

**PSEG Nuclear LLC**  
P.O. Box 236, Hancocks Bridge, New Jersey 08038-0236



10 CFR 50.12  
10 CFR 50, Appendix E

LR-N20-0066

October 13, 2020

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

Salem Generating Station, Units 1 and 2  
Renewed Facility Operating License Nos. DPR-70 and DPR-75  
NRC Docket Nos. 50-272 and 50-311

Hope Creek Generating Station  
Renewed Facility Operating License No. NPF-57  
NRC Docket No. 50-354

**Subject: Exemption Request from 10 CFR 50 Appendix E, Biennial Emergency Preparedness Exercise Requirements due to COVID-19 Pandemic**

In accordance with the provisions of 10 CFR 50.12, "Specific Exemptions," PSEG Nuclear LLC (PSEG) requests an exemption for Hope Creek Generating Station (HCGS) and Salem Generating Station (SGS) Units 1 and 2 from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c. Specifically, PSEG requests a one-time schedular exemption to postpone the full-participation biennial emergency preparedness exercise until calendar year (CY) 2021.

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization and, on March 13, 2020, President Donald Trump declared the Coronavirus (COVID-19) pandemic a national emergency. In addition, the Governor of the State of New Jersey declared a state of emergency on March 9, 2020.

In response to these declarations, and in accordance with the PSEG Pandemic Response Plan, PSEG initiated isolation activities on March 25, 2020. These isolation activities have resulted in the inability to complete the biennial emergency preparedness exercise that was originally scheduled for May 19, 2020. The Enclosure provides a detailed description and assessment of the proposed exemptions.

PSEG requests approval of this exemption request by December 31, 2020.

There are no regulatory commitments contained in this letter.

If you have any questions or require additional information, please contact Mr. Brian Thomas at 856-339-2022.

Respectfully,



David Mannai  
Senior Director Regulatory Affairs and Nuclear Oversight

Enclosures:

1. Temporary Exemption Request from 10 CFR 50 Appendix E Biennial Emergency Preparedness Exercise Requirements
2. Letter from Delaware Emergency Management Agency
3. Letter from New Jersey Department of Law and Public Safety - Emergency Management

cc: Administrator, Region I, NRC  
Project Manager, NRC  
NRC Senior Resident Inspector, Salem  
NRC Senior Resident Inspector, Hope Creek  
Mr. P. Mulligan, Chief, NJBNE  
PSEG Corporate Commitment Tracking Coordinator  
Site Commitment Tracking Coordinator

**Enclosure 1**

**Temporary Exemption Request from 10 CFR 50 Appendix E Biennial Emergency Preparedness Exercise Requirements**

## **1.0 SUMMARY DESCRIPTION**

In accordance with 10 CFR 50.12, "Specific Exemptions," paragraph (a)(2)(v), PSEG Nuclear LLC (PSEG) requests an exemption for Hope Creek Generating Station (HCGS) and Salem Generating Station (SGS) Units 1 and 2 from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c. Specifically, PSEG requests a one-time schedular exemption to postpone the full-participation biennial emergency preparedness exercise until calendar year (CY) 2021.

This temporary exemption supports continued implementation of the isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect personnel in response to the Coronavirus Disease 2019 (COVID-19) virus. These activities are needed to ensure Emergency Response Organization (ERO) personnel remain capable of executing the PSEG Emergency Response Plan.

## **2.0 BACKGROUND**

10 CFR 50, Appendix E, Section IV.F.2.b states, "Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years." 10 CFR 50, Appendix E, Section IV.F.2c states, "Offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the radiological response plan. Where the offsite authority has a role under a radiological response plan for more than one site, it shall fully participate in one exercise every two years and shall, at least, partially participate in other offsite plan exercises in this period."

Enclosures 2 and 3 are copies of letters received from the State of Delaware and the State of New Jersey respectively, that endorse this exemption request and reflect that those organizations' paramount focus is on pandemic response. The letters additionally indicate that pandemic response would not impact their ability to respond in the unlikely event of an actual radiological emergency at Hope Creek or Salem.

## **3.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY**

The U.S. Centers for Disease Control has issued recommendations advising "social distancing" to prevent the spread of the COVID-19 virus. PSEG and the States of New Jersey and Delaware have implemented pandemic plans that include social distancing, group size limitations, and self-quarantine. Ideally, this will limit the spread of the virus among the plant staff and off-site personnel.

PSEG's most recent biennial EP exercise was conducted May 22, 2018. Since that time, PSEG has conducted numerous drills, exercises, and other training activities that have exercised its emergency response strategies. A list of drills conducted since the last exercise is provided below:

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**Enclosure 1**

Drill	Date
HC 18-01	6/26/2018
HC 18-02	12/7/2018
HC 19-01	2/26/2019
HC 19-02	10/2/2019
Salem 19-01	5/23/2019
Salem 19-02	11/21/2019
HC 20-1	2/26/2020

The drills listed above were full onsite participation drills, which included activation of all PSEG emergency response facilities (with the exception of the Salem 19-01 drill that did not include Operational Support Center and Technical Support Center staffing due to extension of the Salem refueling outage) and at least partial participation by the States of New Jersey and Delaware. The HC 20-1 drill was conducted in preparation for the May 19, 2020 Biennial Exercise and included full participation by all offsite response organizations. PSEG continues to conduct limited participation drills, and other training activities that exercise its emergency response functions.

PSEG has made a reasonable effort to reschedule the exercise during CY 2020 but has been unsuccessful. In response to PHE declarations, and in accordance with the PSEG Pandemic Response Plan, PSEG initiated isolation activities on March 25, 2020. PSEG and State isolation activities resulted in the inability to complete the biennial emergency preparedness exercise that was originally scheduled for May 19, 2020. PSEG conducted regular meetings with the States of New Jersey and Delaware related to rescheduling of the biennial exercise in CY2020, but satisfaction of all exercise requirements were determined not to be feasible.

In consultation with the States of New Jersey and Delaware, the decision to defer the exercise into CY 2021 was preferred because it allows both PSEG and the offsite response organizations to continue responding to the current PHE and focus on protecting responders as well as the health and safety of the public. However, it will require an exemption to biennial EP exercise requirements of 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c.

The biennial exercise is tentatively rescheduled to occur in April 2021. While this falls within 35 months from the month of the previously evaluated exercise conducted May 22, 2018, to accommodate potential changes to the schedule, PSEG requests the scheduler exemption to expire December 31, 2021 or when the required exercise is conducted in CY 2021, whichever occurs first. To support an exemption beyond 35 months, PSEG notes that an Emergency Preparedness Baseline Program Inspection was recently conducted for PSEG Nuclear the week of September 28, 2020. If this exemption request is granted to allow PSEG to conduct the CY 2020 biennial exercise in CY 2021, future biennial EP exercises will continue to be held as planned in even years.

#### **4.0 JUSTIFICATION FOR EXEMPTION**

##### **4.1 Applicable Regulatory Requirements/Criteria**

10 CFR 50.12, "Specific exemptions," paragraph (a)(1) states that the NRC may grant exemptions from the requirements of the regulations of this part provided the following three conditions are met.

- i. The exemptions are authorized by law.
- ii. The exemptions will not present an undue risk to the public health and safety, and
- iii. The exemptions are consistent with the common defense and security.

In addition to these three conditions, paragraph (a)(2) of the regulation states that the NRC will not consider granting an exemption unless special circumstances are present. With respect to this request, 10 CFR 50.12(a)(2)(v) states that special circumstances are present whenever: "The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation."

PSEG has evaluated the requested exemption against the criteria of 10 CFR 50.12(a)(1) and (a)(2)(v), and has determined that the criteria are satisfied, as described below.

**1. This exemption is authorized by law**

The biennial exercise for the emergency response organization specified in 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c is not required by any statute. The requested exemptions are authorized by law in that no law precludes the activities covered by this exemption request. Granting of the request does not result in a violation of the Atomic Energy Act of 1954, as amended.

**2. The Exemption Will Not Present an Undue Risk to the Public Health and Safety.**

The underlying purpose of 10 CFR 50 Appendix E, Section IV.F.2.b requiring licensees to conduct a biennial EP exercise is to ensure that ERO personnel are familiar with their duties and to test the adequacy of the emergency plan. In addition, 10 CFR 50 Appendix E, Section IV.F.2.b also requires licensees to maintain adequate emergency response capabilities during intervals between biennial EP exercises by conducting drills to exercise the principal functional areas of emergency response. As shown in the table above, PSEG has conducted training drills exercising the principal functional areas of emergency response since the last evaluated biennial EP exercise and has activated onsite emergency response facilities during those drills with state, county and local participation.

The underlying purpose of 10 CFR 50 Appendix E, Section IV.F.2.c requiring the offsite plan to be exercised biennially with full participation by each offsite authority having a role under the radiological response plan is to ensure that offsite response organization (ORO) personnel are familiar with their duties and to test the adequacy of the emergency plan. PSEG has conducted training drills at PSEG with ORO participation since the last biennial exercise with no performance issues.

Postponing the exercise from the previously scheduled date of May 19, 2020, to CY 2021 does not create any new accident precursors. The probability and consequences of postulated accidents are not increased, and an acceptable level of emergency preparedness is maintained. Therefore, there is no undue risk to public health and safety.

**3. The Exemption is consistent with the common defense and security.**

The requested exemption would allow rescheduling of the biennial EP exercise from the previously scheduled date of May 19, 2020 to CY 20201. Prior to the implementation of isolation activities in response to COVID-19 pandemic conditions, PSEG had scheduled the exercise to be completed within the specified frequency. However, the biennial exercise must be rescheduled to allow continued implementation of the PSEG pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining the staff's health to perform their job function during the COVID-19 pandemic. The requested exemption will not endanger life or property or the common defense and security.

**4. Special Circumstances: 10 CFR 50.12(a)(2)(v) - Temporary Relief and Good Faith Efforts to Comply**

The requested exemption to conduct the biennial EP exercise in CY 2021 instead of CY 2020 would grant only temporary relief from the applicable regulation. PSEG had originally scheduled these activities to be completed within the required frequency, and thus comply with the regulation. However, these activities must be rescheduled to allow implementation of the PSEG pandemic plan mitigation strategies. Prior to the implementation of isolation activities in response to COVID-19 pandemic conditions, PSEG had successfully scheduled and completed these activities within the specified frequency.

**4.2 Precedents**

In a letter from Nebraska Public Power District to the NRC dated June 16, 2020, Cooper Nuclear Station requested a one-time exemption from the requirements of 10 CFR 50, Appendix E Section IV.F.2.b and IV.F.2.c to postpone the full-participation biennial emergency preparedness exercise (ADAMS Accession No. ML20191A276). The Cooper Nuclear Station exemption request was approved on September 3, 2020 (ADAMS Accession No. ML20203M129).

In a letter from Pacific Gas and Electric Company to the NRC dated July 9, 2020, Diablo Canyon Units 1 and 2 requested a one-time exemption from the requirements of 10 CFR 50, Appendix E Section IV.F.2.b and IV.F.2.c to postpone the full-participation biennial emergency preparedness exercise (ADAMS Accession No. ML20191A204). The Diablo Canyon exemption request was approved on September 18, 2020 (ADAMS Accession No. ML20247J651).

**5.0 CONCLUSION**

As demonstrated above, this exemption request is in accordance with the criteria of 10 CFR 50.12. Specifically, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, the requested exemption provides temporary relief during the COVID-19 pandemic, and PSEG has made good faith efforts to comply with the regulation.

## **6.0 ENVIRONMENTAL CONSIDERATION**

Due to the impact of isolation activities in response to the COVID-19 pandemic, PSEG requests an exemption for HCGS and SGS Units 1 and 2 from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c. Specifically, PSEG requests a one-time scheduler exemption to postpone the full-participation biennial emergency preparedness exercise until calendar year (CY) 2021.

PSEG has determined that there is no significant hazards consideration; that the exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite; that there is no significant increase in individual or cumulative public or occupational radiation exposure; that there is no significant construction impact; and there is no significant increase in the potential for or consequences from a radiological accident. The requirements for which an exemption is being requested involve scheduling requirements for the biennial emergency preparedness exercise. Accordingly, the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). In accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this proposed exemption.

## **7.0 REFERENCES**

1. NRC letter from Mr. Ho. K. Nieh to Dr. Jennifer L. Uhle (NEI), "U.S. Nuclear Regulatory Commission Planned Actions Related to Emergency Preparedness Biennial Exercise Requirements for all Licensees During the Coronavirus Disease 2019 Public Health Emergency," May 14, 2020 (ADAMS Accession No. ML20120A003).
2. NRC Office of Nuclear Security and Incident Response, NSIR Temporary Staff Guidance, TSG-NSIR-2020-01, "COVID-19 Related Exemptions from NRC Regulations – Emergency Preparedness Exercises," September 11, 2020 (ADAMS Accession No. ML20196M030)

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**ENCLOSURE 2**

**Letter from Delaware Emergency Management Agency**



## Delaware Emergency Management Agency

State of Delaware, Department of Safety and Homeland Security

October 5, 2020

David Burgin  
Corporate Functional Area Manager  
PSEG Nuclear  
P.O. Box 236  
Hancock's Bridge, NJ 08036

RE: Support of Public Service Enterprise Group (PSEG) Exemption Request

To Whom It May Concern:

Delaware supports PSEG's request to seek exemption from their 2020 offsite biennial exercise drill requirement conducted through the FEMA Region III Graded Exercise, which was scheduled May 19, 2020. The national COVID-19 pandemic response resulted in postponement of the scheduled drill, as well as, utilization of state and local emergency operations resources.

As one of the Offsite Response Organizations (ORO) for the Salem & Hope Creek Nuclear Generating Stations, the Delaware Emergency Management Agency (DEMA) has maintained coordination with PSEG and provides the following statements to support PSEG's request for exemption:

- Delaware supports and agrees with PSEG's request for exemption of the 2020 exercise requirement and is committed to maintaining Delaware's Radiological Emergency Plans and Procedures.
- Delaware is not impacted in a manner that would adversely affect our ability to maintain response capabilities to support emergency operations for an actual nuclear power plant radiological emergency.

Please direct any questions or concerns to Mr. Will Hayes at [Wilbert.hayes@delaware.gov](mailto:Wilbert.hayes@delaware.gov), (302) 659-2350.

Sincerely,

A. J. Schall, Director  
Delaware Emergency Management Agency

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**ENCLOSURE 3**

**Letter from New Jersey Department of Law and Public Safety -  
Emergency Management Section**



## State of New Jersey

OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

POST OFFICE BOX 7068

WEST TRENTON, NJ 08628-0068

(609) 882-2000

GURBIR S. GREWAL

Attorney General

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

PATRICK J. CALLAHAN

Colonel

October 01, 2020

To Whom It May Concern,

New Jersey Office of Emergency Management (NJOEM) determined in coordination with FEMA RII on March 18, 2020 that due to COVID-19 restrictions a postponement of the scheduled May 2020 Salem Hope Creek federally evaluated exercise was appropriate until the restrictions from COVID-19 were lifted in New Jersey and response efforts throughout the state had slowed. On May 1, 2020 after escalated response and anticipation of a Fall surge, we requested to FEMA RII to reschedule the exercise to 2021. Currently the State Emergency Operations Center is still activated in response to COVID-19 and New Jersey is still under both a public health emergency and a state of emergency with statewide limitations in effect.

NJOEM is in agreement with PSEGs exemption request due to COVID-19. NJOEM is committed to maintaining and reviewing the radiological plans and will continue to drill internally to prepare for any possible radiological event.

NJOEM has not been impacted in a manner that would adversely affect our ability to maintain response capabilities or to support emergency response activities during an actual nuclear power plant radiological emergency. All personnel and offsite response partners remain ready to respond to an actual event. NJOEM completed a Preliminary Capabilities Assessment for Reasonable Assurance with FEMA RII on June 4, 2020 and no items or areas of concern were found.

If you have any further questions, please feel free to contact Ms. Laura Forrest, Unit Head, Radiological Emergency Response Planning & Technical Unit at 609-963-6724.

Sincerely,

FOR PATRICK J. CALLAHAN  
COLONEL

Louis V. Buccere  
Major  
Emergency Management Section



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