



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

November 20, 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 –EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI.C.3.(I)(1) (EPID L-2020-LLE-0168 [COVID-19])

Dear Mr. Carr:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the requested exemption 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) for calendar year (CY) 2020. This action is in response to the PSEG Nuclear LLC (PSEG or the licensee) application dated October 26, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20300A588), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI.C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at Hope Creek and Salem.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least . . . one (1) force-on-force exercise on an annual basis. Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization.

The purpose of the annual licensee-conducted FOF exercise is to ensure that the site security force maintains its contingency response readiness. Participation in the annual FOF exercises also supports the requalification of security force members.

On January 31, 2020, the U.S. Department of Health and Human Services declared the 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. On August 3, 2020 (ADAMS Accession No. ML20204A937), the NRC granted PSEG’s previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). That

exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee-conducted FOF exercises by December 31, 2020.

The licensee's application dated October 26, 2020, stated the following:

- 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.
- This exemption is needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining contingency response readiness.
- 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 10 CFR Part 73, Appendix B, Section VI:
  - 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

This exemption is specific to CY 2020 and applies to Hope Creek and Salem security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. PSEG also stated that it 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. Additionally, the October 26, 2020, request identified the site-specific actions listed above that have continued to occur at Hope Creek and Salem to maintain contingency response readiness, consistent with the NRC's October 13, 2020, letter (ADAMS Accession No. ML20273A117).

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 exemption 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 exemption is 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. This exemption will only apply to licensee security personnel who are already satisfactorily qualified in accordance with the security requirements outlined in 10 CFR Part 73, Appendix B, Section VI. Based on this fact and its review of the controls PSEG will implement for the duration of the exemption, including continuing to conduct required quarterly tactical response drills, firearms familiarization and qualifications, and physical fitness examinations and tests, the NRC staff has reasonable assurance that the security force at Hope Creek and Salem will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the sites. Therefore, the NRC staff concludes that the proposed exemption 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. Participation in the annual FOF exercise 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 exemption from the annual FOF exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(1)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plants safely and implementing the sites' protective strategies by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Hope Creek and Salem, while enabling the facilities 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), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facilities or any of their safety systems, nor does it change any of the assumptions or limits used in the facilities' 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 this exemption does not affect any effluent release limits as provided in the facilities' 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 this exemption does 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 this exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facilities'

safety analyses. 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 73.5, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee's request to exempt Hope Creek and Salem from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact the Hope Creek and Salem project manager, James Kim, at 301-415-4125 or by e-mail to [James.Kim@nrc.gov](mailto: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.: ML20309A887****\*via e-mail**

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