



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

December 11, 2020

Mr. John Dent, Jr.  
Vice President and Chief  
Nuclear Officer  
Nebraska Public Power District  
72676 648A Avenue  
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Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION – EXEMPTION FROM ANNUAL  
FORCE-ON-FORCE EXERCISE REQUIREMENT OF 10 CFR PART 73,  
APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,”  
SUBSECTION VI.C.3(I)(1) (EPID L-2020-LLE-0178 [COVID-19])

Dear Mr. Dent:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from a specific requirement 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 Cooper Nuclear Station (Cooper, CNS) for calendar year (CY) 2020. This action is in response to the Nebraska Public Power District (NPPD, the licensee) application dated October 27, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20309A663), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at Cooper.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

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) 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 annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these 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. By letter dated

August 24, 2020, (ADAMS Accession No. ML20212J176), the NRC granted the licensee's previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). That exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee-conducted FOF exercises by December 31, 2020.

The licensee's application dated October 27, 2020, stated the following:

- At the time of submittal for the exemption request, the duration of the PHE was discussed as "not currently known," and therefore a commitment was added to complete the exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact Cooper Nuclear Station's (CNS) ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, NPPD requests a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR [Part] 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the commitment in the previously approved exemption to conduct any missed annual licensee conducted FOF exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first.
- The PHE is still in effect and will be for an unknown period of time. It is also unknown when vaccinations will be available to the general public or what impact the virus will have this winter. The number of COVID-19 cases in the State of Nebraska and in the local health district are on an upward trend. Because of this upward trend, the Nebraska Department of Health and Human Services has raised the Directed Health Measures from a level 4 to a level 3 which increases the level of protective measures required across the State. NPPD has not relaxed their requirements for social distancing, minimizing group size, self-quarantining, etc., since the onset of the PHE.
- Security has been fluctuating [with a number of] officers off duty in COVID-19 protocols due to either being symptomatic or having been in contact with a symptomatic or confirmed positive COVID-19 individual. Adjustments to shift rotations, face coverings, social distancing and other protective measures are being used to minimize potential COVID-19 exposure risks. This is especially important in space limited areas, such as, bullet resistant enclosures. To further limit risk, CNS Security has suspended in-person shift turnover meetings to support social distancing and to eliminate officers being in a meeting room together.
- Approval of this exemption is needed to support the isolation protocols necessary to protect essential site personnel. The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope,

because CNS has continued to conduct the following training requalification requirements of Section VI, of Appendix B, to Part 73:

- Quarterly tactical response drills (tabletop drills and timeline drills, but no limited-scope tactical response drills)
  - Annual firearms familiarization
  - Annual daylight qualification course
  - Annual night fire qualification course
  - Annual tactical qualification course
  - On-the-job training
  - Annual physical examination
  - Annual physical fitness test
  - Weapons range activity (4-month periodicity)
  - Annual written exam
- In addition, in accordance with the approved temporary exemption, CNS conducted tabletop exercises and reviewed lessons-learned of past exercises with all impacted security personnel.

This exemption is specific to CY 2020 and Cooper security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that given the proposed exemption does not change physical security plans or the defensive strategy; impacted security personnel continue to maintain proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect the station against the design basis threat because Cooper has continued to conduct other training requalification requirements; and security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the temporary exemption granted on August 24, 2020, granting the requested exemption will not endanger or compromise the common defense or security, or safeguarding Cooper. Additionally, the October 27, 2020, request identified the site-specific actions listed above that will be implemented or continue to occur at Cooper to maintain contingency response readiness, consistent with the NRC staff's letter dated October 13, 2020 (ADAMS Accession No. ML20273A117).

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 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 in accordance with the security requirements outlined in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that the licensee will implement for the duration of the exemption to ensure contingency response readiness

(including continuing to conduct quarterly tactical response drills and other security qualification requirements), the NRC staff has reasonable assurance that the security force at Cooper 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 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 NRC staff finds that the exemption from the annual FOF exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 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 exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Cooper, 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. 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; 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 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 NRC hereby grants the licensee's request to exempt Cooper from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact the Cooper project manager, Thomas Wengert, at 301-415-4037 or via e-mail at [Thomas.Wengert@nrc.gov](mailto:Thomas.Wengert@nrc.gov).

Sincerely,

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

Docket No. 50-298

cc: Listserv

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**ADAMS Accession No. ML20323A237**

\*by e-mail

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