



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

June 18, 2020

Andrea L. Sterdis  
Vice President Regulatory  
and Environmental Affairs  
Holtec Decommissioning  
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SUBJECT: PILGRIM NUCLEAR POWER STATION – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (L-2020-LLE-0098)

Dear Ms. Sterdis:

The U.S. Nuclear Regulatory Commission (NRC) 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 Pilgrim Nuclear Power Station (PNPS). This action is in response to your application, dated June 5, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20157A259 (withheld from public disclosure)), as supplemented on June 11, 2020 (ADAMS Accession No. ML20163A680), that requested a temporary exemption from the licensee-conducted annual force-on-force (FOF) exercise requirement in 10 CFR 73, Appendix B, Section VI, subsection C.3.(I)(1).

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.

In your June 11, 2020, supplement, you confirmed that the Holtec Decommissioning International, LLC (HDI) Request for Relief due to Coronavirus Disease 2019 (COVID-19) for PNPS security training and qualification requirements is limited to the conduct of the annual FOF exercise. Specifically, you stated:

- “Quarterly training is able to be conducted since it is done in small groups pulling select individuals off shift and training in accordance with our social distancing policies. This allows us to complete the requirement for a tactical response drill on a quarterly basis.

- Annual training requires a full force-on-force exercise that cannot be conducted under current social distancing policies. Thus, the requirement for a force-on-force exercise on an annual basis is not able to be met at this time.”

The purpose of the annual licensee-conducted FOF exercise is to ensure that the site security force maintains its contingency response readiness.

On January 31, 2020, the U.S. Department of Health and Human Services declared a COVID-19 public health emergency (PHE) for the United States. Subsequently, the Centers for Disease Control and Prevention has issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19.

In your June 5, 2020, application, you stated the following:

- Massachusetts Governor Charles Baker declared a state of emergency on March 10, 2020.
- In response to these declarations and in accordance with the HDI Pandemic Response plan, HDI has postponed some site activities due to isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) and also anticipates the possibility of isolation of required station personnel to maintain necessary staffing levels.
- HDI commenced isolation activities necessary to protect required station staff on March 21, 2020.
- Issuance of the temporary exemption from the annual FOF exercise requirements in 10 CFR 73, Appendix B, Section VI, subsection C.3.(I)(1) supports the isolation activities necessary to protect required site security personnel in response to the COVID-19 virus.
- Implementation of the requested temporary exemption will facilitate licensee efforts to help ensure that licensee site security personnel remain isolated from the COVID-19 virus and remain capable of maintaining plant security.
- PNPS will implement the following controls to ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities: conduct individual table tops and conduct of question and answer sessions (e.g., via telephone, conference lines, webinars, etc.). This training will be documented on security training forms and retained in plant records.

- The exemption is required through the period that isolation activities are in effect for the required plant staff and an additional 90-day transition period following the end of isolation activities.

This temporary exemption will apply to PNPS security personnel who have previously been and are now currently qualified in accordance with the requirements in 10 CFR Part 73, Appendix B, Section VI. You stated that the proposed exemption is related to training and requalification and does not change the physical security plans or the defensive strategy. Also, you stated that security personnel are monitored regularly by supervisory personnel and will implement the controls identified above (e.g., individual table tops and conduct of question and answer sessions) to ensure impacted security personnel maintain the knowledge, skills and abilities required to effectively perform assigned duties and responsibilities. Therefore, you stated that granting the requested temporary exemption will not endanger or compromise the common defense or security or safeguarding of PNPS.

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 10 CFR Part 73, "Physical Protection of Plants and Materials" when the exemptions are authorized by law and 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 licensee security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls you will implement for the duration of the exemption, including conducting individual table tops and conducting question and answer sessions (e.g., via telephone, conference lines, webinars, etc.), the NRC staff has reasonable assurance that the security force at PNPS will maintain its proficiency and its readiness to implement the licensee's protective strategy and adequately protect the site.

You also stated that due in part to the nature of the COVID-19 pandemic, isolation activities lasting longer than several weeks are expected, so in accordance with the HDI Pandemic Response Plan an extended recovery period following the end of these isolation activities is expected. You stated that the time period during which the exemption is required is not currently known but will be applicable through the period that isolation activities are in effect for the required plant staff and an additional 90-day transition period following the end of isolation activities would be needed to HDI to restore compliance with Appendix B to Part 73. It is the NRC's expectation that any annual licensee-conducted FOF exercises that are delayed will be rescheduled so that they are completed after the national COVID-19 PHE for the United States declared on January 31, 2020, by the U.S. Department of Health and Human Services ends.

Based on its review of your application, the NRC staff determined that granting this exemption for no longer than 90 days following the lifting of the national COVID-19 PHE for the United States declared on January 31, 2020, by the U.S. Department of Health and Human Services,

or December 31, 2020, whichever occurs first, would allow for the licensee to restore normal security staffing in a systematic manner. For example, it may take time after the national COVID-19 PHE is lifted for COVID-19-affected security personnel to fully recover and return to work. Based on the above, the NRC staff concludes that the proposed exemption 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. The licensee states that maintaining PNPS security staff in place while meeting social distancing guidelines supports the security function of a decommissioning reactor to support the protection of spent fuel. According to the licensee, this protects the health and safety of the public by protecting the nuclear facility including spent fuel cooling, work necessary to remove fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation, and a robust security footprint. Additionally, the licensee states, "PNPS pandemic response plan is based on NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide" (Reference 3) which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as applicable as well as social distancing, group size limitations and self-quarantining, in an event of a pandemic, to prevent the spread of the virus to the plant." The NRC staff finds that the temporary exemption from the requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), specific only to the annual FOF exercise requirement is in the public interest because it allows the licensee to maintain the required security posture at PNPS while performing decommissioning activities. The exemption also enables the licensee to minimize the risk of exposing essential security personnel to the coronavirus during the COVID-19 PHE.

### **Environmental Considerations**

The NRC staff's approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25)(vi)(E), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined that this action applies to granting of an exemption from requirements relating to education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff has 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 defueled 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 licensee's 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. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. 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, the 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 temporarily exempt PNPS from the requirements for periodic requalification of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI, specific only to the annual FOF exercise requirements. This exemption expires no later than 90 days following the lifting of the national COVID-19 PHE for the United States declared on January 31, 2020, by the U.S. Department of Health and Human Services, or December 31, 2020, whichever occurs first. The PNPS is required to meet the requirements for periodic requalification of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI specific to quarterly drills.

If you have any questions, please contact the project manager for the Pilgrim site, Amy M. Snyder, Senior Project Manager at 301-415-6822 or via e-mail at [Amy.Snyder@nrc.gov](mailto:Amy.Snyder@nrc.gov).

Sincerely,

Patricia K. Holahan, Director  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 50-293

cc: Pilgrim Listserv  
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**ADAMS Accession No.: ML20160A242**

**\*via email**

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