



CONNECTICUT YANKEE ATOMIC POWER COMPANY

HADDAM NECK PLANT

362 INJUN HOLLOW ROAD • EAST HAMPTON, CT 06424-3099

May 14, 2020

CY-20-011

10 CFR 73.4 and 10 CFR 73.5

ATTN: Document Control Desk
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Connecticut Yankee Atomic Power Company
Haddam Neck Plant Independent Spent Fuel Storage Installation
NRC License No. DPR-61 (NRC Docket No. 50-213)

72-039

Subject: Request for a Temporary Exemption from 10 CFR 73, Appendix B, Section I.E and
10 CFR 73.55(r) Annual Physical Requalification Requirement

Pursuant to 10 CFR 73.5, "Specific Exemptions," Connecticut Yankee Atomic Power Company (CYAPCO) requests a temporary exemption from 10 CFR Part 73, Appendix B, Section I.E., "Physical and medical requalification," and the 10 CFR 73.55(r) approved alternative measures listed in Section 9.1.2.2 of the Haddam Neck Plant (HNP) Independent Spent Fuel Storage Installation (ISFSI) Physical Security Plan (PSP) regarding the annual physical requalification frequency requirement. Section 9.1.2.2 has a grace period of three months for annual physicals. CYAPCO has several security force members in the three-month grace period and anticipates these individuals will go beyond the three-month grace period. The first security force member entered the grace period for annual physical requirements on April 16, 2020; thus, CYAPCO will need the temporary exemption approved prior to July 15, 2020 (when the grace period expires).

If granted, the exemption will permit CYAPCO to extend the schedule define for the performance of requalification physicals in accordance with the training and qualification plan described in Section 9.1.2.2 of the HNP ISFSI PSP.

CYAPCO is requesting that the duration of the temporary exemption be tied to the end of the pandemic associated with the COVID-19 outbreak. The end of the pandemic would be signified by suspension of the emergency declaration at the local, state and federal level. HNP will complete the physical requalification of the impacted security staff at the first reasonable opportunity, and no later than 12 months following the suspension of the emergency declaration at the local, state, and federal level.


The exemption request is provided in Enclosure 1.

This letter contains a regulatory commitment as described in Enclosure 2.

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If you have any questions regarding this submittal, please do not hesitate to contact me at
(860) 267-6426 ext. 320.

Respectfully,



Jim Lenois
ISFSI Manager

Enclosures:

1. Request for a Temporary Exemption from 10 CFR 73, Appendix B, Section I.E and 10 CFR 73.55(r), Annual Physical Requalification Requirement
 2. Haddam Neck Plant ISFSI Regulatory Commitment
- cc: D. Lew, NRC Region I Administrator
A. Dimitriadis, Chief, Decommissioning Branch, NRC, Region 1
J. McKirgan, Chief, Division of Fuel Management, Storage and Transportation Licensing Branch
J. Semancik, Director, CT DEEP, Radiation Division

**Request for a Temporary Exemption from
10 CFR 73, Appendix B, Section I.E and 10 CFR 73.55(r)
Annual Physical Requalification Requirement**

1. PROPOSED EXEMPTION

Pursuant to 10 CFR 73.5, "Specific Exemptions," Connecticut Yankee Atomic Power Company (CYAPCO) requests a temporary exemption from 10 CFR Part 73, Appendix B, Section I.E., "Physical and medical requalification," and the 10 CFR 73.55(r) approved alternative measures listed in **Section 9.1.2.2** of the Haddam Neck Plant (HNP) Independent Spent Fuel Storage Installation (ISFSI) Physical Security Plan (PSP) regarding the annual physical requalification frequency requirement. **Section 9.1.2.2** has a grace period of three months for annual physicals. CYAPCO has several security force members in the three-month grace period and anticipates these individuals will go beyond the three-month grace period. The first security force member entered the grace period for annual physical requirements on April 16, 2020 and CYAPCO will need the temporary exemption approved prior to July 15, 2020 when the grace period expires.

CYAPCO maintains a Suitability, Training and Qualification (ST&Q) Plan for the security organization to implement the requirements of 10 CFR Part 73, Appendix B, as applicable and with an approved alternative measure established in accordance with 10 CFR 73.55(r). As a result of the current limitations surrounding the pandemic associated with the Coronavirus Disease 2019 (COVID-19), there is limited access to public facilities, state and federal shelter-in-place orders have been issued, and additional risks associated with social interactions, that challenge CYAPCO's ability to comply with all requirements included in the ST&Q Plan.

Due to the impacts of the COVID-19 outbreak, requiring HNP ISFSI personnel to enter a medical facility imposes undue pandemic-related health risks for the employee, employee's family, medical staff and coworkers. In order to meet the requalification requirements of the HNP ISFSI ST&Q Plan, face-to-face appointments are necessary. Based on the information above, CYAPCO is requesting a temporary exemption from the requirements of 10 CFR 73, Appendix B, Section I.E., and the 10 CFR Part 73.55(r) approved alternative measure regarding the 12-month physical requalification requirement and three-month grace period in **Section 9.1.2.2** of the HNP ISFSI PSP.

CYAPCO is requesting that the duration of the temporary exemption be tied to the end of the pandemic associated with the COVID-19 outbreak. The end of the pandemic would be signified by suspension of the emergency declaration at the local, state and federal level.

Based on the information above, CYAPCO is requesting the following temporary exemption:

| Temporary Exemption | Duration |
|--|---|
| <u>10 CFR Part 73, Appendix B, Section I.E. and approved 10 CFR 73.55(r) Alternative Measure as described in Section 9.1.2.2 of the HNP ISFSI PSP.</u> | HNP will complete the physical requalification of the impacted security staff at the first reasonable opportunity, and no later than 12 months ¹ following the suspension of the emergency declaration at the local, state, and federal level. |

2. BACKGROUND

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the COVID-19. On March 10, 2020, the Governor of the State of Connecticut issued a declaration of public health and civil preparedness emergencies (Executive Order 7), proclaiming a state of emergency throughout the State of Connecticut as a result of the COVID-19 outbreak in the United States and confirmed spread in the State of Connecticut. On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. Subsequently, on March 13, 2020, the President of the United States of America declared the COVID-19 pandemic a national emergency.

On March 19, 2020, the Department of Homeland Security (DHS) issued Version 1.0 of "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response." In the guidance, DHS provided a list of sectors and identified essential critical infrastructure workers. The section entitled "Hazardous Materials" included "workers at nuclear facilities." Thus, an ISFSI that stores irradiated nuclear fuel and Greater-than-Class-C (GTCC) waste and its workers are considered essential critical infrastructure and workforce.

As a result of the current limitations surrounding the pandemic associated with the COVID-19 outbreak, there is limited access to public facilities, state and federal shelter in place orders, and additional risks associated with social interactions, that challenge CYAPCO's ability to comply with all requirements included in the HNP ISFSI ST&Q Plan.

Therefore, CYAPCO is requesting a temporary exemption as described in Section 1, for the security organization at the HNP ISFSI, located in Haddam Neck, Connecticut.

¹ The extended duration of this temporary exemption is based on a potential inundation on medical facilities following suspension of the emergency declaration in the local area.

3. BASIS FOR EXEMPTION

The specific conditions for granting an exemption from regulations in 10 CFR Part 73, are set forth in 10 CFR 73.5, "Specific Exemptions." In accordance with 10 CFR 73.5, the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. As discussed below, this temporary exemption request satisfies the provisions of 10 CFR 73.5.

3.1 The Temporary Exemption Request is Authorized by Law

The NRC's authority to grant an exemption from its regulations in 10 CFR Part 73 is established by law as discussed in 10 CFR 73.5. Therefore, granting an exemption is explicitly authorized by the NRC's regulations.

3.2 The Temporary Exemption Request Will Not Endanger Life or Property or the Common Defense and Security

The temporary exemption to allow an extension of the requalification frequency for medical physicals for security personnel will not endanger life or property or the common defense and security. Individuals within the security organization that require a requalifying physical have undergone the initial physical examination in accordance with the HNP ISFSI ST&Q Plan and requalifying physicals, as applicable, in accordance with **Section 9.1.2.2** of the HNP ISFSI PSP. The individuals that this exemption applies to have previously proven their physical ability prior to initial assignment and during any subsequent requalification training. As a compensatory measure, CYAPCO will require each individual, as applicable, within the security organization to be examined by a licensed medical physician through an internet based visual examination (e.g., telemedicine application) prior to the current expiration of their requalifying physical qualification within the grace period allowed in **Section 9.1.2.2** of the HNP ISFSI PSP. In addition, in accordance with current procedures, CYAPCO will continue to ensure that any individual within the security organization who self-declares their inability to perform their current assigned tasks, will be removed from duty. This temporary exemption will contribute to the common goal of protecting the HNP ISFSI facility, by preserving the health and safety of the current qualified security force. Therefore, this temporary exemption request will not endanger life or property or the common defense and security.

3.3 The Temporary Exemption Request is in the Public Interest

A temporary exemption to allow an extension of the requalification frequency for medical physicals is in the interest of the public. As described above, the Governor of Connecticut has issued shelter in place orders to protect public health and safety. In addition, the CDC recommends avoiding close contact (within about 6 feet) by putting distance between individuals. These orders and recommendations have a common goal of limiting social contact in order to disrupt the spread of the virus.

Requiring HNP ISFSI security personnel to enter any type of public facility or engage in close social interactions under the current conditions, imposes additional health risks for employees, employee's family, public facility staff and coworkers, due to the COVID-19 outbreak. In addition, the Center for Disease Control, states that the best way to prevent illness is to avoid being exposed to the virus. While precautions can be taken, each additional interaction among individuals increases the risk of spreading COVID-19. Therefore, this temporary exemption request is in the interest of the public.

4. ENVIRONMENTAL ASSESSMENT

Pursuant to 10 CFR 51.22(c)(25), an exemption from NRC regulations is subject to a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement if: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve: ... (E) Education, training, experience, qualification, requalification or other employment suitability requirements.

As demonstrated below, each of these provisions in 10 CFR 51.22(c)(25) is satisfied by this exemption request. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemptions.

4.1 These temporary exemptions do not involve a significant hazards consideration.

As provided in 10 CFR 50.92, an action involves a significant hazards consideration if it would: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety. As demonstrated below, none of these criteria apply to these exemptions.

The proposed temporary exemption would extend the frequency for the physical requalification for the applicable individuals within the security organization at the HNP ISFSI. The temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility, and, does not alter the design basis. Therefore, the exemption does not involve an increase in the probability or consequences of an accident, create the possibility of a new or different kind of accident, or a reduction in a margin of safety.

4.2 This exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

4.3 This exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

4.4 This exemption does not involve a significant construction impact.

This temporary exemption does not involve any physical change in the facility or the manner in which the facility will be constructed. Therefore, this temporary exemption does not involve a significant construction impact.

4.5 This exemption does not involve a significant increase in the potential for or consequences from radiological accidents.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant increase in the potential for or consequences from radiological accidents.

4.6 The requirements from which this exemption is sought involve education, training, experience, qualification, requalification or other employment suitability requirements.

This temporary exemption pertains to extending the frequency of requalification associated with physical requalification required by a 10 CFR 73.55(r) alternative measure in **Section 9.1.2.2** of the HNP ISFSI PSP. Therefore, the request involves the activities described in 10 CFR 51.22(c)(25)(vi)(E).

5. CONCLUSION

Pursuant to the provisions of 10 CFR 73.5, HNP is requesting a temporary exemption from 10 CFR Part 73, Appendix B, Section I.E. and the 10 CFR 73.55(r) associated approved alternative measure in **Section 9.1.2.2** of the HNP ISFSI PSP. Based on the considerations discussed above, the requested temporary exemption is authorized by law and will not endanger life or property or the common defense and security, and, are otherwise in the public interest.

6. REFERENCES

- 6.1 Office of the Governor, State of Connecticut, Ned Lemont, "Executive Order No. 7 Protection of Public Health and Safety during COVID-19 Pandemic and Response," March 10, 2020. <https://portal.ct.gov/Office-of-the-Governor/Governors-Actions/Executive-Orders?Page=3#pos=6475.2001953125>, date accessed May 1, 2020.
- 6.2 Centers for Disease Control, Coronavirus Disease 2019 (COVID-19), Protect Yourself, page last reviewed April 4, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>, date accessed May 1, 2020.
- 6.3 Proclamations, "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, issued on March 13, 2020 <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>, date accessed April 6, 2020.
- 6.4 World Health Organization, "WHO Director-General's opening remarks at the media briefing on COVID-19 – 11 March 2020," dated March 11, 2020 <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>, date accessed April 6, 2020.

Haddam Neck Plant ISFSI Regulatory Commitment

| Commitment | Due Date |
|--|--|
| CYAPCO will require each individual, as applicable, within the security organization to be examined by a licensed medical physician through an internet based visual examination (e.g., telemedicine application) prior to the current expiration of their requalifying physical qualification within the grace period allowed in Section 9.1.2.2 of the HNP ISFSI PSP. | Prior to the applicable individual's current expiration of their requalifying physical qualification within the grace period allowed in Section 9.1.2.2 of the HNP ISFSI PSP. |