



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

October 20, 2020

Mr. Fadi Diya
Senior Vice President and
Chief Nuclear Officer
Ameren Missouri
Callaway Energy Center
8315 County Road 459
Steedman, MO 65077

SUBJECT: CALLAWAY PLANT, UNIT NO. 1 – EXEMPTION FROM CERTAIN
REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA
FOR SECURITY PERSONNEL,” SECTION VI
(EPID L-2020-LLE-0140 [COVID-19])

Dear Mr. Diya:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the below 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 Callaway Plant, Unit No. 1 (Callaway). This action is in response to the Union Electric Company, dba Ameren Missouri (the licensee) application dated September 3, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20247J644), as supplemented by letter dated September 18, 2020 (ADAMS Accession No. ML20262H112 (not publicly available, withheld under 10 CFR 2.390)), that requested temporary exemptions from 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and C.2.(b), regarding on-the-job training (OJT); subsection D.1.(b)(3), regarding annual written exams; subsection D.2.(a), regarding annual requalification; subsection E.1.(c), regarding annual firearms familiarization; and subsection F.5.(a), regarding annual weapons requalification.

The NRC granted a temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f), regarding weapons range activities on June 23, 2020 (ADAMS Accession No. ML20169A446) for Callaway.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and (b) require licensees to conduct OJT and state:

(a) 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.

(b) 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 OJT 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 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 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 and maintain the requisite knowledge, skills, and abilities (KSAs) 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.

In your application dated September 3, 2020, as supplemented by letter dated September 18, 2020, you stated the following:

- The requested exemption supports the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel so that a sufficiently healthy and available security force can be maintained.
- Quarantining is and has been necessary to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- Regarding subsections C.2.(a) and C.2.(b), Ameren Missouri will maintain a list of the names of the individuals who will not meet OJT requirements. The list will include the dates of initial qualification for these individuals and a statement that the licensee has conducted a needs analysis to determine that the individual covered by the exemption has the requisite KSAs to perform the duties assigned. The exemption will only apply 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 Callaway's security organization. Security management will, in conjunction with the training program, continue to evaluate security personnel performance in the plant to identify and correct performance issues in a timely manner.
- Regarding subsections D.1.(b)(3), D.2.(a), E.1.(c), and F.5.(a), Ameren Missouri will maintain a list consisting of the names of the individuals who will not meet requalification requirements and the dates of the last qualification for each of the requirements not completed (i.e., annual written exam, firearms familiarization, and weapons requalification). Ameren Missouri will conduct discussions regarding critical tasks necessary for performance of security duties as assigned, and individual discussions regarding the fundamentals of marksmanship.
- Ameren Missouri will begin implementing the additional site-specific COVID-19 PHE controls for managing personnel performing Security Program duties upon NRC approval of the requested exemption, but no later than October 30, 2020.

These temporary exemptions are specific to Callaway security personnel who have previously demonstrated proficiency and are currently or were formerly qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. You also stated that because of the rigorous nature of Callaway nuclear security personnel training programs, which consist of regularly scheduled training activities to include weapons training, contingency response drills and exercises, and demonstration of 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 their requalification periodicity is temporarily exceeded. You requested that the duration of the exemptions to be in effect until 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 (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 that 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 this 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. These exemptions will only apply to Callaway 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 these exemptions and the controls you will implement for the duration of the exemptions; the NRC staff has reasonable assurance that the security force at Callaway 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. The NRC staff finds that the temporary exemptions from the requirements in 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and C.2.(b), D.1.(b)(3), D.2.(a), E.1.(c), and 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 these temporary exemptions are in the public interest because they allow the licensee to maintain the required security posture at Callaway, 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 Callaway from 10 CFR Part 73, Appendix B, Section VI, subsections C.2.(a) and C.2.(b), regarding OJT; subsection D.1.(b)(3), regarding annual written exams; subsection D.2.(a), regarding annual requalification; subsection E.1.(c), regarding annual firearms familiarization; and subsection F.5.(a), regarding annual weapons requalification.

These exemptions expire on December 31, 2020.

If you have any questions, please contact the Callaway project manager, Mahesh Chawla, at 301-415-8371 or by e-mail to Mahesh.Chawla@nrc.gov.

Sincerely,

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

Docket No. 50-483

cc: Listserv

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ADAMS Accession No.: ML20268A189

*via email

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