



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

September 22, 2020

Mr. Kevin Cimorelli  
Site Vice President  
Susquehanna Nuclear, LLC  
769 Salem Boulevard  
NUCSB3  
Berwick, PA 18603-0467

SUBJECT: SUSQUEHANNA STEAM ELECTRIC STATION, UNITS 1 AND 2 –  
EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73,  
APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL”  
(EPID L-2020-LLE-0094 [COVID-19])

Dear Mr. Cimorelli:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the 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 Susquehanna Steam Electric Station, Units 1 and 2 (Susquehanna). This action is in response to Susquehanna Nuclear, LLC’s (the licensee) application dated August 18, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20231A750 (non-public, withheld under 10 CFR 2.390)), that requested a temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), regarding annual force-on-force (FOF) exercises at Susquehanna.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(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.

Susquehanna Nuclear, LLC's August 18, 2020, application states 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.
- This exemption is needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- Susquehanna began implementing isolation restrictions for site personnel on March 4, 2020, and implemented additional isolation restrictions after the Governor of the Commonwealth of Pennsylvania issued a disaster declaration on March 6, 2020.
- Susquehanna will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the dates of the last qualification.
- Susquehanna will ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting a scenario-based tabletop exercise.
- Susquehanna will complete the FOF exercise within the time period in this request (i.e., prior to 90 days after the PHE is ended, or December 31, 2020, whichever occurs first) when isolation restrictions are ended.
- Susquehanna will begin implementing COVID-19 PHE controls for managing personnel performing security program duties upon NRC approval of Susquehanna Nuclear, LLC's August 18, 2020, exemption request.

This temporary exemption is specific to Susquehanna 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. Susquehanna Nuclear, LLC stated that given the rigorous nature of Susquehanna's 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, the August 18, 2020, request identified site-specific COVID-19 PHE controls listed above that will be implemented at Susquehanna, 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). Susquehanna Nuclear, LLC 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 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 Susquehanna Nuclear, LLC will implement for the duration of the exemption, including a tabletop exercise, and completing the annual FOF exercise within the time period for this exemption, the NRC staff has reasonable assurance that the security force at Susquehanna 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. Participation in annual FOF exercises 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 annual FOF requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), 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 Susquehanna, 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 Commission hereby grants the licensee's request to temporarily exempt Susquehanna 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 expires 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the Susquehanna project manager, Sujata Goetz, at 301-415-8004 or [Sujata.Goetz@nrc.gov](mailto:Sujata.Goetz@nrc.gov).

Sincerely,

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

Docket Nos. 50-387 and 50-388

cc: Listserv

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**ADAMS Accession No.: ML20232C272**

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