



10 CFR 73.5

LR-N20-0070

October 26, 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: Request for a One-Time Exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) Regarding Annual Force-on-Force (FOF) Exercises, Due to COVID-19 Pandemic

Reference: NRC Letter, "Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2 – Exemptions from Certain Requirements of 10 CFR Part 73, Appendix B, 'General Criteria for Security Personnel,' Section VI (EPID L-2020-LLE-0118 [COVID-19])," dated August 3, 2020 (ADAMS Accession No. ML20204A937)

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, by letter dated August 3, 2020 (i.e., Reference), a temporary exemption from; 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises, was approved for Salem and Hope Creek. The exemption was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises, and was necessary to maintain a healthy

workforce during the pandemic. The approved temporary exemption expires December 31, 2020.

In the request for exemption PSEG committed to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended. At the time of submittal for the exemption request the duration of the PHE was discussed as "not currently known," and therefore a commitment was added to complete the exercises 90 days after the PHE is ended, or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact PSEG's ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, PSEG requests a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the commitment in the previously approved exemption to complete any missed annual FOF exercise, within the time period in that request, when isolation restrictions are ended. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied to.

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

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

Attachment: Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request

cc: Administrator, Region I, NRC
Project Manager, NRC
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Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request

1.0 SUMMARY DESCRIPTION

PSEG requests a one-time exemption from conducting 2020 annual force-on-force (FOF) exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the commitment in the previously approved exemption to complete any missed annual FOF exercise, within the time period in that request, when isolation restrictions are ended. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

2.0 BACKGROUND

By letter dated August 3, 2020, PSEG was granted a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding annual FOF exercises (Reference 3). The exemption was in response to the COVID-19 public health emergency (PHE) and was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises and was necessary to maintain a healthy workforce during the pandemic. The approved temporary exemption expires December 31, 2020.

EXEMPTION DETAILS

In the request for exemption PSEG committed to complete any missed annual FOF exercises, within the time period in that request, when isolation restrictions are ended. At the time of submittal for the exemption request, the duration of the PHE was discussed as “not currently known,” and therefore a commitment was added to complete the exercises 90 days after the PHE is ended, or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact PSEG’s ability to conduct annual FOF exercises due to the isolation protocols established in accordance with PSEG’s Pandemic Plan. Although PSEG has been working with the industry to develop alternative measures allowed by NRC Regulatory Guide 5.75 in order to satisfy annual FOF exercise objectives these measures cannot be completed before the end of 2020. Because the temporary exemption expires December 31, 2020, PSEG requests a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the commitment in the previously approved exemption to complete any missed annual FOF exercise, within the time period in that request, when isolation restrictions are ended. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining contingency response readiness.

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied to.

3.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY

The U.S. Centers for Disease Control (CDC) has issued recommendations advising “social distancing” to prevent the spread of the COVID-19 disease (Reference 1). PSEG has implemented isolation activities such as self-quarantining, group size limitations and social distancing to protect required site personnel in accordance with NEI 06-03, “Pandemic Threat

Planning, Preparation, and Response Reference Guide” (Reference 2). Ideally this will limit the spread of the virus among the station staff. This required PSEG to request a temporary exemption from annual FOF exercises because these isolation protocols restrict certain activities associated with the conduct of annual FOF exercises. Maintaining a healthy workforce is an important element in PSEG’s ability to implement its NRC-approved security plan.

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied to. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope, because PSEG has continued to conduct the following training requalification requirements of Section VI of Appendix B to Part 73.

- Quarterly tactical response drills (Tabletop drills, Timeline drills, Limited-scope tactical response drills)
- Annual firearms familiarization
- Annual daylight qualification course
- Annual night fire qualification course
- Annual tactical qualification course
- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

In addition, and in accordance with the approved temporary exemption, PSEG conducted quarterly tactical response drills which included table top exercises and a walkdown of previous exercise routes of travel with all impacted security personnel. Therefore, PSEG continues to maintain a physical protection program that provides high assurance of the effectiveness of the onsite physical protection program and protective strategy, including the capability of the armed response team to carry out their assigned duties and responsibilities during safeguards contingency events.

4.0 JUSTIFICATION FOR EXEMPTION

10 CFR 73.5, Specific exemptions, states that the Nuclear Regulatory Commission may grant exemptions from the requirements of the regulations of this part provided three conditions are met. They are:

- (1) The exemptions are authorized by law,
- (2) The exemptions will not endanger life or property or the common defense and security, and
- (3) The exemptions are otherwise in the public interest.

PSEG has evaluated the requested exemption against the criteria of 10 CFR 73.5 and determined the criteria are satisfied as described below.

1. This exemption is authorized by law

The security training requalification requirements in Appendix B to Part 73 are not required by any statute. The requested exemption is 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. This exemption will not endanger life or property or the common defense and security

The requested exemption will not endanger life or property or the common defense and security. The requested exemption is a one-time exemption. PSEG had scheduled these requalification activities to comply with the regulation. However, these activities must be exempted for the year 2020 to allow continued implementation of the PSEG pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job functions during the COVID-19 pandemic.

The proposed exemption is related only to the conduct of annual FOF exercises and does not change physical security plans or the defensive strategy. Security personnel impacted by this request were qualified on all required tasks at the time of the PHE. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat because PSEG has continued to conduct other training requalification requirements as identified in section 3.0. In addition, security personnel will continue to be monitored regularly by supervisory personnel and PSEG has implemented controls as identified in the approved temporary exemption. Therefore, granting the requested one-time exemption will not endanger life or property or the common defense and security.

3. This exemption is otherwise in the public interest

PSEG's pandemic response plan is based on NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide," (Reference 2) which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as applicable as well as social distancing, group size limitations and self-quarantining, in the event of a pandemic, to prevent the spread of the virus to the plant. NEI 06-03 provides other mitigation strategies that serve the public interest during a pandemic by ensuring adequate staff is isolated from the pandemic and remains healthy to perform their job function.

Ensuring Hope Creek and Salem are in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the US Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. If the plant operation is impacted because it cannot comply with the security training requalification requirements while isolation activities are in effect for essential crew members, the area electrical grid would lose this reliable source of baseload power. In addition, PSEG personnel could face the added transient challenge of shutting down the plant and possibly not restarting it until the pandemic passes. This does not serve the public interest in maintaining a safe and reliable supply of electricity.

5.0 CONCLUSION

As demonstrated above, this one-time exemption request is in accordance with the criteria of 10 CFR 73.5. 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. A

one-time exemption for the conduct of 2020 annual FOF exercises at Hope Creek and Salem is required during and while recovering from the COVID-19 Pandemic.

6.0 ENVIRONMENTAL CONSIDERATION

PSEG is requesting a one-time exemption from the conduct of 2020 annual FOF exercises. Specifically, PSEG is requesting a one-time exemption from the requirements of Section VI.C.3.(I)(1) of Appendix B of Part 73, regarding the conduct of annual FOF exercises. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemption.

PSEG has determined 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. Furthermore, the requirements for which an exemption is being requested involve security 2020 annual FOF exercise requirements. Accordingly, the proposed one-time exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this proposed exemption request.

7.0 REFERENCES

1. "Interim Guidance for Businesses and Employers," retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, on March 17, 2020.
2. NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide," Revision 2, February 2020.
3. NRC Letter, "Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2 – Exemptions from Certain Requirements of 10 CFR Part 73, Appendix B, 'General Criteria for Security Personnel,' Section VI (EPID L-2020-LLE-0118 [COVID-19])," dated August 3, 2020 (ADAMS Accession No. ML20204A937)
4. NRC Letter, "Updated Guidance for Licensees that Request Exemptions from the Calendar Year 2020 Annual Licensee-Conducted Force on Force Requirement in Part 73, Appendix B, Section VI during the Coronavirus Disease 2019 Public Health Emergency," dated October 13, 2020 (ADAMS Accession No. ML20273A117)