



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

July 30, 2020

Mr. James M. Welsch  
Senior Vice President, Generation  
and Chief Nuclear Officer  
Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant  
P.O. Box 56, Mail Code 104/6  
Avila Beach, CA 93424

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 – EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (EPID L-2020-LLE-0117 [COVID-19])

Dear Mr. Welsch:

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 Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon). This action is in response to the Pacific Gas and Electric Company (PG&E or the licensee) application dated July 21, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20203M197 (non-public, withheld under 10 CFR 2.390)), that requested a temporary exemption for Diablo Canyon from 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a), regarding firearms requalification.

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.

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.

PG&E's application dated July 21, 2020, stated the following:

- This temporary exemption supports 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.
- PG&E began implementing proactive isolation restrictions for site personnel on March 13, 2020.
- PG&E will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the dates of their initial qualification.
- Diablo Canyon will conduct individual discussions regarding the fundamentals of marksmanship.
- Diablo Canyon will complete any missed firearms requalification, within the time period in this request, when isolation restrictions are ended.
- PG&E will begin implementing controls for managing personnel performing security program duties upon NRC approval of its request.

This temporary exemption will apply to Diablo Canyon security personnel who have previously been and currently are qualified in accordance with the requirements in 10 CFR Part 73, Appendix B, Section VI. PG&E also stated that given the rigorous nature of the Diablo Canyon 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, PG&E stated it will implement site-specific training requalification controls consistent with those outlined in 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). PG&E 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.

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, 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, PG&E will implement for the duration of the exemption, including individual discussions regarding the fundamentals of marksmanship and completing any missed firearms requalification within the time period for this exemption, the NRC staff has reasonable assurance that the security force at Diablo Canyon will maintain its proficiency and its readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, 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. Participation in firearms requalification 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 requirements in 10 CFR Part 73, Appendix B, Section VI, subsection F.5.(a), 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 the temporary exemption is in the public interest because it allows the licensee to maintain the required security posture at Diablo Canyon, 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 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." There is 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. There is no significant construction impact because this exemption does not involve any changes to a construction permit. There is 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 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 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 Diablo Canyon from the firearms requalification requirement of security personnel in subsection F.5.(a) 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 Diablo Canyon project manager, Samson Lee, at 301-415-3168 or by e-mail at [Samson.Lee@nrc.gov](mailto:Samson.Lee@nrc.gov).

Sincerely,

Gregory F. Suber, Deputy Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: Listserv

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**ADAMS Accession No.: ML20209A050**

**\*by e-mail**

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