



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

April 20, 2020

Dr. Jennifer L. Uhle  
Vice President, Generation & Suppliers  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED TO THE REQUIREMENTS FOR PART 73, APPENDIX B, SECTION VI DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY

Dear Dr. Uhle:

As you know, 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. As discussed during a public meeting held on March 20, 2020, with nuclear industry representatives and members of the public, this is an unprecedented time for our country, the U.S. Nuclear Regulatory Commission (NRC), and its regulated entities. In all of our actions, the NRC staff is committed to following the NRC's Principles of Good Regulation (independence, openness, efficiency, clarity, and reliability) while performing our mission.

In keeping with these principles, this letter provides information regarding licensee requests for exemptions from certain Title 10 of the *Code of Federal Regulations* (CFR) Part 73, Appendix B, Section VI security requirements during the COVID-19 PHE, and the process that the NRC plans to use when reviewing such requests. This information is applicable to applicants and power reactor licensees subject to 10 CFR 73.55, including operating and decommissioning power reactors, as well as independent spent fuel storage installations operating under a general license. The NRC staff's guidance with respect to various security requirements in Appendix B, Section VI is set forth in Enclosures A through G of this letter.

Under the NRC's regulations in 10 CFR 73.5, "Specific exemptions," "The Commission may upon application of any interested person or on its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest."

Consistent with this regulation, and as outlined in Enclosures A through G, this letter contains information that may inform licensee requests for exemptions from certain security requirements in 10 CFR Part 73, Appendix B, Section VI. As described in this letter, the NRC is prepared to expedite, upon request from individual licensees, its review of applications for exemptions from certain subsections in 10 CFR Part 73, Appendix B, Section VI. Exemption requests that provide the information discussed in this letter will be reviewed using an expedited review process. Exemption requests that do not provide the information specified in this letter, or that

fall outside the parameters discussed in the Enclosures to this letter, will be handled using the normal exemption process.

The objective of this expedited review process is to facilitate the processing of licensee exemption requests from certain 10 CFR Part 73, Appendix B, Section VI security requirements to ensure that the requirements do not unduly limit licensee flexibility in using personnel resources in a manner that most effectively manages the impacts of the COVID-19 PHE on maintaining the safe and secure operation of these facilities, and the implementation of a licensee's Commission-approved security plans, protective strategy, and implementing procedures. Additionally, these exemptions would, if granted, facilitate the licensee's implementation of security requirements in Appendix B, Section VI in a manner that does not conflict with practices recommended by the Centers for Disease Control and Prevention to limit the spread of the coronavirus.<sup>1</sup>

When a licensee expects that it will not be able to comply with one or more of the requirements of 10 CFR Part 73, Appendix B, Section VI, then the licensee should, as soon as practicable, notify the NRC in writing that it is requesting an exemption from the specific subsection(s) of 10 CFR Part 73, Appendix B, Section VI. To aid the NRC in its expedited review, any such request should, at a minimum, include the following information:

- a statement that the licensee expects that it will no longer be able to comply with the requirements of the specific subsection(s) of 10 CFR Part 73, Appendix B, Section VI;
- the date and time when the licensee will begin implementing its site-specific COVID-19 PHE controls for managing personnel performing Security Program duties; and
- a statement that the licensee's site-specific COVID-19 PHE controls are consistent with the conditions outlined in the specific Enclosures to this letter.

The licensee should also include the additional information requested in the specific Enclosure to this letter applicable to the subsection requirement for which the licensee is seeking an exemption. Provision of all the requested information will facilitate the NRC's expedited review of licensee exemption requests.

#### Enforcement Guidance Memorandum

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#### How to Submit Requests

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Sincerely,

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John W. Lubinski, Director  
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**ADAMS Accession No.: ML20105A483**

**\*via e-mail**

<b>OFFICE</b>	NSIR/DSO/SOSB/BC*	NRR/DORL/D*	NSIR/D*
<b>NAME</b>	TKeene	CErlanger	BHolian
<b>DATE</b>	4/17/2020	4/17/2020	4/15/2020
<b>OFFICE</b>	OGC – NLO*	NMSS/D*	NRR/D*
<b>NAME</b>	NStAmour	JLubinski	HNieh
<b>DATE</b>	4/17/2020	4/20/2020	4/20/2020

**OFFICIAL RECORD COPY**

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Identical letters sent to:

Dr. Jennifer L. Uhle  
Vice President, Generation & Suppliers  
Nuclear Energy Institute  
1201 F Street, NW, Suite 1100  
Washington, DC 20004

Mr. Chris Bakken  
Executive Vice President  
Nuclear Operations & Chief Nuclear Officer  
Entergy Nuclear  
1340 Echelon Parkway  
Jackson, MS 39213

Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478



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Mr. Don Moul  
Executive Vice President, Nuclear  
Division and Chief Nuclear Officer  
Florida Power & Light Company  
Mail Stop: NT3/JW  
15430 Endeavor Drive  
Jupiter, FL 33478

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**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTIONS C.2.(a) AND C.2.(b)**

**ON-THE-JOB TRAINING**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsections C.2.(a) and (b), require licensees to conduct on-the-job training (OJT). Specifically, subsections C.2.(a) and (b) state:

(a) The licensee training and qualification program must include on-the-job training performance standards and criteria to ensure that each individual demonstrates the requisite knowledge, skills, and abilities needed to effectively carry-out assigned duties and responsibilities in accordance with the Commission-approved security plans, licensee protective strategy, and implementing procedures, before the individual is assigned the duty or responsibility.

(b) In addition to meeting the requirement stated in paragraph C.2.(a) of this appendix, before assignment, individuals (e.g., response team leaders, alarm station operators, armed responders, and armed security officers designated as a component of the protective strategy) assigned duties and responsibilities to implement the Safeguards Contingency Plan shall complete a minimum of 40 hours of on-the-job training to demonstrate their ability to effectively apply the knowledge, skills, and abilities required to effectively perform assigned *contingency* duties and responsibilities in accordance with the approved safeguards contingency plan, other security plans, licensee protective strategy, and implementing procedures. On-the-job training must be documented by a qualified training instructor and attested to by a security supervisor.

The purpose of OJT is to ensure that individuals have the requisite knowledge, skills, and abilities (KSAs) to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

Licensees may seek an exemption from 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and (b) to address the challenges licensees may face in ensuring adequate staffing of security personnel during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). The exemption from subsections C.2.(a) and (b), if granted, could facilitate the licensee's requalification process for previously qualified security personnel (e.g., response team leader, alarm station operator, armed responder, or armed security officer) that currently hold other positions within the licensee's security organization, despite these individuals not meeting the OJT requirement in subsections C.2.(a) and (b) because of limitations resulting from the COVID-19 PHE. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention. If the exemption is granted, these previously qualified security personnel will be required to comply with all other applicable regulatory requirements for training and qualification unless granted additional exemptions.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the OJT requirements of 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and (b).

The licensee may request that the NRC grant an exemption from the OJT requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and (b). This request should include the following information:

- A statement that the licensee will maintain a list of the names of the individuals who will not meet the OJT requirements of 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and (b). This list should include the dates of initial qualification for these individuals; and
- A statement that the licensee has conducted a needs analysis to determine that the individual covered by the exemption has the requisite KSAs to perform the duties assigned.
  1. The exemption will only apply to individuals who have completed the qualification requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.1., “Duty training and qualification requirements,” and have been previously qualified within the licensee’s security organization.
  2. Security management must, in conjunction with the training program, continue to evaluate security personnel performance in the plant to identify and correct performance issues in a timely manner.



**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTIONS B.4.(a) AND B.5.(a)**

**MEDICAL EXAMINATIONS FOR ANNUAL PHYSICAL REQUALIFICATION**

The requirement in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsection B.4.(a) states:

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 requirement in 10 CFR Part 73, Appendix B, Section VI, subsection B.5.(a) states:

At least annually, armed and unarmed individuals shall be required to demonstrate the capability to meet the physical requirements of this appendix 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 an individual armed member of the licensee security organization is 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.

Licensees may seek an exemption from 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a) and/or B.5.(a) to address the challenges licensees face in ensuring adequate staffing of security personnel during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). The exemption from subsections B.4.(a) and/or B.5.(a), if granted, could facilitate the licensee's requalification process for armed and unarmed security personnel despite these personnel not meeting the requirements in subsections B.4.(a) and/or B.5.(a) because of limitations resulting from the COVID-19 PHE.

Many physicians have cancelled routine examinations, such as the annual medical examination, during the COVID-19 PHE. Therefore, licensees may not be able to comply with the requirement in subsection B.4.(a) that armed security personnel receive a medical examination before participating in a physical fitness test. Furthermore, because physical fitness requalification processes place staff in close proximity to one another and require touching of the same specific simulation equipment for demonstration of fitness (i.e., door handles and gym equipment), participating in the fitness test required by subsection B.5.(a) could increase the risk that both armed and unarmed members of the licensee security organization may potentially be exposed to COVID-19. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the medical examination and annual physical requalification requirements in 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a) and/or B.5.(a).

The licensee may request that the NRC grant an exemption from the medical examination and/or the annual physical requalification, required by 10 CFR Part 73, Appendix B, Section VI, subsection B.4.(a) and/or B.5.(a). The exemption request should include the following information:

- A statement that the licensee will maintain a list of the names of the armed and unarmed individuals who cannot meet the requirements of 10 CFR Part 73, Appendix B, Section VI, subsection B.5.(a), and
- A statement that the facility 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.

**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTION C.3.(I)(1)**

**TACTICAL RESPONSE DRILLS AND FORCE-ON-FORCE EXERCISES**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsection C.3.(I)(1) state:

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) tactical response drill on a quarterly basis and 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 quarterly tactical drills and the annual licensee conducted force-on-force (FOF) exercise is to ensure that the site security force maintains its contingency response readiness. Participation in these drills and exercises also supports the requalification of security force members.

Licensees may seek an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), to address the challenges licensees face in ensuring adequate staffing of security personnel during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). The exemption from subsection C.3.(I)(1), if granted, could facilitate the licensee's requalification process for members of the site security force despite these individuals not meeting the requirement in C.3.(I)(1) because of limitations resulting from the COVID-19 PHE.

Specifically, drill and exercise evolutions require the use of a significant number of additional staff (e.g., multiple shifts of staff and personnel from other sites) to support and implement them, which exceed assembly recommendations and challenge social distancing practices as recommended by the Centers for Disease Control and Prevention. Furthermore, because many of the functions required to conduct these evolutions place staff in close proximity to one another, it could increase the likelihood of security personnel exposure to COVID-19. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the tactical response drill and annual force-on-force exercise requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1).

The licensee may request that the NRC grant an exemption from the quarterly drills, the annual licensee-conducted FOF exercise requirement, or both, required by 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). The exemption request should include the following information:

- A statement that the licensee will maintain a list of the names of the individuals who will not meet the requirements of 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). The list should include the dates of the last quarterly drill and annual FOF exercise in which the individual participated; and

- A statement that describes the measures the licensee is taking to ensure contingency response readiness despite security personnel not participating in a quarterly drill or annual FOF exercise, or both, for which the licensee is requesting an exemption:
  1. These measures should include one of the following scenario-based evolutions:
    - a table top exercise
    - a communication-based exercise
    - a lessons-learned review of past exercise
    - a walkdown of previous exercise route of travel
  2. The NRC does not expect licensees to conduct quarterly tactical drills to make up for those missed during the exemption period after the exemption expires. However, the NRC does expect licensees to conduct any missed annual licensee-conducted FOF exercises after the PHE ends, and, if applicable, licensees should include information in their exemption requests addressing how they plan to accomplish the missed annual FOF exercises.

**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTION D.2.(a)**

**ANNUAL REQUALIFICATION**

The requirement in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsection D.2.(a) states:

Armed and unarmed individuals shall be requalified at least annually in accordance with the requirements of this appendix and the Commission-approved training and qualification plan.

Individuals must be requalified on the following requirements: 10 CFR Part 73, Appendix B, Section VI, subsection D.1.(b)(3) annual written exam; 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(c) annual firearms familiarization; and 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a) annual weapons requalification requirements.

The requirement in 10 CFR Part 73, Appendix B, Section VI, subsection D.1.(b)(3) states:

Armed individuals shall be administered an annual written exam that demonstrates the required knowledge, skills, and abilities to carry out assigned duties and responsibilities as an armed member of the security organization. The annual written exam must include those elements listed in the Commission-approved training and qualification plan and shall require a minimum score of 80 percent to demonstrate an acceptable understanding of assigned duties and responsibilities.

The requirement in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(c) states:

The licensee shall conduct annual firearms familiarization training in accordance with the Commission-approved training and qualification plan.

The requirement in 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a) states:

Armed members of the security organization shall be re-qualified for each assigned weapon at least annually in accordance with Commission requirements and the Commission-approved training and qualification plan, and the results documented and retained as a record.

The purpose of the annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities (KSAs) to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures. The exemption from subsection D.2.(a), if granted, could facilitate the licensee's requalification of armed and unarmed individuals despite these individuals not meeting the requirements in subsections D.2.(a), D.1.(b)(3), E.1.(c), and F.5.(a) because of limitations resulting from the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE).

Many licensees use firing ranges that are operated by entities not subject to licensee control. These facilities may be closed or otherwise unavailable due to the COVID-19 PHE or other factors beyond the licensee's control. Additionally, these annual requalification processes

require significant staff support to implement. Therefore, these requalification processes potentially place staff in close proximity to one another, increasing the likelihood of staff exposure to COVID-19. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the annual requalification requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsections D.2.(a), D.1.(b)(3), E.1.(c), and F.5.(a).

The licensee may request that the NRC grant an exemption from the annual requalification requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsections D.2.(a), D.1.(b)(3), E.1.(c), and F.5.(a). The exemption request should include the following information:

- A statement that the licensee will maintain a list of the names of the individuals who will not meet one or more of the requalification requirements of Part 73, Appendix B, Section VI, D.2.(a). The list should include the dates of the last qualification for each of the requirements not completed, (i.e., annual written exam, firearms familiarization, weapons requalification); and
- A statement that describes the measures the licensee is taking to ensure that individuals maintain performance capability despite not completing the annual requalification for the annual written exam, firearms familiarization and weapons requalification.

Those measures should include the following:

- discussions regarding critical tasks necessary for performance of security duties as assigned
- individual discussions regarding the fundamentals of marksmanship.

**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTION E.1.(f)**

**WEAPONS RANGE ACTIVITIES**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsection E.1.(f) require licensees to participate in weapons range activities on a nominal 4-month periodicity.

Specifically, 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f) states:

Armed members of the security organization shall participate in weapons range activities on a nominal four (4) month periodicity. Performance may be conducted up to five (5) weeks before, to five (5) weeks after, the scheduled date. The next scheduled date must be four (4) months from the originally scheduled date.

The purpose of the weapons range activity is to ensure that armed individuals in the licensee's security organization maintain weapons proficiency in support of the licensee's physical protection program. The exemption from subsection E.1.(f), if granted, could facilitate the licensee's requalification process for these armed individuals despite these individuals not meeting the requirements in subsection E.1.(f) because of limitations resulting from the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE).

Specifically, implementing weapons range activities requires significant staff support that potentially places armed individuals in the licensee's security organization and other security staff in close proximity to one another, increasing the likelihood of staff exposure to COVID-19. In addition, many licensees use firing ranges that are operated by entities not subject to licensee control. These facilities may be unavailable due to social distancing requirements or other factors beyond the control of the licensee. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention. Licensees that have access to a firing range should consider practices for conducting weapons range activities that would make an exemption unnecessary.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the weapons range activity requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f).

The licensee may request that the U.S. Nuclear Regulatory Commission grant an exemption from the nominal four (4) month weapons range activity requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f). The exemption request should include the following information:

- A statement that the licensee will maintain a list of the names of the individuals who will not meet the requalification requirements of 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f). The list should include the dates of the last qualification for the nominal four (4) month weapons range activity; and
- A statement that identifies the reason(s) why the weapons range activity cannot be completed (e.g., no access to a range complex); and

- A statement that describes the measures the licensee is taking to ensure that staff continue to maintain performance capability despite not completing the nominal four (4) month weapons range activity. Specifically, the licensee should hold discussions with its security personnel subject to 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f) that will outline the objectives of the weapons range activity that will not be conducted due to COVID-19 PHE.



**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTIONS E.1.(b)(4) AND G.3.(a)(6)**

**FIREARM INSTRUCTOR AND ARMORER CERTIFICATIONS**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsections E.1.(b)(4) and G.3.(a)(6) require licensee firearm instructors and armorers to maintain certifications.

Specifically, 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(b)(4) states:

Firearms instructors shall be recertified in accordance with the standards recognized by the certifying national or state entity, but in no case shall recertification exceed three (3) years.

While 10 CFR Part 73, Appendix B, Section VI, subsection G.3.(a)(6) states the requirement for “armorer certification.”

The purpose of the firearm instructor requirement is to ensure that licensee firearms training staff possess the required knowledge, skills, and abilities (KSAs) to provide the required training to individuals needed to implement the licensee’s protective strategy. The purpose for armorer certifications is to ensure weapons maintenance activities are performed by a certified armorer and therefore do not have a negative impact on weapons functionality.

The required courses necessary to certify firearms instructors and armorers have been canceled or postponed during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE). This potentially limits the ability of licensees to maintain current certifications for both firearms instructors and armorers and conduct individual range activities and necessary weapons maintenance. The exemption from subsections E.1.(b)(4) or G.3.(a)(6), if granted, could facilitate the licensee’s requalification of certified firearms instructors and armorers despite these individuals not meeting the certification requirements in subsections E.1.(b)(4) or G.3.(a)(6) because of limitations resulting from the COVID-19 PHE. Additionally, the exemption, if approved, will only apply to previously certified firearm instructors and armorers whose certifications have expired during the PHE.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the firearm instructor and/or armorer certification requirements specified in 10 CFR Part 73, Appendix B, Section VI, subsections E.1.(b)(4) or G.3.(a)(6).

The licensee may request that the U.S. Nuclear Regulatory Commission grant an exemption from either 10 CFR Part 73, Appendix B, Section VI, subsections E.1.(b)(4) or G.3.(a)(6), or both, as needed. The exemption request should include the following information:

- A statement that the licensee will maintain a list of the names of the individuals who will not meet the recertification requirements of either Part 73, Appendix B, Section VI, subsections E.1.(b)(4) or G.3.(a)(6); and
- Additionally, the statement should indicate the following:
  1. All range activity must be conducted by a firearms instructor who is currently certified or held an active certification as of March 2020.

2. All weapons maintenance must be performed by an armorer who is currently certified or was certified as of March 2020.

**10 CFR 73, APPENDIX B, SECTION VI, SUBSECTION G.3.(a)(1)**

**SEMIANNUAL TEST FIRING**

The requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, subsection G.3.(a)(1) require semiannual test firing of licensee weapons for accuracy and functionality.

Specifically, 10 CFR Part 73, Appendix B, Section VI, subsection G.3.(a)(1), in pertinent part, states:

Firearms maintenance program. Each licensee shall implement a firearms maintenance and accountability program in accordance with the Commission regulations and the Commission-approved training and qualification plan. The program must include: (1) Semiannual test firing for accuracy and functionality.

The purpose of the requirement is to ensure weapons remain functional and accurate for use during the implementation of the licensee's protective strategy. The exemption from subsection G.3.(a)(1), if granted, could facilitate the licensee's ability to maintain accurate and functional weapons for use by licensee security personnel during implementation of the site protective strategy despite the inability of the licensee to meet the requirements in subsection G.3.(a)(1) because of limitations resulting from the COVID-19 PHE.

Many licensees use firing ranges that are operated by entities not subject to licensee control to conduct semiannual test firing for accuracy and functionality. These facilities may be unavailable due to social distancing practices or other factors beyond the licensee's control. Furthermore, the semiannual test firing requirement potentially places staff in close proximity to one another, increasing the likelihood of staff exposure to COVID-19. The exemption would also facilitate licensee implementation of the social distancing practices recommended by the Centers for Disease Control and Prevention. Licensees that have access to a firing range should consider practices for conducting semiannual test firing of weapons that would make an exemption unnecessary.

The licensee should, as soon as practicable, notify the U.S. Nuclear Regulatory Commission (NRC) in writing that it is requesting an exemption from the semiannual test firing requirement specified in 10 CFR Part 73, Appendix B, Section VI, subsection G.3.(a)(1).

The licensee may request that the U.S. Nuclear Regulatory Commission grant an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection G.3.(a)(1). The exemption request should include the following information:

- A statement that identifies all weapons currently in use by the site security force received semiannual test-fire and functionality tests after September 1, 2019, which is approximately 6 months prior to the beginning of the COVID-19 PHE; and
- A statement that identifies the reason(s) why the semiannual test firing cannot be completed (e.g., no access to a range complex).