



10 CFR 26.9

LR-N22-0007

January 5, 2022

U.S. Nuclear Regulatory Commission  
Attention: 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 Exemption from Specific Requirements of 10 CFR Part 26, "Fitness for Duty Programs"

- References:
- 1) NRC Letter from H. Nieh to NEI, "U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Work Hour Controls During the Coronavirus Disease 2019 Public Health Emergency," dated March 28, 2020 (ML20087P237).
  - 2) NRC Letter from H. Nieh to NEI, "U.S. Nuclear Regulatory Commission Updated Planned Actions Related to Certain Requirements for Operating and Decommissioning Reactor Licensees During the Coronavirus Disease 2019 Public Health Emergency," dated November 10, 2020 (ML20261H515).
  - 3) NRC Letter from C. Erlanger to PSEG, "Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2 – Exemption from Select Requirements of 10 CFR Part 26 (EPID L-2021-LLE-0012 [COVID-19])," dated March 3, 2021 (ML21056A542)

As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), PSEG Nuclear LLC (PSEG) is requesting NRC approval for Salem Units 1 and 2 and Hope Creek Generating Stations (Salem/Hope Creek) to proactively enter into the alternative work hour controls, as necessary, for the covered workers described below. By implementing the alternative work hour controls, PSEG will be taking steps to complete necessary work, testing, and inspections and maintain security in a manner that supports both worker and neighboring community safety to limit the spread of the COVID-19 virus.

Pursuant to 10 CFR 26.9, this request is being made in support of the continued efforts to maintain the recommendations made by the Centers for Disease Control and Prevention (CDC) related to social distancing, worker screening, and limiting close-proximity work. Leveraging the alternative work hour controls will facilitate further worker and community protection at Salem and Hope Creek.

The alternative controls will support maintaining staffing requirements as a result of recent increases in personnel absence due to COVID-19 positive test results or contact tracing quarantines that cannot be accommodated by the current work hour control requirements of 10 CFR 26.205(d) to support plant operational safety and security. Current increased levels of COVID-19 cases and transmission rate in the state of New Jersey and the states and communities surrounding Salem and Hope Creek could impact the stations' ability to meet the work hour controls of 10 CFR 26.205(d) in maintaining minimum staffing and ensuring an adequate number of qualified individuals who perform the duties specified in 10 CFR 26.4(a)(1) through (a)(5) are available to complete necessary operations, tests, inspections, and maintenance in a manner that supports nuclear safety and security. The requested exemption would allow PSEG to proactively take steps to ensure added flexibility is available to facilitate further worker and community protection and ensure safe operation during the exemption period.

An exemption from the 10 CFR 26.205(d)(1) through (d)(7) requirements is intended to prevent and limit the spread of COVID-19 and to mitigate its effect should Salem/Hope Creek staffing be significantly impacted. PSEG intends to use the alternative controls, where necessary, to efficiently perform operation, inspection, maintenance and testing activities that cannot be performed in accordance with the Centers for Disease Control and Prevention (CDC) recommendations related to social distancing, mask usage, worker screening, and limiting close proximity work. This practice will reduce the number of people involved in specific activities to limit the potential spread of COVID-19 and supports PSEG's continuing efforts to maintain CDC recommendations. In addition, the alternative controls will be used to mitigate the staffing impacts should personnel absences challenge required staffing levels during the continuing COVID-19 PHE.

As the U.S. 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. Salem's and Hope Creek's operation must be conducted such that the plants are available when needed.

PSEG previously requested, and received, exemptions for Salem/Hope Creek, with the most recent exemption period ending on May 5, 2021 (ADAMS Accession No. ML21056A542). A resurgence in COVID-19 in the region surrounding Salem/Hope Creek has led to the new exemption request in this letter. Sufficient time (i.e. more than 14 days) has elapsed such that there are no concerns regarding cumulative fatigue from the prior exemption period.

In accordance with the References 1 and 2, the following information is provided in the table below:

- Positions [as described in 10 CFR 26.4(a)(1) - (5)] for which either current work-hour controls will be maintained or for which alternative controls (if necessary) will be implemented for the listed positions.

- The date and time for which alternative controls (if necessary) will be implemented for the listed positions.

	Positions	Compliance	Begin Implementation
26.4(a)(1)	Operators	Will phase in site-specific alternative controls as defined in the Reference letters, as necessary, to minimize transition issues.	Upon NRC approval
26.4(a)(2)	Health Physics and Chemistry		
26.4(a)(3)	Fire Brigade		
26.4(a)(4)	Maintenance		
26.4(a)(5)	Security		

Salem/Hope Creek site-specific COVID-19 PHE fatigue-management controls are consistent with the constraints outlined in the Reference 1 letter and its attachment. Salem/Hope Creek will continue to follow the fatigue management controls, behavioral observation requirements, and self-declaration allowances currently delineated within the PSEG work hour control program and procedures (LS-AA-119, SY-AA-102 and SY-AA-103-513).

Upon NRC approval, Salem/Hope Creek will implement the alternative controls described below, consistent with the Reference letters for the management of fatigue during the period of the exemption. These controls ensure that covered workers are subjected to the following minimum controls:

1. not more than 16 work-hours in any 24-hour period and not more than 86 work-hours in any 7-day period, excluding shift turnover;
2. a minimum 10-hour break is provided between successive work periods;
3. 12-hour shifts are limited to not more than 14 consecutive days;
4. a minimum of 6-days off are provided in any 30-day period; and
5. The calculation of work hours and days off includes all work hours and days off during the applicable calculation periods, including those work hours and days off preceding initiation of the exemption period; and
6. requirements are established for behavioral observation and self-declaration during the period of the exemption.

The requirements of 10 CFR 26.33, "Behavioral observation"; 10 CFR 26.209, "Self-declarations"; and 26.211, "Fatigue assessments" remain in effect during the period of the exemption. These requirements provide reasonable assurance that should personnel become impaired due to fatigue, requirements and processes are in place to identify the impairment through observation by plant staff or by worker self-declaration, and to assess and address instances of impairment through fatigue assessments.

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PSEG is requesting approval of this request based on an expected need for the exemption given the current trend of COVID-19 conditions. Upon NRC approval, Salem/Hope Creek will implement the alternative controls described in the Reference letters for the management of fatigue as necessary for a period of 60 days. Near the end of the 60 day period, if COVID-19 pandemic conditions persist at the site affecting staffing requirements and the efforts to maintain CDC, state and local recommendations related to social distancing, worker screening, and limiting close-proximity work, as well as the response to the COVID-19 challenge in the immediate community of Salem/Hope Creek, an additional supplement request may be submitted to extend the 60-day implementation period of the exemption.

PSEG requests NRC approval of the requested exemption by January 7, 2022.

There are no regulatory commitments contained in this letter.

Should you have any questions concerning this letter, please contact Mr. Michael Wewel at 856-339-7907.

Respectfully,



Jason Jennings  
Director, Site Regulatory Compliance  
PSEG Nuclear

cc: Administrator, Region I, NRC  
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