



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

June 23, 2020

Mr. Fadi Diya  
Senior Vice President and  
Chief Nuclear Officer  
Ameren Missouri  
Callaway Energy Center  
8315 County Road 459  
Steedman, MO 65077

SUBJECT: CALLAWAY PLANT, UNIT NO. 1 – EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SECTION VI (EPID L-2020-LLE-0097 [COVID-19])

Dear Mr. Diya:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the below 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 Callaway Plant, Unit No. 1 (Callaway). This action is in response to the Union Electric Company, dba Ameren Missouri (the licensee) application dated June 4, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20156A192), as supplemented by letter dated June 17, 2020 (ADAMS Accession No. ML20169A542) that requested a temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f), regarding weapons range activities.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f), state:

Armed members of the security organization shall participate in weapons range activities on a nominal four (4) month periodicity. Performance may be conducted up to five (5) weeks before, to five (5) weeks after, the scheduled date. The next scheduled date must be four (4) months from the originally scheduled date.

The purpose of the weapons range activity is to ensure that armed individuals in the licensee’s security organization maintain weapons proficiency in support of the licensee’s physical protection program.

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.

Ameren Missouri's application dated June 4, 2020, as supplemented by letter dated June 17, 2020, stated the following:

- This temporary exemption supports the 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.
- Callaway will maintain a list of the names and the dates of the last qualification of the individuals who will not meet the requalification requirements of subsection E.1.(f) regarding weapons range activities on a nominal 4-month periodicity.
- The weapons range activity cannot be completed as required due to isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.).
- Affected security force personnel will be in their training week and will not perform qualified security duties during the short period of time in which they will not be qualified.
- Discussions will be held with the affected security personnel outlining the objectives of the weapons range activity that will be conducted after expiration of the grace period (i.e., the 5-week flexibility mentioned in E.1.(f)) due to COVID-19 concerns.
- Callaway will begin implementing its site-specific COVID-19 PHE controls for managing personnel performing Security Program duties on June 22, 2020, or upon NRC approval of the requested exemption.

This temporary exemption is specific to Callaway security personnel who have previously demonstrated proficiency and are now currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. Ameren Missouri also stated that given the rigorous nature of its 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, Ameren Missouri identified site-specific COVID-19 PHE controls, including completing the range activities within one week of the required timeframe and not permitting unqualified security force personnel to perform qualified security duties that will be implemented at Callaway to ensure impacted security personnel maintain their performance capability. Ameren Missouri 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 letter dated April 20, 2020, discussing planned activities related to the requirements for 10 CFR Part 73, Appendix B, Section VI, during the PHE (ADAMS Accession No. ML20105A483).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon 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 this 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 Callaway security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on the limited scope of this exemption to already qualified personnel and the controls Ameren Missouri will implement for the duration of the exemption, including completing the range activities within one week of the required timeframe, the NRC staff has reasonable assurance that the security force at Callaway 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 weapons familiarization and range activities requires significant staff support and 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 requirements in 10 CFR Part 73, Appendix B, Section VI, subsection E.1.(f) 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 this temporary exemption is in the public interest because it allows the licensee to maintain the required security posture at Callaway, 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)(vi)(E), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined 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. 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 Part 73.5, this 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 exempt Callaway from the requirement for periodic participation in weapons range activities in subsection E.1.(f) 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 Callaway project manager, Mahesh Chawla, at 301-415-8371 or by e-mail to [Mahesh.Chawla@nrc.gov](mailto:Mahesh.Chawla@nrc.gov).

Sincerely,

Craig G. Erlanger, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: Listserv

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**ADAMS Accession No.: ML20169A446**

\*via email

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