE controls, including measures to ensure security personnel self-report any condition that could impact their ability to perform duties as a member of the security organization, that will be implemented at Hope Creek and Salem to ensure impacted security personnel remain capable of maintaining plant security. You requested that the duration of the exemptions be 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's April 20, 2020, letter discussing planned activities related to the requirements for 10 CFR Part 73, Appendix B, Section VI, during the PHE (ADAMS Accession No. ML20105A483).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73, that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemptions are authorized by law.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption will not endanger life or property or the common defense and security. These exemptions will only apply to licensee security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls you will implement for the duration of the exemptions, including PSEG-established measures to ensure security personnel self-report any condition that could impact their ability to perform duties as members of the security organization, the NRC staff has reasonable assurance that the security forces at Hope Creek and Salem will maintain their proficiency and readiness to implement the licensee's protective strategy and adequately protect the sites. Therefore, the NRC staff concludes that the proposed exemptions would not endanger life or property or the common defense and security.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption is in the public interest. Demonstration of the capability to meet the physical requirements places site security personnel in close proximity to one another. Such proximity has the potential to increase the likelihood of security personnel being exposed to the COVID-19 virus. The NRC staff finds that the temporary exemptions from the requirements in 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a) and B.5.(a), would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the sites' protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the temporary exemptions are in the public interest because they allow the licensee to maintain the required security posture at Hope Creek and Salem, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25)(vi)(E), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined that this action applies to granting of exemptions from requirements relating to education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff has determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because these exemptions do not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation"; no significant increase in individual or cumulative public or occupational radiation exposure because these exemptions do not affect limits on the release of any radioactive material or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public; no significant construction impact because these exemptions do not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because these exemptions do not alter any of the assumptions or limits in the facility licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR Part 73.5, the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request to exempt Hope Creek and Salem from the requirements for medical examinations and annual physical requalification of security personnel in subsections B.4.(a) and B.5.(a) of 10 CFR Part 73, Appendix B, Section VI. These exemptions expire 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the plant project manager, James Kim, at 301-415-4125 or James.Kim@nrc.gov.

Sincerely,

Craig G. Erlanger, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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

cc: Listserv

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ADAMS Accession No.: ML20134J083

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