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SUPPLEMENTARY INFORMATION: The text of the exemption is attached.


For the Nuclear Regulatory Commission.

Jennifer C. Tobin,

Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

Nuclear Regulatory Commission

Docket Nos. 50–334 and 50–412

Energy Harbor Nuclear Corp., Energy Harbor Nuclear Generation LLC, Beaver Valley Power Station, Unit Nos. 1 and 2

II. Request/Action

By letter dated April 23, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20114E136), as supplemented by letter dated May 6, 2020 (ADAMS Accession No. ML20128J218), EHNC requested a temporary exemption from the following requirements in 10 CFR Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” pursuant to 10 CFR 73.5. "Specific exemptions.” Specifically, due to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) currently affecting the United States and the state of emergency declared by the Commonwealth of Pennsylvania on March 6, 2020, EHNC requested a temporary exemption from the following requirements in 10 CFR part 73, Appendix B, Section VI, related to periodic training and requalification of security personnel at Beaver Valley:

• Paragraph B.5.(a): “At least annually, armed and unarmed individuals shall be required to demonstrate the capability to meet the physical requirements of this appendix [10 CFR part 73, Appendix B] and the licensee training and qualification plan.”

• Paragraph C.3.(l)(1) in part: “Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least one (1) tactical response drill on a quarterly basis and one (1) force-on-force exercise on an annual basis.”

The U.S. Nuclear Regulatory Commission (NRC) has issued a temporary exemption from certain periodic training and requalification requirements for security personnel at the Beaver Valley Power Station, Unit Nos. 1 and 2, in response to an April 23, 2020, request, as supplemented on May 6, 2020, from Energy Harbor Nuclear Corp.


For the Nuclear Regulatory Commission.

Jennifer C. Tobin,

Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

Nuclear Regulatory Commission

Docket Nos. 50–334 and 50–412

Energy Harbor Nuclear Corp., Energy Harbor Nuclear Generation LLC, Beaver Valley Power Station, Unit Nos. 1 and 2

I. Background

Energy Harbor Nuclear Corp. (EHNC) and Energy Harbor Nuclear Generation LLC (collectively, the licensees) are the holders of Renewed Facility Operating License Nos. DPR–56 and NPF–73 for Beaver Valley Power Station, Unit Nos. 1 and 2 (Beaver Valley), which consist of two pressurized-water reactors (PWRs) located in Beaver County, Pennsylvania. The licenses provide, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

II. Request/Action

By letter dated April 23, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20114E136), as supplemented by letter dated May 6, 2020 (ADAMS Accession No. ML20128J218), EHNC requested a temporary exemption from certain periodic requalification requirements for security personnel in 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,” pursuant to 10 CFR 73.5. “Specific exemptions.” Specifically, due to the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) currently affecting the United States and the state of emergency declared by the Commonwealth of Pennsylvania on March 6, 2020, EHNC requested a temporary exemption from the following requirements in 10 CFR part 73, Appendix B, Section VI, related to periodic training and requalification of security personnel at Beaver Valley:

• Paragraph B.5.(a): “At least annually, armed and unarmed individuals shall be required to demonstrate the capability to meet the physical requirements of this appendix [10 CFR part 73, Appendix B] and the licensee training and qualification plan.”

• Paragraph C.3.(l)(1) in part: “Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least one (1) tactical response drill on a quarterly basis and one (1) force-on-force exercise on an annual basis.”

• Paragraph D.1.(b)(3) in part: “Armed individuals shall be administered an annual written exam that demonstrates the required knowledge, skills, and abilities to carry out assigned duties and responsibilities as an armed member of the security organization.”

• Paragraph D.2.(a): “Armed and unarmed individuals shall be requalified at least annually in accordance with the requirements of this appendix [10 CFR part 73, Appendix B] and the Commission-approved training and qualification plan.”

• Paragraph E.1.(c): “The licensee shall conduct annual firearms familiarization training in accordance with the Commission-approved training and qualification plan.”

• Paragraph E.1.(f) in part: “Armed members of the security organization shall participate in weapons range activities on a nominal four (4) month periodicity.”

• Paragraph F.5.(a): “Armed members of the security organization shall be re-qualified for each assigned weapon at least annually in accordance with Commission requirements and the Commission-approved training and qualification plan, and the results documented and retained as a record.”

EHNC requested that this temporary exemption expire 90 days following the end of the COVID–19 PHE, or December 31, 2020, whichever occurs first.

III. Discussion

On January 31, 2020, the U.S. Department of Health and Human Services declared a PHE for the United States to aid the nation’s healthcare community in responding to COVID–19.

Pursuant to 10 CFR 73.5, 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.

EHNC is requesting a temporary exemption from the requirements in paragraphs B.5.(a), C.3.(l)(1), D.1.(b)(3), D.2.(a), E.1.(c), E.1.(f), and F.5.(a) of 10 CFR part 73, Appendix B, Section VI, related to the periodic training and requalification of security personnel pursuant to 10 CFR 73.5. EHNC is requesting this temporary exemption to support licensee isolation activities (e.g., social distancing, group size limitations, and self-quarantining) to help protect required site personnel from COVID–19 and ensure personnel remain capable of maintaining plant security. EHNC stated that these “isolation activities restrict certain training activities.” EHNC stated, in part, that:

Range activities are challenged by current social distancing and safety guidelines relevant to COVID–19 and ensure personnel remain capable of maintaining plant security. Weapons range activities require significant staff support that potentially places armed individuals in the Energy Harbor Nuclear Corp. security organization and other security staff in close proximity to one another, increasing the likelihood of staff and officer exposure to COVID–19. Range...
possess the requisite knowledge, skills, and licensees’ armed and unarmed individuals requalification requirements is to ensure the Section VI:
The purpose of the annual adherence to social distancing standards. training lesson plans/material objectives; and learned from previous exercises and based on discussions during shifts and reviewing contingency response readiness. These described the measures it is taking to ensure responsibilities at Beaver Valley, EHNC stated that it “has established measures to ensure that individuals maintain performance capability despite not completing the annual requalification for the annual writers and firearms requalification and weapons requalification.” These measures include lesson plan objective-based discussions topics regarding critical tasks necessary for performance of security duties and regarding the fundamentals of marksmanship.

4. Paragraph E.1.(f) of 10 CFR 73. Appendix B, Section VI. 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 physical protection program. To help ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities at Beaver Valley, EHNC has established measures “to ensure security personnel self-report and notify supervision or medical personnel, as appropriate, of changes related to their physical fitness that could impact their ability to perform their respective job function.”

2. Paragraph C.3.(f)(1) of 10 CFR 73, Appendix B, Section VI. The purpose of the quarterly tactical drills and the annual licensee-conducted force-on-force exercises is to ensure the site security force maintains its contingency response readiness. Participation in these drills and exercises also supports the requalification of security force members. To help ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities at Beaver Valley, EHNC described the measures it is taking to ensure contingency response readiness. These measures are: Conducting individual table top discussions during shifts and reviewing response locations with adherence to social distancing standards; providing officers with shift discussion topics utilizing lessons learned from previous exercises and based on training lesson plans/material objectives; and providing for officer follow-up questions and answers focusing on on all that these training and requalification activities to comply with the regulation, these activities must be rescheduled to allow implementation of the EHNC pandemic response plan mitigation strategies. EHNC asserts that these strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job function actions during the COVID–19 PHE.

EHNC stated that the requested exemption is related to training requalification and does not change physical security plans or defensive strategy. EHNC stated that security personnel impacted by the requested exemption are currently satisfactorily qualified on all required tasks. EHNC also stated that security personnel are monitored regularly by supervisory personnel. As discussed above, EHNC identified controls that have been or will be implemented at Beaver Valley to ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities. Therefore, EHNC stated that granting the requested temporary exemption will not endanger public or the common defense and security. The requested exemption would temporarily allow the identified security training and requalification requirements to be deferred for security personnel currently satisfactorily qualified at Beaver Valley. EHNC indicated that although it had scheduled these requalification activities to comply with the regulation, these activities must be rescheduled to allow implementation of the EHNC pandemic response plan mitigation strategies. EHNC asserts that these strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job function actions during the COVID–19 PHE.

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The NRC staff finds that the controls EHNC has or will establish for the duration of the exemption are adequate to ensure that the required security posture at Beaver Valley is maintained. These controls are adequate because they include a variety of mechanisms to help ensure impacted security personnel continue to maintain the knowledge, skills, and abilities required to perform assigned duties and responsibilities, and as a result, will continue to ensure adequate security of Beaver Valley. In addition, the requested duration of the exemption would allow EHNC time to restore normal requalification processes at Beaver Valley in a systematic manner. For example, it may take time after the PHE ends for security personnel affected by COVID–19 to fully recover and return to duty status. Based on the above, the NRC staff concludes that the proposed exemption would not endanger life or property or the common defense and security.
C. Otherwise in the Public Interest

On April 17, 2020, the Cybersecurity & Infrastructure Security Agency (CISA) within the U.S. Department of Homeland Security (DHS) published Version 3.0 of its “Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID–19 Response.” Although that guidance is advisory in nature, it is designed to ensure “continuity of functions critical to public health and safety, as well as economic and national security.” In addition, the Centers for Disease Control and Prevention (CDC) has issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID–19.

EHNC stated, in part, that:

The Energy Harbor Nuclear Corp. pandemic response plan is based on [the Nuclear Energy Institute (NEI) guidance document] NEI 06–03, Pandemic Threat Planning, Preparation, and Response Reference Guide (Reference 4), which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as well as social distancing, group size limitations and self-quarantining, in the event of a pandemic to prevent the spread of the virus to the plant. NEI 06–03 provides other mitigation strategies that serve the public interest during a pandemic by ensuring adequate staff is isolated from the pandemic and remains healthy to perform their job function.

Keeping [Beaver Valley] in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the US Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation’s critical infrastructure similar to the medical, food, communications, and other critical industries. If the plant operation is impacted because it cannot comply with the security training, 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; no significant change in the types or significant increase in the amounts of any effluents that may be released offshore 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. As such, there are no special 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 this exemption request.

IV. Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR part 73.5, the 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 EHNC’s request to exempt Beaver Valley from the requirements for periodic requalification of security personnel in paragraphs B.5.(a), C.3.([l](1)), D.1(b)(3), D.2.(a), E.1.(c), E.1.(f), and F.5.(a) of 10 CFR part 73, Appendix B, Section VI. This exemption expires 90 days after the end of the COVID–19 PHE, or December 31, 2020, whichever occurs first.


For the Nuclear Regulatory Commission.
Craig G. Erlanger, Director.
Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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BILLING CODE 7590–01–P

PEACE CORPS
Submission for OMB Emergency Review: Request for Comments

AGENCY: Peace Corps.

ACTION: Notice of information collection—OMB emergency review and request for comments requested.

SUMMARY: The Peace Corps has submitted the following information collection request, utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 and OMB regulations. OMB approval has been requested by the Office of Strategic Information, Research and Planning (OSIRP). OMB is particularly interested in comments that: Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; Enhance the quality, utility, and clarity of the information to be collected; and Minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments on this proposal for emergency review should be received by May 22, 2020. If granted, the emergency approval is only valid for 180 days. We are requesting OMB to take action within two calendar days from the close of this Federal Register Notice on the request for emergency review.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk