



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

December 8, 2020

Mr. Joel P. Gebbie  
Senior Vice President and Chief  
Nuclear Officer  
Indiana Michigan Power Company  
Nuclear Generation Group  
One Cook Place  
Bridgman, MI 49106

SUBJECT: DONALD C. COOK NUCLEAR PLANT, UNIT NOS. 1 AND 2 – EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI.C.3(I)(1) (EPID L-2020-LLE-0182 [COVID-19])

Dear Mr. Gebbie:

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 Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (CNP) for calendar year (CY) 2020. This action is in response to Indiana Michigan Power Company’s (I&M, or the licensee) application dated November 4, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20318A034), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises for CY 2020 at CNP.

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 (CDC) issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19. On July 21, 2020 (ADAMS Accession No. ML20171A686), the NRC granted I&M’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 November 4, 2020, states, in part, the following:

- The FOF exercise requires extensive use of the Bullet Resistant Enclosures (BREs), In-Plant Office, and Alarm Stations. I&M attempted to plan FOF exercises with sufficient distance and there is not enough space to maintain 6 feet of separation with the addition of players, controllers, and on-duty personnel. Conducting FOF exercises in the winter months in Michigan requires equipment issue and return to take place indoors to minimize personnel exposure to the elements. Completing the FOF exercise would require the majority of security personnel, players and controllers to be in close proximity for 45 minutes and potentially up to several hours. This is in direct contradiction to the CDC recommendations.
- Berrien County has experienced a spike in cases in the fall of 2020. The Berrien County spike has led to a spike in cases for I&M employees at CNP. Senior Leadership has initiated a "COVID reset" period following the fall 2020 outage to maintain only essential personnel on site. The populations that are most critical to plant operation are Operators and Security Officers due to the fact that the jobs that they perform are highly specialized. There are a limited number of people qualified to perform each function. A wave of COVID in either of these populations could result in the inability to meet minimum staffing, which is unacceptable.
- Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.
- 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 CNP has continued to conduct the following training requalification requirements of 10 CFR Part 73, Appendix B, Section VI:
  - Quarterly tactical response drills (Tabletop drills, Timeline drills, Target set training, etc.)
  - 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, and in accordance with the approved temporary exemption granted on July 21, 2020, CNP conducted a lessons-learned review of past exercises from 2018 and 2019, and a walkdown of previous exercise route of travel with all impacted security

personnel. Additionally, though included in the temporary exemption request, CNP was able to restore and keep the quarterly tactical response drill requirement current by conducting tabletops and target set training.

This exemption is specific to CY 2020 and CNP 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 the licensee 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 approved temporary exemption granted on July 21, 2020, granting the requested exemption will not endanger or compromise the common defense or security, or safeguarding CNP. Additionally, the November 4, 2020, request identified the site-specific actions listed above that will be implemented at CNP to maintain contingency response readiness, consistent with the NRC staff's October 13, 2020, letter (ADAMS Accession No. ML20273A117).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by 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 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 that the licensee will implement for the duration of the exemption, including continuing to conduct quarterly tactical response drills and other security requalification requirements, the NRC staff has reasonable assurance that the security force at CNP 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 requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(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 reducing the likelihood of security personnel being exposed to the COVID-19 virus because of their involvement in a FOF exercise. 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 CNP, 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 this 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 CNP 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 CNP project manager, Scott P. Wall, at 301-415-2855 or via e-mail at [Scott.Wall@nrc.gov](mailto:Scott.Wall@nrc.gov).

Sincerely,

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

Docket Nos. 50-315 and 50-316

cc: Listserv

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**ADAMS Accession No.: ML20324A003**

**\*via email**

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