



Tennessee Valley Authority, Post Office Box 2000, Spring City, Tennessee 37381

NOV 30 1994

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Gentlemen:

In the Matter of the Application of) Docket Nos. 50-390
Tennessee Valley Authority) 50-391

WATTS BAR NUCLEAR PLANT (WBN) UNITS 1 AND 2 - SCHEDULE EXEMPTION REQUEST
FOR IMPLEMENTATION OF THE NEW RULE FOR PROTECTION AGAINST MALEVOLENT USE
OF VEHICLES AT NUCLEAR POWER PLANTS (TAC NO. M90696)

In accordance with the provisions of 10 CFR 73.5 "Specific Exemptions,"
TVA is requesting an exemption from the schedule portion of 10 CFR
73.55(c)(10) that requires Class 103 license applicants whose application
was submitted prior to August 31, 1994, to incorporate a land vehicle bomb
control program into the site Physical Security Plan and implement it by
the date of receipt of the operating license. Because WBN Unit 1 will
seek to obtain an operating license ahead of the schedule by which already
licensed and operating power reactors are required to fully implement the
vehicle control measures, TVA requests that WBN Unit 1 be accorded the
same implementation period provided to operating reactor licensees.

The enclosure provides the basis and justification for this exemption
request. If you should have any questions concerning this matter, please
telephone John Vorees at (615)-365-8819.

Sincerely,

Dwight E. Nunn
Vice President
New Plant Completion
Watts Bar Nuclear Plant

Enclosure
cc: (See page 2)

080030

9412080114 941130
PDR ADCK 03000390
A PDR

5003
11

U.S. Nuclear Regulatory Commission

Page 2

NOV 30 1994

cc (Enclosure):

NRC Resident Inspector
Watts Bar Nuclear Plant
Rt. 2, Box 700
Spring City, Tennessee 37381

Mr. P. S. Tam, Senior Project Manager
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

Mr. E. W. McPeck, WBN Security Project Manager
U.S. Nuclear Regulatory Commission
One White Flint North, Mail Stop 0-9D-24
11555 Rockville Pike
Rockville, Maryland 20852

U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30323

ENCLOSURE

WATTS BAR NUCLEAR PLANT (WBN) UNIT 1 REQUEST FOR SCHEDULE EXEMPTION PROTECTING AGAINST MALEVOLENT USE OF VEHICLES

INTRODUCTION

In accordance with the provisions of 10 CFR 73.5, "Specific Exemptions," TVA requests an exemption for WBN Unit 1 from the implementation schedule for land vehicle controls contained in 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactor against radiological sabotage." Specifically, TVA requests an exemption from the portion of newly enacted 10 CFR 73.55(c)(10) which requires Class 103 license applicants to implement a vehicle control program "by the date of receipt of the operating license."

This exemption is requested to allow WBN Unit 1, which is in the final stages of plant completion activities, the same time allotted to operating reactor licensees to fully implement the required land vehicle control measures.

WBN UNIT 1 STATUS

WBN Unit 1 is in the final stages of construction, under the terms of Construction Permit No. CPPR-91 issued on January 23, 1973. TVA submitted an application for a license to operate WBN Unit 1 and 2 on June 30, 1976. TVA anticipates completing Unit 1 construction and preoperational testing to support the issuance of an operating license in the Spring of 1995. In the remaining months prior to receiving an operating license, TVA will be closing out numerous corrective action programs and completing final construction and testing activities. Implementation of the new land vehicle control measures within the schedule established under 10 CFR 73.55(c)(10) places an undue burden on TVA and the licensing efforts of WBN Unit 1.

BASIS FOR EXEMPTION

As an operating license applicant whose application was submitted prior to August 31, 1994, TVA is required under 10 CFR 73.55(c)(10) to implement the new vehicle control measures by the date of receipt of the operating license. Under TVA's present licensing schedule which calls for issuance of the WBN Unit 1 operating license in the Spring of 1995, TVA would be required to implement these vehicle control measures within approximately eight to ten months after the effective date of the rule.

The rule to address the land vehicle threat to power reactors was originally proposed on November 4, 1993. Under the proposal, NRC provided for implementation of vehicle control measures within 360 days after issuance of the rule. In the "Supplementary Information" discussion of the final rule published on August 1, 1994, NRC acknowledged the comments of NUMARC and others that the proposed schedule for implementation was too tight, not adequately accounting for, among other things, material procurement and availability, and deleterious weather circumstances. The Commission agreed that extending the implementation schedule to 18 months from the effective

ENCLOSURE

WATTS BAR NUCLEAR PLANT (WBN) UNIT 1
REQUEST FOR SCHEDULE EXEMPTION
PROTECTING AGAINST MALEVOLENT USE OF VEHICLES

date of the rule, that is, from August 29, 1994 until February 29, 1996, was appropriate and reasonable given that it involves a new program for power reactor sites, that some procurement problems may arise, and that scheduling problems may occur. (See 59 Federal Register 146, pages 38894-38895 (August 1, 1994)). Under the present rule and TVA's licensing schedule for WBN Unit 1, TVA would be required to implement the rule in significantly less time (approximately eight to ten months) than the 18-month period that NRC agrees is reasonable.

Granting WBN Unit 1 the same amount of time as operating power reactors to implement the new vehicle control measures of 10 CFR 73.55 is authorized by law and will not endanger life or property or the common defense and security. Those considerations taken into account by NRC in allowing operating power reactors a reasonable implementation period certainly apply to WBN Unit 1. As noted above, WBN Unit 1 is in the final stages of closing out numerous corrective action programs and completing final construction and testing activities. These efforts involve significant activity and require the dedication of considerable material and manpower resources. WBN Unit 1 should be entitled to the same practical considerations given to operating reactors in allowing for an 18-month vehicle control implementation period. Moreover, because WBN Unit 1 will be under construction for a considerable portion of the implementation period, it is even less likely than an existing operating reactor to pose a potential danger as a result of land based vehicle radiological sabotage. To further reduce any potential danger, WBN has put in place those interim measures set forth in Generic Letter 89-07, "Power Reactor Safeguards Contingency Planning for Surface Vehicle Bombs." NRC reviewed WBN's procedure for implementing the generic letter in Inspection Report 390, 391/94-71 covering inspection periods October 11-14, 1994 and October 24-28, 1994. These measures will remain in place for the full pendency of the implementation period, that is, through February 29, 1996.

For the above reasons, TVA respectfully submits that the 10 CFR 73.5 criteria for granting specific exemptions from the above-described requirements of 10 CFR 73.55(c)(10) have been met, and asks that WBN Unit 1 be allowed the same 18-month period to implement vehicle bomb control measures accorded to licensees of operating power reactors.