



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

June 23, 2020

Mr. Dave Yorke  
ISFSI Manager  
Yankee Atomic Electric Company  
49 Yankee Road  
Rowe, MA 01367

SUBJECT: ISSUANCE OF TEMPORARY EXEMPTION FROM 10 CFR PART 73,  
APPENDIX B, SECTION I.E. FOR YANKEE ROWE INDEPENDENT SPENT  
FUEL STORAGE INSTALLATION (EPID: L-2020-LLE-0063 [COVID-19])

Dear Mr. Yorke:

This is in response to your request dated May 20, 2020 (Agencywide Document Access and Management System (ADAMS) Accession No. ML20160A040), as supplemented by an email dated June 5, 2020 (ADAMS Accession No. ML20161A191) for a temporary exemption pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 73.5 from the physical and medical requalification, for Yankee Atomic Electric Company (YAEC) Yankee Rowe 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 YAEC at the Yankee Rowe ISFSI to complete the required security personnel physical requalification 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. 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, consistent with the Yankee Rowe ISFSI Physical Security Plan (PSP). You have also committed that YAEC 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.

You state that the exemption is needed because Yankee Rowe ISFSI's Suitability, Training and Qualification (ST&Q) Plan requires face-to-face appointments for the physical and medical requalification. Due to the COVID-19 PHE, the Governor of the Commonwealth of Massachusetts declared public health and civil preparedness emergencies, and the Centers for Disease Control and Prevention (CDC) recommends avoiding close contact. During this time, there is limited access to public facilities. Entering a medical facility would impose undue health risks to the individuals, their family, medical staff, and coworkers. In addition, there are additional risks associated with social interactions. Therefore, you conclude that this temporary

exemption is needed to follow State and local governments' restrictions and CDC 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 YAEC an extension of the physical and medical requalification frequency which allows YAEC to complete the required physical requalification at the Yankee Rowe ISFSI 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 exemption requested based on the statements and representations provided by YAEC in its temporary exemption request submittal in accordance with Commission policy, security orders, and ongoing staff activities.

Under 10 CFR 73.55(c)(4), you are required to follow your approved ST&Q Plan. Your NRC-approved ST&Q Plan commits to the provisions of 10 CFR Appendix B to Part 73 Section I.E (physical requalification) which requires that security personnel shall periodically meet specified physical requalification requirements. You state that the individuals that this exemption applies to have undergone the initial physical examination in accordance with the Yankee Rowe ISFSI ST&Q Plan and the requalifying physicals, as applicable, in accordance with Section 12.2.4 of Revision 19 of the Yankee Rowe ISFSI PSP. 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 physical requalification, as outlined in Section 12.2.4 of Revision 10 of the Yankee Rowe ISFSI PSP.

Because the requested temporary exemption is applicable to specific security officers who were previously qualified in accordance with 10 CFR Part 73, Appendix B, Section I.E, and they will receive an internet based visual examination by a licensed medical physician prior to the current expiration of the periodicity established in the PSP, the NRC 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. Moreover, because YAEC 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

YAEC indicated that the State and local restrictions and CDC's recommendations as a result of the COVID-19 PHE have caused challenges for YAEC to comply with the 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 YAEC to complete the required requalification at the Yankee Rowe ISFSI 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 Yankee Rowe 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 YAEC a temporary exemption from the physical and medical requalification requirement in 10 CFR Part 73, Appendix B, Section I.E. for the previously qualified Yankee Rowe ISFSI security personnel at the periodicity established in the Yankee Rowe ISFSI PSP. This temporary exemption will allow an extension of the physical and medical requalification frequency to allow YAEC to complete the required security personnel 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 Nos. 72-31 & 50-029  
License No. DPR-3

CAC No. 001028  
EPID: L-2020-LLE-0063

cc:

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DATED: June 23, 2020

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This closes EPID: L-2020-LLE-0063.

**Package: ML20162A127; Ltr: ML20162A128; INCOMING: ML20160A040, ML20161A191**

\* via email

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