



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

June 15, 2020

Mr. Don Moul  
Vice President, Nuclear Division and  
Chief Nuclear Officer  
NextEra Energy Turkey Point, LLC  
Mail Stop: NT3/JW  
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Jupiter, FL 33478

SUBJECT: TURKEY POINT NUCLEAR PLANT, UNITS 3 AND 4 - ISSUANCE OF  
TEMPORARY EXEMPTION CONCERNING SECURITY TRAINING  
REQUIREMENTS (EPID L-2020-LLA-0067 [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 Turkey Point Nuclear Plant, Units 3 and 4 (Turkey Point). This action is in response to the NextEra Energy Turkey Point, LLC (NextEra or the licensee) application dated May 21, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20142A273 (non-public)), that requested temporary exemptions for Turkey Point 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.2.(a), E.1.(c) and (f), and F.5.(a).

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 requirement 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 the on-the-job training (OJT) requirements 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.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 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 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 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.(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 requirement is to ensure that armed individuals in the licensee's security organization maintain weapons proficiency in support of the licensee's physical protection program.

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. On April 21, 2020, the PHE was renewed.

In your May 21, 2020, application, you 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 restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- For all the cited temporary exemptions, NextEra will maintain a list of the names of individuals who will not meet the requalification requirements and will include the dates of last requalification, except for the OJT exemption where NextEra will include the dates of initial qualification.

- Regarding subsections B.4.(a) and B.5.(a), “Medical examinations and Physical requirements,” 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 subsection C.2.(a) and (b), “On-the-job-training [40 hours],” NextEra has conducted a needs analysis and determined that the individuals covered by the OJT exemption have the requisite knowledge, skills and abilities (KSA) to perform the duties assigned.
- The OJT exemption only applies 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 Turkey Point’s security organization. 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), “quarterly tactical response drills and annual force-on-force exercises,” NextEra will ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting a table top exercise, a communication-based exercise, and a walkdown of previous exercise routes of travel, and will complete the FOF exercise within the time period of this request, when isolation restrictions are ended.
- Regarding subsections D.2.(a) “Annual requalification,” E.1.(c) “Annual firearms familiarization,” and F.5.(a) “Annual weapons requalification,” respectively, 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) “Weapons range activities on a nominal 4-month periodicity,” NextEra cannot complete the weapons range activities due to decreasing the range capacity based on social distancing requirements which impacts the amount of personnel that can participate. NextEra will conduct discussions that outline the objectives of the weapons range activities that will not be conducted due to the COVID-19 PHE.
- NextEra will begin implementing COVID-19 PHE controls for managing personnel performing security program duties upon the NRC’s approval of the requested temporary exemptions.

These temporary exemptions requested by NextEra are specific to Turkey Point 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. Your letter stated that because of the rigorous nature of NextEra’s 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, your letter stated that site specific COVID-19 PHE controls listed above will be implemented at Turkey Point 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 exemption be in effect for 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's April 20, 2020, letter 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 Turkey Point security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. In addition, you identified numerous controls consistent with the NRC staff's April 20, 2020, letter, that provide mechanisms to maintain proficiency and readiness. These include the conduct of a table top exercise, a communication-based exercise, a walkdown of previous exercise routes of travel, discussions regarding critical tasks necessary for the performance of assigned duties and, individual discussions regarding the fundamentals of marksmanship, as well as discussions that outline the objectives of weapon range activities. Moreover, Turkey Point security personnel's performance is conducted and demonstrated in their daily job activities (e.g., detection and assessment, patrols, searches, and defensive operations). Considering the limited scope of the exemption to already qualified security personnel, the controls that will be implemented throughout the duration of the temporary exemption, and continuous, on-the-job demonstrations of performance that will continue to be available, the NRC staff has reasonable assurance that the security force at Turkey Point 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.2.(a), E.1.(c) and (f), and F.5.(a) would facilitate implementation of practices recommended by the CDC to help limit the spread of the COVID-19 virus while maintaining proficiency and readiness to implement the site's protective strategy. Therefore, the NRC staff concludes that granting these temporary exemptions is in the public interest.

### **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**

For the reasons stated above, 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 NextEra's request to exempt Turkey Point 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.2.(a), E.1.(c) and (f), and F.5.(a) of 10 CFR Part 73, Appendix B, Section VI.

D. Moul

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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 Turkey Point project manager, Eva Brown, by e-mail to [Eva.Brown@nrc.gov](mailto:Eva.Brown@nrc.gov).

Sincerely,

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

Docket Nos. 50-250 and 50-251

cc: Listserv

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 TEMPORARY EXEMPTION CONCERNING SECURITY TRAINING  
 REQUIREMENTS (EPID L-2020-LLA-0067 0041 [COVID-19])  
 DATED JUNE 15, 2020

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**ADAMS Accession No. ML20149K606**

**\*by e-mail**

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