

Authority: 44 U.S.C. 3506(c)(2)(A).

Anjanette Suggs,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-313, 50-368, 50-483, 50-317, 50-318, 50-315, 50-316, 50-416, 50-266, 50-301, 50-498, 50-499, NRC-2020-0110]

Issuance of Multiple Exemptions in Response to COVID-19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued seven exemptions in response to requests from six licensees. The exemptions afford these licensees temporary relief from certain requirements under NRC regulations. The exemptions are in response to the licensees' requests for relief due to the coronavirus disease 2019 (COVID-19) public health emergency (PHE). The NRC is issuing a single notice to announce the issuance of the exemptions.

DATES: During the period from October 6, 2020, to October 26, 2020, the NRC granted seven exemptions in response to requests submitted by licensees from July 13, 2020, to October 8, 2020.

ADDRESSES: Please refer to Docket ID NRC-2020-0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0110. Address questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact

the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov.

- **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at PDR.Resource@nrc.gov or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

FOR FURTHER INFORMATION CONTACT:

James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-7422, email: James.Danna@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from October 6, 2020, to October 26, 2020, the NRC granted seven exemptions in response to requests submitted by licensees from July 13, 2020, to October 8, 2020. These exemptions temporarily allow the licensees to deviate from certain requirements (as cited below) of various parts of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR).

The exemptions from certain requirements of 10 CFR part 26, "Fitness for Duty Programs," for Indiana Michigan Power Company (for Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2), and NextEra Energy Point Beach, LLC (for Point Beach Nuclear Plant, Units 1 and 2), afford these licensees temporary relief from the work-hour controls under 10 CFR 26.205(d)(1) through (d)(7). The exemptions from 10 CFR 26.205(d)(1) through (d)(7) ensure that the control of work hours and management of worker fatigue do not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID-19 PHE on maintaining the safe operation of these facilities. Specifically, these licensees have stated that their staffing levels are affected or are expected to be affected by the COVID-19 PHE, and they can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). These licensees have committed to effecting site-specific administrative controls for COVID-19 PHE fatigue-management for personnel specified in 10 CFR 26.4(a).

The exemptions from certain requirements of 10 CFR part 50, appendix E, "Emergency Planning and

Preparedness for Production and Utilization Facilities," section IV.F., "Training," for Entergy Operations, Inc. (for Arkansas Nuclear One, Units 1 and 2), and STP Nuclear Operating Company (for South Texas Project, Units 1 and 2), grant temporary exemptions from the biennial emergency preparedness exercise requirement. The exemptions allow a temporary exemption from the requirements of 10 CFR part 50, appendix E, regarding the conduct of the biennial emergency preparedness exercise. These exemptions will not adversely affect the emergency response capability of the facilities because affected licensee personnel are currently qualified, and the licensees' proposed compensatory measures will enable their staff to maintain their knowledge, skills, and abilities without the conduct of the biennial emergency preparedness exercise during the exemption term.

The exemptions from certain requirements of 10 CFR part 73, appendix B, "General Criteria for Security Personnel," section VI., "Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties," for Union Electric Company (for Callaway Plant, Unit No. 1); for Exelon Generation Company, LLC (for Calvert Cliffs Nuclear Power Plant, Units 1 and 2); and Entergy Operations, Inc. (for Grand Gulf Nuclear Station, Unit 1), afford these licensees temporary exemptions from certain requirements. The exemptions will help to ensure that these regulatory requirements do not unduly limit licensee flexibility in using personnel resources in a manner that most effectively manages the impacts of the COVID-19 PHE on maintaining the safe and secure operation of these facilities and the implementation of the licensees' NRC-approved security plans, protective strategy, and implementing procedures. These licensees have committed to certain security measures to ensure response readiness and for their security personnel to maintain performance capability.

The NRC is providing compiled tables of exemptions using a single **Federal Register** notice for COVID-19-related exemptions instead of issuing individual **Federal Register** notices for each exemption. The compiled tables below provide transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID-19 PHE on its public website at <https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html>.

II. Availability of Documents

The tables below provide the facility name, docket number, document description, and ADAMS accession

number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in

each exemption approval listed in the tables below. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

Document description	ADAMS Accession No.
Arkansas Nuclear One, Units 1 and 2 Docket Nos. 50-313 and 50-368	
Arkansas Nuclear One, Units 1 and 2—Request for One-Time Exemption from 10 CFR part 50, appendix E, Biennial Emergency Preparedness Evaluated Exercise Requirements due to COVID-19 Pandemic, dated July 13, 2020.	ML20195A397.
Arkansas Nuclear One, Units 1 and 2—Response to Request for Additional Information Related to Request from Certain Emergency Preparedness and Planning Requirements of 10 CFR part 50, appendix E, dated September 1, 2020.	ML20255A117.
Arkansas Nuclear One, Units 1 and 2—Enclosure: Response to Request for Additional Information related to Exemption Request from certain Emergency Preparedness Requirements of 10 CFR part 50, appendix E, dated September 1, 2020.	ML20255A118.
Arkansas Nuclear One, Units 1 and 2—Temporary Exemption from Biennial Emergency Preparedness Exercise Frequency Requirements of 10 CFR part 50, appendix E, sections IV.F.2.b and IV.F.2.c (EPID L-2020-LLE-0113 [COVID-19]), dated October 6, 2020.	ML20265A057.
Callaway Plant, Unit No. 1 Docket No. 50-483	
Callaway Plant Unit 1—Security Training Exemption Request due to COVID-19, dated September 3, 2020	ML20247J644.
Callaway Plant, Unit No. 1—Additional Information Regarding Security Training Exemption Request due to COVID-19, dated September 18, 2020.	non-public, withheld pursuant to 10 CFR 2.390.
Callaway Plant, Unit No. 1—Exemption from Certain Requirements of 10 CFR part 73, appendix B, "General Criteria for Security Personnel," section VI (EPID L 2020 LLE 0140 [COVID-19]), dated October 20, 2020.	ML20268A189.
Calvert Cliffs Nuclear Power Plant, Units 1 and 2 Docket Nos. 50-317 and 50-318	
Calvert Cliffs Nuclear Power Plant, Units 1 and 2—Request for Exemption from Certain 10 CFR part 73 Training Requirements due to COVID-19 PHE, dated September 8, 2020.	non-public, withheld pursuant to 10 CFR 2.390.
Calvert Cliffs Nuclear Power Plant, Units 1 and 2—Exemption from Certain Requirements of 10 CFR part 73, appendix B, "General Criteria for Security Personnel," section VI (EPID L-2020-LLE-0141 [COVID-19]), dated October 9, 2020.	ML20264E689.
Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 Docket Nos. 50-315 and 50-316	
Donald C. Cook Nuclear Plant, Units Nos. 1 and 2—Request for a One-Time Exemption from 10 CFR 26.205(d) due to COVID-19 Pandemic, dated October 8, 2020.	ML20283A381.
Donald C. Cook Nuclear Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 26 (EPID L-2020-LLE-0161) [COVID-19]), dated October 9, 2020.	ML20283A263.
Grand Gulf Nuclear Station, Unit 1 Docket No. 50-416	
Grand Gulf Nuclear Station, Unit 1—Temporary Exemption Request from 10 CFR part 73, appendix B, section VI, Requirements for Force-on-Force Exercises due to COVID-19 Pandemic, dated September 17, 2020.	non-public, withheld pursuant to 10 CFR 2.390.
Grand Gulf Nuclear Station, Unit 1—Exemption From Certain Requirements of 10 CFR part 73, appendix B, "General Criteria for Security Personnel," section VI (EPID L-2020-LLE-0147 [COVID-19]), dated October 19, 2020.	ML20266G289.
Point Beach Nuclear Plant, Units 1 and 2 Docket Nos. 50-266 and 50-301	
Point Beach Nuclear Plant, Units 1 and 2—Exemption to 10 CFR part 26, Work Hour Controls, dated October 6, 2020.	ML20280A621.
Point Beach Nuclear Plant, Units 1 and 2—Response to Request for Additional Information Extension of Exemption from Certain 10 CFR part 26 Requirements, dated October 8, 2020.	ML20282A706.
Point Beach Nuclear Plant, Units 1 and 2—Extension of Exemption from Specific Requirements of 10 CFR part 26 (EPID L-2020-LLE-0159 [COVID-19]), dated October 15, 2020.	ML20282A332.
South Texas Project, Units 1 and 2 Docket Nos. 50-498 and 50-499	
South Texas Project, Units 1 and 2—Exemption Request from 10 CFR part 50 appendix E, due to COVID-19 Pandemic, dated August 11, 2020.	ML20224A211.

Document description	ADAMS Accession No.
South Texas Project, Units 1 and 2—Supplement to Exemption Request from 10 CFR part 50, appendix E, due to COVID-19 Pandemic, dated September 10, 2020.	ML20254A217.
South Texas Project, Units 1 and 2—Temporary Exemption from Certain Requirements of 10 CFR part 50, appendix E, Emergency Planning And Preparedness For Production and Utilization Facilities, Sections IV.F.2.b AND IV.F.2.c (EPID L-2020-LLE-0133), dated October 26, 2020.	ML20279A531.

Dated: November 20, 2020.

For the Nuclear Regulatory Commission.

James G. Danna,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52-026; NRC-2008-0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 4; Background Check Process for Participation in ITAAC Proceeding

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to initiate background check for access to safeguards information.

SUMMARY: In approximately 4 to 7 months, the U.S. Nuclear Regulatory Commission (NRC) will publish in the **Federal Register** a notice of intended operation, which will allow the public to submit requests for hearing regarding the licensee's conformance with the acceptance criteria in the combined license (COL) for Vogtle Electric Generating Plant (VEGP) Unit 4. These acceptance criteria are part of the inspections, tests, analyses, and acceptance criteria (ITAAC) included in the COL. If a member of the public believes access to Safeguards Information (SGI) is necessary to file a hearing request, then members of the public must satisfy several standards, including a determination by the NRC that they are "trustworthy and reliable." Because the background checks used to support trustworthiness and reliability determinations take some time to complete, the NRC is providing this "pre-clearance" process, by which members of the public may initiate background checks to be completed by the Defense Counterintelligence and Security Agency (DCSA) well before the hearing process begins.

DATES: This pre-clearance process is available until publication in the **Federal Register** of the notice of intended operation for VEGP Unit 4. When the notice of intended operation

is published, it will govern access to SGI for the proceeding on VEGP Unit 4.

ADDRESSES: Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301-287-9127; email: Jennifer.Borges@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. Refer to Section II of this document for instructions on how to submit the request for a background check.

FOR FURTHER INFORMATION CONTACT: Cayetano Santos Jr., Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7270, email: Cayetano.Santos@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC hereby gives notice that members of the public who believe they may need access to SGI to file a hearing request in the upcoming ITAAC proceeding for VEGP Unit 4 may initiate background checks for access to SGI before the proceeding begins. This notice describes how the required background check forms may be obtained and how the required forms and fee must be submitted. Requests to initiate background checks under this notice may be made until publication in the **Federal Register** of the notice of intended operation for VEGP Unit 4.

When the notice of intended operation is published, it will govern access to SGI for the proceeding on VEGP Unit 4.

A. Requirements for Access to SGI

Safeguards Information is a special category of sensitive unclassified information defined in section 73.2 of title 10 of the *Code of Federal Regulations* (10 CFR) and protected from unauthorized disclosure under Section 147 of the Atomic Energy Act of 1954, as amended (AEA). Although SGI is unclassified information, it is handled and protected more like Classified National Security Information than like other sensitive unclassified information (e.g., privacy and proprietary information). Requirements for access to SGI and requirements for SGI handling, storage, and processing are in 10 CFR part 73.

To obtain access to SGI in an adjudicatory context, persons must (1) demonstrate a "need to know" for the SGI, (2) be deemed "trustworthy and reliable," and (3) demonstrate a likelihood of establishing standing. As relevant to adjudications, "need to know" is defined in 10 CFR 73.2 as a determination by the originator of the SGI that the SGI is necessary to enable the proposed recipient to proffer and/or adjudicate a specific contention in that proceeding, and the proposed recipient of the specific SGI possesses demonstrable knowledge, skill, training, or education to effectively utilize the specific SGI in the proceeding. "Trustworthiness and reliability" is defined in 10 CFR 73.2 as the characteristics of an individual considered dependable in judgment, character, and performance, such that disclosure of SGI to that individual does not constitute an unreasonable risk to the public health and safety or common defense and security. A determination of trustworthiness and reliability for this purpose is based upon a background check. The standing requirements are in 10 CFR 2.309.

B. Information on ITAAC Closure Process and Associated Hearing Opportunity

Southern Nuclear Operating Company, Inc., was issued a COL for VEGP Unit 4 on February 10, 2012. Appendix C of the COL includes the