



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

May 22, 2020

Dr. Mary Lou Dunzik-Gougar
Reactor Administrator and Supervisor
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College of Science & Engineering
921 South 8th Avenue, MS 8065
Pocatello, ID 83209-8065

SUBJECT: IDAHO STATE UNIVERSITY – APPROVAL OF EXEMPTION FROM SELECT REQUIREMENTS OF 10 CFR PART 55, “OPERATORS’ LICENSES”

Dear Dr. Dunzik-Gougar:

The U.S. Nuclear Regulatory Commission (NRC) has approved the requested exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55, “Operators’ Licenses,” for licensed operators at the Idaho State University Aerojet-General Nucleonics Model 201-Modified Reactor. This action is in response to the Idaho State University (facility licensee) application dated May 13, 2020, as supplemented by email dated May 21, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML20135G765 and ML20142A492, respectively), related to an NRC letter dated April 14, 2020 (ADAMS Accession No. ML20104C071), describing a process to request expedited review of certain exemptions from 10 CFR Part 55 during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE).

Specifically, the application requested exemption from the licensed operator active status requirements in 10 CFR 55.53(e) and provided the following information:

- A request for exemption from the minimum of four hours per calendar quarter requirement normally needed to maintain active status under 10 CFR 55.53(e).
- A description of the alternative measures being used for the hours under the four-hour minimum of 10 CFR 55.53(e).
- A statement that an authorized representative of the facility licensee will certify completion of alternative measures.

The application also requested exemption from the resumption of licensed functions requirements in 10 CFR 55.53(f) to address those licensed operators that have already failed to perform licensed functions for a minimum of four hours per calendar quarter due to the COVID-19 PHE.

Consistent with 10 CFR 55.11, “Specific exemptions,” the NRC may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in 10 CFR Part 55 as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.

10 CFR 55.53(e) states that to maintain active status, the licensed operator shall actively perform the functions of an operator or senior operator for a minimum of four hours per calendar quarter. 10 CFR 55.53(f) states that if 10 CFR 55.53(e) is not met, before resumption of licensed functions, an authorized representative of the facility licensee must certify that the qualifications and status of the licensed operator are current and valid and that the licensed operator has completed a minimum of 6 hours of licensed functions under the direction of an operator or senior operator, as appropriate, and in the position to which the individual will be assigned.

A PHE requiring the use of social distancing and other practices intended to slow the spread of illness was not considered during the rulemaking that established the licensed operator active status and the resumption of licensed functions requirements.

During the COVID-19 PHE, facility licensees may need flexibility in managing personnel resources to avoid creating a situation where licensed operators are required to perform functions in close proximity to each other. Because the PHE may prevent licensed operators from actively performing licensed functions for a minimum of four hours per calendar quarter, the facility licensee will implement measures during the exemption term to ensure that operator competency is otherwise maintained, including providing refresher training on operating procedures to all licensed operators. An authorized representative of the facility licensee will certify completion of the compensatory measures. Based on the proposed compensatory measures, the NRC staff finds that the requested exemption will not endanger life or property.

The requested exemption from the licensed operator active status and the resumption of licensed functions requirements provides increased flexibility to facility licensees to shut down or otherwise minimize the number of licensed operators considered essential personnel to reduce the possibility of exposures to COVID-19 while also maintaining the knowledge and competency of licensed operators. Therefore, the NRC staff finds that the requested exemption is in the public interest.

The NRC staff determined that exemption from the licensed operator active status and the resumption of licensed functions requirements is permissible under the Atomic Energy Act of 1954, as amended, and other regulatory requirements. Therefore, the NRC staff finds that the requested exemption is authorized by law.

The application also referenced the requirement of the facility licensee's requalification program that each licensed operator must perform licensed functions for at least four hours per quarter including at least one complete startup and shutdown. If a licensed operator has not actively performed the functions of a licensed operator during a quarter, then he or she must perform at least six hours of licensed functions, including at least one complete startup and shutdown, under the direction of a licensed operator before resuming licensed functions. 10 CFR 55.59(a) requires that each licensed operator must successfully complete a requalification program developed by the facility licensee. 10 CFR 55.59(b) provides that if a licensed operator does not successfully complete the requalification program, then the NRC may require the licensed operator to complete additional training and to submit evidence to the NRC of successful completion of this training before returning to licensed duties. The NRC staff has determined that the proposed compensatory measures discussed above will satisfy 10 CFR 55.59(b) in the event that a licensed operator is not able to perform licensed functions for the required number of hours, including at least one complete startup and shutdown, per quarter or before resuming licensed functions.

Granting the requested exemption is categorically excluded under 10 CFR 51.22(c)(25) and there are no special or extraordinary 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 the requested exemption 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; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because the 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"; no significant increase in individual or cumulative public or occupational radiation exposure because the 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; no significant construction impact because the exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because the exemption does not alter any of the assumptions or limits in the facility licensee's safety analyses. 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. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the requested exemption.

Based on the above, the NRC staff finds that (1) the exemption is authorized by law, (2) the exemption will not endanger life or property, and (3) the exemption is otherwise in the public interest.

The exemption is effective upon issuance until 90 days after the COVID-19 PHE is ended or until December 31, 2020, whichever occurs first.

Sincerely,

/RA Brian W. Smith for/

John D. Monninger, Director
Division of Advanced Reactors and Non-Power
Production and Utilization Facilities
Office of Nuclear Reactor Regulation

Docket No. 50-284

cc: See next page

Idaho State University

Docket No. 50-284

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Test, Research and Training
Reactor Newsletter
Attention: Ms. Amber Johnson
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ADAMS Accession No.: ML20142A486 Package***via e-mail****NRR-048**

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