



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

June 2, 2020

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: JOSEPH M. FARLEY NUCLEAR PLANT, UNITS 1 AND 2 – APPROVAL OF EXEMPTION FROM REQUIREMENTS OF 10 CFR 50.48 RELATED TO QUARTERLY FIRE BRIGADE DRILLS (EPID L-2020-LLE-0074 [COVID-19])

Dear Ms. Gayheart:

The U.S. Nuclear Regulatory Commission (NRC) has approved the requested exemption from requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.48, "Fire protection," for the Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2. This action is in response to the Southern Nuclear Operating Company, Inc. (licensee) application dated May 22, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20143A253), as supplemented by letter dated May 27, 2020 (ADAMS Accession No. ML20149K302), related to an NRC letter dated May 14, 2020 (ADAMS Accession No. ML20122A022), describing a process to request expedited review of certain exemptions from fire protection requirements during the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE).

Specifically, the application requested exemption from the quarterly fire brigade drills requirement and provided the following information:

- references to supporting documents;
- a statement that the licensee cannot meet the quarterly drill requirement of its fire protection program without workers taking actions that may be contrary to Centers for Disease Control and Prevention (CDC) guidance for responding to the COVID-19 PHE;
- a statement that the licensee would, for the duration of any exemption approved by NRC, apply a licensee-specific process to manage affected personnel, while ensuring the safety of its workers;
- the date when the exemption would be implemented, if approved, and when the licensee-specific process would take effect;
- a description of any changes made to the fire brigade drill program to provide means other than typical face-to-face, close-quarter drills for training and evaluations of brigade members during the exemption period (e.g., plans to review, with the fire brigade

members, records of past drill critiques, including areas where past drills indicated the need for retraining or broadened training);

- a statement that this exemption, if granted, will be limited to personnel having prior experience with the activity to which they will be assigned; and
- a statement that compliance will be restored within 90 days of termination of the PHE or December 31, 2020, whichever occurs first.

Pursuant to 10 CFR 50.12, "Specific exemptions," the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security and when special circumstances are present.

Pursuant to 10 CFR 50.48(a), a licensee must have a fire protection plan that satisfies Criterion 3 of 10 CFR Part 50, Appendix A. Pursuant to 10 CFR 50.48(b), 10 CFR Part 50, Appendix R establishes fire protection features required to satisfy Criterion 3 of 10 CFR Part 50, Appendix A with respect to certain generic issues for nuclear power plants licensed to operate before January 1, 1979. Pursuant to 10 CFR 50.48(c), a licensee may maintain a fire protection program that complies with National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition" (NFPA 805), as an alternative to complying with 10 CFR 50.48(b), which standard is incorporated by reference therein. Pursuant to NFPA 805, Section 3.4.3(c)(1), drills shall be conducted quarterly for each shift to test the response capability of the industrial fire brigade.

A PHE requiring the use of social distancing and other practices intended to slow the spread of illness was not considered during the rulemaking that established the requirement.

In its application, the licensee provides that it cannot meet the quarterly fire brigade drills requirement without workers taking actions that would conflict with practices recommended by the CDC to limit the spread of COVID-19.¹ The compensatory measures that the licensee will implement during the exemption term will temporarily change its fire brigade drill program to provide means other than typical face-to-face, close-quarter drills for training and evaluations of brigade members. Specifically, this will involve (1) tabletop drills, (2) review of tabletop drill critiques with the entire fire brigade to share crew learnings, and (3) fire brigade leadership observations and reinforcement of fire protection fundamentals during the alternative process and will be limited to personnel having prior experience with the activity to which they will be assigned.

The requested exemption expires 90 days after the COVID-19 PHE ends or December 31, 2020, whichever occurs first. Therefore, this exemption temporarily extends the due dates to conduct quarterly fire brigade drills. The NRC staff has determined that the requested exemption is permissible under the Atomic Energy Act of 1954, as amended, and that no other prohibition of law exists to preclude the activities that would be authorized by the exemption. Therefore, the NRC staff finds that the requested exemption is authorized by law.

¹ CDC, "How to Protect Yourself and Others," April 18, 2020 (ADAMS Accession No. ML20125A069).

The requested exemption would not adversely affect the fire fighting capability of the fire brigades because all members are currently qualified for all tasks and the proposed compensatory measures will maintain their knowledge, skills, and abilities without the conduct of drills during the exemption term. Also, the plant fire protection features, firefighting plans, and fire protection equipment have not been altered. Further, the requested exemption would allow the affected fire brigade members to continue to be available to perform their functions during the COVID-19 PHE. Therefore, the NRC staff finds that the requested exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security.

The requested exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, consistent with 10 CFR 50.12(a)(2)(v), the NRC staff finds that special circumstances are present.

Granting the requested exemption is categorically excluded under 10 CFR 51.22(c)(25) and there are no extraordinary circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of the requested exemption involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, change any of the assumptions or limits used in the 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 it does not affect any effluent release limits as provided in the 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 it 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 it does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because it does not alter any of the assumptions or limits in the licensee's safety analyses. 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 extraordinary 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 the requested exemption. Based on the above, the NRC staff finds that the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and that special circumstances are present.

C. Gayheart

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The exemption is effective upon issuance until 90 days after the COVID-19 PHE is ended or until December 31, 2020, whichever occurs first.

Sincerely,

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

Docket Nos. 50-348 and 50-364

cc: Listserv

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ADAMS Accession No.: Letter/Exemption, ML20147A171***via email**

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