



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 ANNUAL LIVE FIRE FIGHTING TRAINING (EPID L-2020-LLE-0075 [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 annual live fire fighting training requirement and provided the following information:

- references to supporting documents;
- a statement that the licensee cannot meet the annual live fire fighting training requirement 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, 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 statement that the facility used to conduct live fire fighting training is closed due to the COVID-19 PHE; a statement that the facility has been contacted and the licensee has made a request to schedule its live fire fighting training as soon as possible after the COVID-19 PHE has ended; and a statement that includes the dates the live fire fighting training sessions were previously scheduled for or when the annual requirement will not be met;

- a description of any changes made to the fire brigade drill training program so that it will provide for training and evaluations of a brigade members' knowledge, skills, and abilities without the conduct of live fire fighting training during the exemption period; and
- a statement that compliance will be restored by December 31, 2021, or 365 days after termination of the PHE, 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 3.4.1(a)(1), the licensee must follow NFPA 600, "Standard on Industrial Fire Brigades," which, in turn, requires annual live fire fighting training.

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 annual live fire fighting training requirement without workers taking actions that would conflict with practices recommended by the CDC to limit the spread of COVID-19.¹ The licensee provides that its live fire fighting training is conducted at offsite facilities, that its March 2020 and April 2020 trainings at these facilities have been canceled, and that live fire fighting schools in Alabama are closed due to the COVID-19 PHE. The licensee last performed the annual live fire exercises for crews 1-5 on June 27, November 15, February 18, August 15, and November 7, 2019, respectively. The associated annual requirements will not be met on December 31, 2020. The licensee is in regular contact with offsite fire fighting facilities. The compensatory measures that the licensee will implement during the exemption term will temporarily change its live fire exercise programs to provide for training and evaluation of brigade members' knowledge, skills, and abilities without the conduct of live fire fighting training. Specifically, this will involve (1) computer based training (for firefighting fundamentals), (2) observation and reinforcement of fire protection fundamentals, (3) tabletop drills, (4) review of tabletop drill critiques with the entire fire brigade to share crew learnings, and (5) review of previous drill critique reports and training assessments.

The requested exemption expires 365 days after the COVID-19 PHE ends or December 31, 2021, whichever occurs first. Therefore, this exemption temporarily extends the due dates to conduct annual live fire fighting training. The NRC staff has determined that the requested exemption is permissible under the Atomic Energy Act of 1954, as amended, and that no other

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

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.

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 live fire fighting training 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 365 days after the COVID-19 PHE is ended or until December 31, 2021, 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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OLopez-Santiago, EDO Region 2

ADAMS Accession Nos.: ML20147A465***via e-mail**

OFFICE	NRR/DORL/LPL2-1/PM	NRR/DORL/LPL2-1/LA	NRR/DRA/APLB/BC
NAME	JLamb*	KGoldstein*	JWhitman*
DATE	05/23/2020	05/29/2020	05/28/2020
OFFICE	OGC - NLO	NRR/DORL/LPL2-1/BC	NRR/DORL/D
NAME	JWachutka*	MMarkley*	CErlanger*
DATE	06/01/2020	06/02/2020	06/02/2020

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