



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

December 16, 2020

Andrea L. Sterdis  
Vice President Regulatory  
and Environmental Affairs  
Holtec Decommissioning  
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Camden, NJ 08104

SUBJECT: PILGRIM NUCLEAR POWER STATION– EXEMPTION FROM ANNUAL  
FORCE-ON-FORCE EXERCISE REQUIREMENTS OF TITLE 10 OF THE  
*CODE OF FEDERAL REGULATIONS* PART 73, APPENDIX B, “GENERAL  
CRITERIA FOR SECURITY PERSONNEL,” SUBSECTION VI.C.3(I)(1)  
(EPID L-2020-LLE-0220 [COVID-19])

Dear Ms. Sterdis:

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 Pilgrim Nuclear Power Station (PNPS) for calendar year (CY) 2020. This action is in response to Holtec Decommissioning International, LLC’s (HDI’s or the licensee’s) application dated November 20, 2020 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML20325A341) (non-public, withheld under 10 CFR 2.390)), as supplemented by e-mail dated December 10, 2020 (ADAMS Accession No. ML20345A199), 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 PNPS.

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 exercise 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.

On June 18, 2020, (ADAMS Accession No. [ML20160A242](#)), 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 November 20, 2020, as supplemented by e-mail dated December 10, 2020, stated the following, in part:

- The Governor of the Commonwealth of Massachusetts issued restrictions in response to the spread of the COVID-19 virus and imposed isolation and other limitations throughout the State. The COVID-19 PHE has not ended and continues to impact the licensee's ability to conduct annual FOF exercises at PNPS.
- PNPS is also unable to conduct the 2020 CY FOF exercises due to: Holtec infectious disease transmission prevention strategies, and CDC recommendations. Specifically, drill and exercise evolutions require three teams, along with personnel from other sites, to be onsite and within close proximity during briefings, conduct of the drills, and critiques. Examples of individuals in close proximity are personnel collocated in Bullet Resistant Enclosures (BREs) and Alarm Stations that do not lend themselves to adequate social distancing for the on-duty officer, drill play officer, and the controller."
- 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 PNPS has continued to conduct the following training requalification requirements of 10 CFR 73, Appendix B, Section VI:
  - Quarterly tactical response drills (Tabletop drills, Timeline drills, 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

- PNPS has also conducted individual tabletops and question and answer sessions (e.g., via telephone, conference lines, webinars, etc.) with all impacted security personnel.

This exemption is specific to CY 2020 and PNPS 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 security personnel impacted by this request were qualified on all required tasks at the time of the PHE; 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 PNPS 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 NRC staff's June 18, 2020, letter, therefore, granting the requested one-time exemption will not endanger or compromise the common defense or security, or safeguarding of PNPS. Additionally, the licensee identified site-specific actions that have occurred or will continue to occur at PNPS, 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 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 PNPS security personnel who are already qualified on all required tasks at the time of the PHE. Based on this fact, and its review of the controls that the licensee has or will continue to 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 PNPS 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.(I)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of maintaining 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 PNPS, while performing decommissioning activities.

## **Environmental Considerations**

The NRC staff's 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 defueled 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 PNPS from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(I)(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 PNPS project manager, Amy M. Snyder, at 301-415-6822 or 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(s): 50-293 and 72-1044

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