



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

June 8, 2020

Mr. Don Moul  
Vice President, Nuclear Division and  
Chief Nuclear Officer  
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SUBJECT: SEABROOK STATION, UNIT NO. 1 – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (EPID L-2020-LLE-0069 [COVID-19])

Dear Mr. Moul:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved temporary exemptions 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 Seabrook Station, Unit No. 1 (Seabrook). This action is in response to the NextEra Energy Seabrook, LLC (NextEra or the licensee) application dated May 21, 2020, as supplemented by letter dated May 22, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML20142A374 and ML20143A093, respectively (non-public, withhold under 10 CFR 2.390)), that requested temporary exemptions for Seabrook from 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a), B.5.(a), C.2.(a) and (b), C.3.(l)(1), D.1.(b)(3), D.2.(a), E.1.(b)(4), E.1.(c), E.1.(f), F.5.(a), G.3.(a)(1), and G.3.(a)(6).

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection B.4.(a), state:

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 purpose of the medical examination 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.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection B.5.(a), state:

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 physical requalification is to ensure armed and unarmed members of the licensee’s security organization remain capable of performing their assigned duties necessary

for implementing the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.2.(a), state:

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.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.2.(b), state:

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 on-the-job training is to ensure that individuals have the requisite knowledge, skills, and abilities to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(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.

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

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 requirements in 10 CFR Part 73, Appendix B, Section VI, subsection D.2.(a), state:

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.

The purpose of the initial and annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(b)(4), state:

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.

The purpose of the firearm instructor requirement is to ensure that licensee firearms training staff possess the required knowledge, skills, and abilities to provide the required training to individuals needed to implement the licensee's protective strategy.

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

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

The purpose of the annual requalification requirements is to ensure the licensee's armed and unarmed individuals possess the requisite knowledge, skills, and abilities to effectively handle and use firearms to perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f), state:

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 requirements in 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a), state:

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 and maintain the requisite knowledge, skills, and abilities to effectively perform assigned duties in accordance with the licensee's Commission-approved security plans, protective strategy, and implementing procedures.

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

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 requirements in 10 CFR Part 73, Appendix B, Section VI, subsection G.3.(a)(6), state:

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: ...  
(6) Armorer certification.

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.

On January 31, 2020, the U.S. Department of Health and Human Services declared a 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.

NextEra's application dated May 21, 2020, and supplement dated May 22, 2020, stated the following:

- These temporary exemptions support the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the COVID-19 virus.
- These exemptions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.

- For subsections B.4.(a), B.5.(a), C.3.(l)(1), D.1.(b)(3), D.2.(a), E.1.(c), E.1.(f), and F.5.(a), NextEra will maintain a list of the names of individuals who will not meet the requalification requirements and will include the dates of the last qualification.
- For subsections C.2.(a) and (b), NextEra will maintain a list of the names of individuals who will not meet the requalification requirements and will include the dates of initial qualification.
- For subsections E.1.(b)(4) and G.3.(a)(6), NextEra will maintain a list of the names of individuals who will not meet the requalification requirements.
- Regarding subsection B.4.(a), and subsection B.5.(a), NextEra 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.
- Regarding subsections C.2.(a) and (b), NextEra conducted a needs analysis and determined that the individuals covered by the exemption have the requisite knowledge, skills and abilities to perform the duties assigned.
- Regarding subsections C.2.(a) and (b), this exemption only applies to individuals who have completed the qualification requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.1, and have been previously qualified within Seabrook's security organization.
- Regarding subsections C.2.(a) and (b), NextEra security management will continue to evaluate security personnel performance in the plant to identify and correct performance issues in a timely manner.
- Regarding subsection C.3.(l)(1), NextEra will ensure contingency response readiness of security personnel by conducting a table top exercise, a communication-based exercise, a lessons-learned review of past exercises, and a walkdown of previous exercise routes of travel, and will complete the annual FOF exercise when isolation restrictions are ended and before these exemptions expire.
- Regarding subsections D.2.(a), D.1.(b)(3), E.1.(c), and F.5.(a), NextEra will conduct discussions regarding critical tasks necessary for performance of security duties as assigned and individual discussions regarding the fundamentals of marksmanship.
- Regarding subsection E.1.(f), NextEra may not be able to complete the weapons range activities due to decreasing the range capacity based on social distancing requirements which impacts the amount of personnel that can be cycled through.
- Regarding subsection E.1.(f), NextEra will conduct discussions that outline the objectives of the weapons range activities that will not be conducted due to COVID-19 PHE.
- Regarding subsection E.1.(b)(4), NextEra range activity will be conducted by a firearms instructor who is currently certified or held an active certification as of March 2020.

- Regarding subsection G.3.(a)(1), NextEra will maintain a list that identifies all weapons currently in use by the site security force that received semiannual test-fire and functionality tests after September 1, 2019.
- Regarding subsection G.3.(a)(1), NextEra cannot complete the semiannual test firing due to a reduction in range capacity and limiting the amount of weapons that can be test fired in the timeline required.
- Regarding subsection G.3.(a)(6), NextEra weapons maintenance will be performed by an armorer who is currently certified or was certified as of March 2020.
- NextEra will begin COVID-19 PHE controls upon the NRC's approval of the temporary exemptions.

These temporary exemptions are specific to Seabrook security personnel who have previously demonstrated proficiency and are now currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. NextEra also stated that given the rigorous nature of its nuclear security personnel training programs, which consist of regularly scheduled training activities to include weapons training, contingency response drills, and exercises, and demonstrated acceptable performance of day-to-day job activities (e.g., detection and assessment, patrols, searches, and defensive operations), it is reasonable to conclude that security personnel will continue to maintain their proficiency even though the requalification periodicity is temporarily exceeded. Additionally, NextEra identified site-specific COVID-19 PHE controls, including the conduct of a communication-based exercise, to maintain contingency response readiness of security personnel not participating in a quarterly drill or an annual FOF exercise, or both, that will be implemented at Seabrook to ensure impacted security personnel maintain the knowledge, skills and abilities required to effectively perform assigned duties and responsibilities. NextEra requested that the duration of the exemptions be 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's letter dated April 20, 2020, discussing planned activities related to the requirements for 10 CFR Part 73, Appendix B, Section VI, during the PHE (ADAMS Accession No. ML20105A483).

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 exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that these exemptions are 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. These exemptions will only apply to licensee security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. In addition, the licensee identified numerous controls, consistent with the NRC staff's April 20, 2020, letter, that provide mechanisms to maintain proficiency and readiness. These include, for example, conducting a communication-based exercise, discussions on marksmanship, critical

tasks for performance of security duties, and the objectives of weapons range activities. Based on the limited scope of the exemption to already qualified security personnel and the controls NextEra will implement for the duration of the exemptions, the NRC staff has reasonable assurance that the security force at Seabrook will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemptions 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 tactical response drills, FOF exercises, and annual requalification, including weapons familiarization and range activities, requires significant staff support and 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 temporary exemptions from requirements in 10 CFR Part 73, Appendix B, Section VI, subsections B.4.(a), B.5.(a), C.2.(a) and (b), C.3.(l)(1), D.1.(b)(3), D.2.(a), E.1.(b)(4), E.1.(c), E.1.(f), F.5.(a), G.3.(a)(1), and G.3.(a)(6) would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implement the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting these temporary exemptions is in the public interest because they allow the licensee to maintain the required security posture at Seabrook, while enabling the facility 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 exemptions are 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 facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because these exemptions do not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for protection against radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because these exemptions do 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. There is no significant construction impact because these exemptions do not involve any changes to a construction permit and no significant increase in the potential for or consequences from radiological accidents because these exemptions do not alter any of the assumptions or limits in the facility licensee's safety analysis. 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 Part 73.5, these exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request to exempt Seabrook from the requirements for periodic requalification of security personnel in subsections B.4.(a), B.5.(a), C.2.(a) and (b), C.3.(l)(1), D.1.(b)(3), D.2.(a), E.1.(b)(4), E.1.(c), E.1.(f), F.5.(a), G.3.(a)(1), and G.3.(a)(6) of 10 CFR Part 73, Appendix B, Section VI.

These exemptions expire 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the Seabrook project manager, Justin Poole, at 301-415-2048 or by e-mail to [Justin.Poole@nrc.gov](mailto:Justin.Poole@nrc.gov).

Sincerely,

Craig G. Erlanger, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-443

cc: Listserv

SUBJECT: SEABROOK STATION, UNIT NO. 1 – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (EPID L-2020-LLE-0069 [COVID-19]) DATED JUNE 8, 2020

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**ADAMS Accession No.: ML20143A273**

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