



Portland General Electric Company

Trojan ISFSI
71760 Columbia River Hwy
Rainier, Oregon 97048

May 13, 2020
VPN-006-2020

Trojan ISFSI
Docket 72-17
License SNM-2509

ATTN: Document Control Desk
Director, Division of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**Request for Temporary Exemption from
10 CFR Part 73, Appendix B, General Criteria for Security Personnel**

1. PROPOSED EXEMPTION

Pursuant to 10 CFR 73.5, Specific Exemptions, and 10 CFR 72.7, Specific Exemptions, Portland General Electric (PGE) requests a temporary exemption from 10 CFR 73, Appendix B, Section I.E, Physical and Medical Requalification, for the Trojan Independent Spent Fuel Storage Installation (ISFSI).

Without an exemption in place, as of 10:00 a.m. on June 1, 2020, certain Trojan ISFSI personnel will be unable to comply with the medical requalification requirements in 10 CFR 73, Appendix B, Section I.E as described below.

The purpose of 10 CFR 73, Appendix B is to provide general criteria that specify security personnel qualification requirements to ensure that those individuals responsible for security are properly equipped and qualified to execute the job duties prescribed for them. The general criteria included in 10 CFR 73, Appendix B establish requirements for the selection, training, equipping, testing, and qualification of individuals who will be responsible for protecting special nuclear materials, nuclear facilities, and nuclear shipments. This exemption request pertains to the requalification frequency requirements included in the specific section of 10 CFR 73, Appendix B described below:

Section I.E

Physical requalification - At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be required to meet the physical requirements of paragraphs B.1.b (1) and (2), and C of this section....

PGE maintains a Training and Qualification (T&Q) Program for the security organization to implement the requirements of 10 CFR 73, Appendix B, as applicable. As a result of the current limitations surrounding the pandemic associated with the Coronavirus Disease 2019 (COVID-19), there is limited access to public facilities, state and federal shelter-in-place orders have been issued, and additional risks associated with social interactions are present that challenge PGE's ability to comply with the physical and medical requalification requirements included in the T&Q Program.

Due to the impacts of the COVID-19 outbreak, the qualified medical provider for the Trojan ISFSI is not seeing patients for routine visits such as physicals. Also, requiring PGE personnel to enter a medical facility would impose undue pandemic-related health risks for the employee, employee's family, medical staff, and coworkers. In order to meet the requalification requirements of the Trojan ISFSI T&Q Program, face-to-face appointments are necessary. Based on the information above, PGE is requesting a temporary exemption from the requirements of 10 CFR 73, Appendix B, Section I.E, specifically for the 12-month physical requalification requirement per Trojan Independent Spent Fuel Storage Installation Security Plan, PGE 1073, Appendix C, Section C.1.2 (Reference 6.7).

PGE is requesting that the duration of the temporary exemption be tied to the end of the pandemic associated with the COVID-19 outbreak. The end of the pandemic would be signified by suspension of the emergency declaration at the local, state, and federal level. Based on the information above, PGE is requesting the following temporary exemption:

Temporary Exemption	Duration
<u>10 CFR Part 73, Appendix B, Section I.E.</u> <i>Physical requalification - At least every 12 months, central alarm station operators shall be required to meet the physical requirements of B.1.b of this section, and guards, armed response personnel, and armed escorts shall be required to meet the physical requirements of paragraphs B.1.b (1) and (2), and C of this section....</i>	PGE will complete the physical requalification at the first reasonable opportunity, and no later than 6 months ¹ following suspension of the emergency declaration at the local, state, and federal level.

¹ The extended duration of this temporary exemption is based on a potential inundation of medical facilities following suspension of the emergency declaration in the local area.

2. BACKGROUND

On January 31, 2020, the United States Department of Health and Human Services declared a public health emergency for the United States to aid the nation's healthcare community in responding to the COVID-19 outbreak (Reference 6.5). Subsequent to the above declaration, the following additional events related to the COVID-19 outbreak have taken place:

- March 8, 2020: Oregon Governor declared a State of Emergency (Reference 6.1).
- March 11, 2020: The World Health Organization declared the COVID-19 outbreak a pandemic (Reference 6.6).
- March 13, 2020: Columbia County Board of Commissioners signed Resolution 25-2020 "In the Matter of Declaring a Local State of Emergency Due to COVID-19 (Coronavirus)" (Reference 6.3).
- March 23, 2020: Oregon Governor Kate Brown issued Executive Order 20-12, effective immediately until further notice. This is a statewide order, which ordered all individuals living in the State of Oregon to stay home or at their place of residence except for essential needs (Reference 6.2).
- May 1, 2020: Oregon Governor Kate Brown issued Executive Order No. 20-24 extending the COVID-19 declaration of emergency (Executive Order No. 20-03) for an additional 60 days, through July 6, 2020 (Reference 6.8).

As a result of the current limitations surrounding the pandemic associated with the COVID-19 outbreak there is limited access to public facilities, there are state and federal shelter in place orders, and there are additional risks associated with social interactions that challenge PGE's ability to comply with the physical and medical requalification requirements included in the T&Q Program. Therefore, PGE is requesting a temporary exemption as described in Section 1 for the security organization at the Trojan ISFSI, located in Columbia County, Oregon.

3. BASIS FOR EXEMPTION

The specific conditions for granting an exemption from regulations in 10 CFR 73 are set forth in 10 CFR 73.5, Specific Exemptions. In accordance with 10 CFR 73.5, the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. As discussed below, this temporary exemption request satisfies the provisions of 10 CFR 73.5.

3.1 The Temporary Exemption Request is Authorized by Law

The NRC's authority to grant an exemption from its regulations in 10 CFR 73 is established by law as discussed in 10 CFR 73.5. Therefore, granting an exemption is explicitly authorized by the NRC's regulations.

3.2 The Temporary Exemption Request Will Not Endanger Life or Property or the Common Defense and Security

This temporary exemption allows an extension of the requalification frequency for medical physicals and will not endanger life or property or the common defense and security. Individuals within the security organization that require physical and medical requalifications have undergone physical and medical requalifications in accordance with the Trojan ISFSI T&Q Program and 10 CFR 73, Appendix B. The individuals that this exemption applies to have proven their physical ability prior to initial assignment and during any subsequent physical and medical requalifications. Physical and medical requalification requirements that are extended will be entered into the Trojan ISFSI corrective action program prior to the expiration date to ensure they are tracked for completion at a later date. In addition, in accordance with current procedures, PGE 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. This temporary exemption will contribute to the common goal of protecting the Trojan ISFSI facility by preserving the health and safety of the current qualified security force. Therefore, this temporary exemption request will not endanger life or property or the common defense and security.

3.3 The Temporary Exemption Request is in the Public Interest

A temporary exemption to allow an extension of the requalification frequency for medical physicals is in the interest of the public. As described in References 6.2 and 6.3, both the Columbia County Board of Commissioners and the Governor of Oregon have issued shelter-in-place orders to protect public health and safety. In addition, the CDC recommends avoiding close contact (within about 6 feet) by putting distance between individuals (Reference 6.4). These orders and recommendations have a common goal of limiting social contact in order to disrupt the spread of the virus.

Requiring PGE personnel to enter any type of public facility or engage in close social interactions under the current conditions imposes additional health risks for the employee, the employee's family, public facility staff, and coworkers due to the COVID-19 outbreak. Regarding medical facilities, the Oregon Governor's Executive Order No. 20-12 states, "I ordered the postponement of non-urgent health care procedures, in order to

conserve personal protective equipment and hospital beds for the state's COVID-19 emergency response efforts. I also directed the Oregon Health Authority to provide guidance regarding limitations and screening for visitors to hospitals and ambulatory surgical centers" (Reference 6.2). In addition, the Center for Disease Control states that the best way to prevent illness is to avoid being exposed to the virus (Reference 6.4). While precautions can be taken, each additional interaction among individuals increases the risk of spreading COVID-19. Therefore, this temporary exemption request is in the interest of the public.

4. ENVIRONMENTAL ASSESSMENT

Pursuant to 10 CFR 51.22(c)(25), an exemption from NRC regulations is subject to a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement if: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve: (E) Education, training, experience, qualification, requalification or other employment suitability requirements.

As demonstrated below, each of these provisions in 10 CFR 51.22(c)(25) is satisfied by this exemption request. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemptions.

4.1 This temporary exemption does not involve a significant hazards consideration.

As provided in 10 CFR 50.92, an action involves a significant hazards consideration if it would: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety. As demonstrated below, none of these criteria apply to this temporary exemption.

This proposed temporary exemption would extend the requalification frequency for medical physicals for the applicable individuals within the security organization at the Trojan ISFSI. This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility and does not alter the design basis. Therefore, this temporary exemption does not involve an increase in the probability or consequences of an accident, create the possibility of a new or different kind of accident, or involve a reduction in a margin of safety.

- 4.2 This temporary exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

- 4.3 This temporary exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

- 4.4 This temporary exemption does not involve a significant construction impact.

This temporary exemption does not involve any physical change in the facility. Therefore, this temporary exemption does not involve a significant construction impact.

- 4.5 This temporary exemption does not involve a significant increase in the potential for or consequences from radiological accidents.

This temporary exemption does not involve any physical change in the facility or in the procedures governing operation of the facility. Therefore, this temporary exemption does not involve a significant increase in the potential for or consequences from radiological accidents.

- 4.6 The requirement from which this temporary exemption is sought involves physical and medical requalification employment suitability requirements.

This temporary exemption pertains to extending the frequency of requalification associated with medical physicals required by 10 CFR Part 73, Appendix B. Therefore, the request involves the activities described in 10 CFR 51.22(c)(25)(vi)(E).

5. CONCLUSION

Pursuant to the provisions of 10 CFR 73.5, PGE is requesting a temporary exemption from 10 CFR 73, Appendix B, Section I.E for the Trojan ISFSI. Based on the considerations discussed above, the requested temporary exemption is authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

PGE Regulatory Commitment

Commitment	Due Date
PGE will require each individual, as applicable, within the security organization to 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.	Prior to the applicable individual's current physical requalification expiration date


6. REFERENCES

- 6.1 On March 8, 2020 Oregon Governor Kate Brown declared a state of emergency to address the spread of COVID-19 in Oregon: <https://govstatus.egov.com/OR-OHA-COVID-19> (date accessed April 8, 2020).
- 6.2 On March 23, 2020 Oregon Governor Kate Brown issued [Executive Order 20-12](https://govstatus.egov.com/or-covid-19#executiveorders), effective immediately until further notice: <https://govstatus.egov.com/or-covid-19#executiveorders> (date accessed April 8, 2020).
- 6.3 On March 13, 2020 the Columbia County Board of Commissioners signed Resolution 25-2020 "In the Matter of Declaring a Local State of Emergency Due to COVID-19 (Coronavirus) to make certain we are able to swiftly deploy the personnel and resources necessary to address the possible occurrence of coronavirus in Columbia County": <https://www.columbiacountyor.gov/news/post/8279/> (date accessed April 8, 2020).
- 6.4 Centers for Disease Control, Coronavirus Disease 2019 (COVID-19), Protect Yourself, page last reviewed April 4, 2020: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (date accessed April 8, 2020).
- 6.5 Proclamations, "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," issued on March 13, 2020: <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (date accessed April 8, 2020).

- 6.6 World Health Organization, "WHO Director-General's opening remarks at the media briefing on COVID-19 – 11 March 2020," dated March 11, 2020:
<https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (date accessed April 8, 2020).
- 6.7 Trojan Independent Spent Fuel Storage Installation Security Plan, PGE 1073, Appendix C, ISFSI Security Training and Qualification Plan.
- 6.8 On May 1, 2020, Oregon Governor Kate Brown issued Executive Order No. 20-24 extending the COVID-19 declaration of emergency (Executive Order No. 20-03) for an additional 60 days, through July 6, 2020: <https://govstatus.egov.com/OR-OHA-COVID-19> (date accessed May 5, 2020).

If you have any questions regarding this submittal, please contact Mr. Mark Tursa of my staff at (503) 556-7030.

Sincerely,

 FOR BRAD JENKINS
PER TELECON

Bradley Y. Jenkins
Vice President, Utility Operations

- c: Director, NRC, Region IV, DNMS
Todd Cornett, Siting Division Administrator, ODOE