



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

May 28, 2020

Mr. Bradley Y. Jenkins  
Vice President, Utility Operations  
Portland General Electric Company  
Trojan ISFSI  
71760 Columbia River Hwy  
Rainier, Oregon 97048

SUBJECT: ISSUANCE OF TEMPORARY EXEMPTION FROM 10 CFR Part 73, APPENDIX B, SECTION I.E. FOR TROJAN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (EPID: L-2020-LLE-0060 [COVID-19])

Dear Mr. Jenkins:

This is in response to your request dated May 13, 2020 (Agencywide Document Access and Management System (ADAMS) Accession No. ML20147A606), for a temporary exemption under Title 10 of the *Code of Federal Regulations* (10 CFR) 73.5 from physical and medical requalification, for Portland General Electric Company's (PGE) Trojan Independent Spent Fuel Storage Installation (ISFSI). Your request is consistent with the guidance in the April 7, 2020, letter issued by Mr. Lubinski (ADAMS Accession No. ML20094G166) on providing regulatory relief during the coronavirus disease 2019 (COVID-19) public health emergency (PHE).

In your letter, you requested a temporary exemption from 10 CFR Part 73, Appendix B, Section I.E., physical and medical requalification, to allow an extension of the requalification frequency which allows the Trojan ISFSI to complete the required 12-month security personal physical requalification at the first reasonable opportunity and no later than 6 months following the suspension of the emergency declaration at the local, State, and Federal level. You have committed that each applicable individual within the security organization will be examined by a licensed medical physician through an internet based visual examination (e.g., telemedicine application) prior to the current expiration of the qualification. Further, you have committed to entering all physical and medical requirements that are extended into the corrective action program prior to the expiration date of the qualification to ensure tracking for completion.

You state that the exemption is needed because Trojan ISFSI's Training and Qualification (T&Q) Program requires face-to-face appointments for the annual physical and medical requalification. Due to the COVID-19 PHE, the Oregon Governor and the Columbia County Board of Commissioners issued shelter-in-place orders, and the Centers for Disease Control and Prevention (CDC) recommends avoiding close contact. During this time, the qualified medical provider for the Trojan ISFSI is not seeing patients for routine visits, such as physical examinations. In addition, entering a medical facility would impose undue health risks to the individuals, their family, medical staff, and coworkers. Therefore, you conclude that this temporary exemption is needed to follow State and local governments' restrictions and CDC's recommendations.

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application of any interested person or on its own initiative, grant exemptions from 10 CFR Part 73 when the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

#### Authorized by Law

This temporary exemption would allow PGE an extension of the physical and medical requalification frequency which allows Trojan ISFSI to complete the required physical and medical requalification when the conditions are suitable for such activities. The NRC has determined that granting this temporary exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, this temporary exemption is authorized by law.

#### Will Not Endanger Life or Property or the Common Defense and Security

The staff performed a review of the temporary exemptions requested on the basis of the statements and representations provided by PGE in its temporary exemption request submittal in accordance with Commission policy, security orders, and ongoing staff activities.

Under 10 CFR 73.51(d)(5), you are required to comply with the applicable provisions of Part 73 Appendix B, Section II; and provisions within Section II require security personnel to be requalified in accordance with the NRC-approved training and qualification plan. Your approved T&Q Program commits to the provisions of 10 CFR Appendix B to Part 73 Section I.E (physical requalification) which requires that security personnel shall meet specified physical requirements every 12 months. You state that, because you have been in compliance with those requirements until this time, the individuals that this exemption applies to have satisfied those requirements prior to their initial assignment and during any subsequent physical and medical requalification. In your letter, you committed that each applicable individual within the security organization will be examined by a licensed medical physician through an internet based visual examination (e.g., telemedicine application) prior to the current expiration of the qualification. You also committed to entering all physical and medical requirements that are extended into the corrective action program prior to the expiration date of the qualification to ensure tracking for completion.

Because the requested temporary exemption is applicable to specific security officers who were previously qualified in accordance with 10 CFR Appendix B to Part 73 Section I.E, and they will receive an internet based visual examination by a licensed medical physician, the staff determined that it is reasonable to conclude that these security officers will maintain their physical qualification, proficiency, and the ability to demonstrate acceptable performance of day-to-day job activities (e.g., detection and assessment, patrols, and searches) even though the requalification periodicity will be temporarily exceeded through the PHE. Moreover, because PGE stated that it 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, the staff determined that effectiveness of the security force will be maintained. Therefore, the NRC finds that granting the requested temporary exemption would not endanger life or property or the common defense and security.

#### Otherwise in the Public Interest

The staff reviewed PGE's request and acknowledges that the State and local restrictions and

CDC's recommendations as a result of the COVID-19 PHE have caused challenges for Trojan ISFSI to comply with the annual physical and medical requalification requirements in 10 CFR Part 73, Appendix B, Section I.E. The staff finds that allowing an extension of the physical and medical requalification frequency and allowing Trojan ISFSI to complete the required requalification when the situation is suitable for such activities serves the public interest by facilitating the implementation of security measures regarding physical and medical requalification in a manner that does not conflict with practices recommended to limit the spread of COVID-19. The exemption allows the licensee to continue maintaining the safety and security of Trojan ISFSI during the COVID-19 PHE. Therefore, the NRC finds that granting the requested temporary exemption is in the public interest.

### Environmental Consideration

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 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. Additionally, the NRC staff determined that approval of this exemption would not result in a 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"; 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; 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.

### Conclusion

Accordingly, the NRC has determined that pursuant to 10 CFR 73.5, this temporary 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 PGE a temporary exemption from the annual physical and medical requalification requirement in 10 CFR Part 73, Appendix B, Section I.E. for Trojan ISFSI, which is incorporated in the NRC approved security plan required by Appendix B, Section II.E. This temporary exemption will allow an extension of the physical and medical requalification frequency to allow Trojan ISFSI to complete the required 12-month security personal physical requalification at the first reasonable opportunity and no later than December 31, 2020, or 90 days after the termination of the PHE by the Department of Health and Human Services, whichever occurs first. The duration of this exemption is consistent with the duration provided in an April 20, letter (ADAMS Accession No.

ML20105A483) regarding expedited review of other Part 73, Appendix B security personnel training and requalification frequency exemptions at other NRC licensed facilities. If you are not able to meet the physical requalification requirements prior to the expiration of this exemption, you may request an additional exemption.

Sincerely,

John B. McKirgan, Chief  
Storage and Transportation Licensing Branch  
Division of Fuel Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-17  
License No. SNM-2509

CAC No. 001028  
EPID: L-2020-LLE-0060

cc: See attached list.

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This closes EPID: L-2020-LLE-0060.

**ADAMS Accession Nos.: ML20149K417 (Pkg) ML20149K418 (Ltr(**  
**INCOMING: ML20147A606** \* via email

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