



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

May 29, 2020

Mr. Ken J. Peters
Senior Vice President and
Chief Nuclear Officer
Attention: Regulatory Affairs
Vistra Operations Company LLC
Comanche Peak Nuclear Power Plant
6322 N FM 56
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 1 AND 2 –
EXEMPTION REQUEST FROM CERTAIN REQUIREMENTS OF
10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY
PERSONNEL,” SECTION VI (EPID L-2020-LLE-0061) [COVID-19]

Dear Mr. Peters:

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 Comanche Peak Nuclear Power Plant (Comanche Peak), Units 1 and 2. This action is in response to your application dated May 14, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20135H233, non-publicly available, withheld under 10 CFR 2.390), that requested a temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1) regarding quarterly tactical response drills and annual force-on-force (FOF) exercises.

The requirements in 10 CFR Part 73, Appendix B, Section VI subsection C.3.(I)(1) state:

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. Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization.

The purpose of the quarterly tactical drills and the annual licensee conducted FOF exercise is to ensure that the site security force maintains its contingency response readiness.

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 has issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19.

In your May 14, 2020, application, you stated the following:

- Comanche Peak implemented isolation activity restrictions for site security personnel on March 16, 2020.
- 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. These restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- Comanche Peak will maintain a list of the names of security personnel who will not meet the requalification requirements and will include the dates of the last qualification.

Comanche Peak will ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting a table-top exercise; a lessons-learned review of past exercise; and will complete the FOF exercise within the time period in this request, when isolation restrictions are ended.

- Comanche Peak will begin COVID-19 PHE controls for managing personnel performing Security Program duties at 6:00 a.m. on June 2, 2020.

This temporary exemption will apply to Comanche Peak, Units 1 and 2, security personnel who have previously demonstrated proficiency and are currently qualified in accordance with 10 CFR Part 73, Appendix B, Section VI. You also stated that because of the rigorous nature of Comanche Peak's 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, you stated that the site-specific COVID-19 PHE controls listed above will be implemented at Comanche Peak to ensure impacted security personnel maintain the knowledge, skills and abilities required to effectively perform assigned duties and responsibilities. You requested that the duration of the exemption be 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's April 20, 2020, letter, "U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED TO THE REQUIREMENTS FOR PART 73, APPENDIX B, SECTION VI DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY," (ADAMS Accession No. ML20105A483).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application of any interested person or on 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 the 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 licensee security personnel who are already satisfactorily qualified on the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls you will implement for the duration of the exemption, including conducting a table-top exercise, a lessons-learned review of a past exercise, and will complete the FOF annual exercise before expiration of this exemption, the NRC staff has reasonable assurance that the security force at Comanche Peak 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 tactical drills and force-on-force exercises place 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 C.3.(1)(1) would facilitate the licensee's efforts to maintain a healthy work force 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 the temporary exemption is in the public interest because it allows the licensee to maintain the required security posture at Comanche Peak, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

The NRC staff's 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 this action applies to granting of an exemption from requirements relating to education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff has 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 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"; 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 licensee's safety analysis. In addition, the NRC staff has 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 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 the licensee's request to temporarily exempt Comanche Peak, Units 1 and 2, from the requirements for periodic requalification of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI.

This exemption expires 90 days after the end of the PHE, or by December 31, 2020, whichever occurs first.

If you have any questions, please contact Project Manager, Dennis J. Galvin, at 301-415-6256 or via e-mail at Dennis.Galvin@nrc.gov.

Sincerely

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

Docket Nos. 50-445 and 50-446

cc: Listserv

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ADAMS Accession Nos.: ML20136A141 *via email

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DATE	05/22/2020	05/28/2020	05/29/2020

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