



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

June 12, 2020

Mr. Daniel G. Stoddard  
Senior Vice President and  
Chief Nuclear Officer  
Innsbrook Technical Center  
5000 Dominion Boulevard  
Glen Allen, VA 23060-6711

SUBJECT: NORTH ANNA POWER STATION, UNITS 1 AND 2 – TEMPORARY  
EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73,  
APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,”  
SECTION VI (EPID L-2020-LLE-0090 [COVID-19])

Dear Mr. Stoddard:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the below temporary 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 North Anna Power Station, Unit Nos. 1 and 2 (NAPS). This action is in response to your application dated May 28, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20149K650), that requested a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding the quarterly tactical response drills and the annual licensee conducted force-on-force (FOF) exercises.

The requirements in 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.

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.

In your May 28, 2020, application, you stated the following:

- This temporary exemption supports the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the 2020 COVID-19 virus.
- NAPS implemented isolation activity restrictions for site personnel on March 9, 2020. These restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- NAPS will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the date of their last qualification.
- NAPS will ensure contingency response readiness of security personnel not participating in a quarterly drill or annual FOF exercise, or both, by conducting a scenario-based table-top exercise.
- NAPS will complete any missed FOF exercise within the time period in the exemption request, when isolation restrictions are ended.
- NAPS will begin implementing COVID-19 PHE controls for managing personnel performing Security Program duties associated with 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1), upon NRC approval.

This temporary exemption will apply to NAPS security personnel who have been previously and are now currently qualified in accordance with the requirements in 10 CFR Part 73, Appendix B, Section VI. You stated that because of the rigorous nature of NAPS'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.

You also stated that you will implement the site-specific training requalification controls noted above, consistent with those outlined in 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). You requested that the duration of the exemptions be in effect for 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, also consistent with the NRC staff's April 20, 2020 letter.

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application of any interested person or on 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 NAPS security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on the limited scope of the exemption to already qualified security personnel, and its review of the controls NAPS will implement for the duration of the exemption, including conducting a table-top exercise and completing any missed FOF exercise within the time period in this request when isolation restrictions are ended, the NRC staff has reasonable assurance that the security force at NAPS 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 drills and FOF exercises 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 exemption from the annual FOF requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting this temporary exemption is in the public interest because it allows the licensee to maintain the required security posture at NAPS, 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 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 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; 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 facility licensee's 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 NAPS safety analysis. In addition, the NRC staff has 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

The NRC has determined that pursuant to 10 CFR 73.5, this 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 Commission hereby grants the licensee's request to exempt NAPS from the security personnel requalification training requirements in subsection C.3.(I)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption expires 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the NAPS project manager, Ed Miller, at (301) 415-2481 or [ed.miller@nrc.gov](mailto:ed.miller@nrc.gov).

Sincerely,

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

Docket Nos. 50-338 and 50-339

cc: Listserv

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**ADAMS Accession Nos.: ML20150A292**

**\*Via E-mail**

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