



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

August 18, 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, AND EDWIN I. HATCH NUCLEAR 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 NOS. L-2020-LLE-0131 AND L-2020-LLE-0132)

Dear Ms. Gayheart:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has approved the below temporary exemptions 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 Joseph M. Farley Nuclear Plant, Units 1 and 2 (FNP); and Edwin I. Hatch Nuclear Plant, Units 1 and 2 (HNP). This action is in response to the Southern Nuclear Operating Company (SNC, the licensee) application dated August 7, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20220A331), that requested temporary exemptions from 10 CFR 73, Appendix B, Section VI, subsection C.3.(I)(1) regarding the annual force-on-force (FOF) exercises for FNP and HNP.

The NRC granted temporary exemptions from 10 CFR 73, Appendix B, Section VI, subsection C.3.(I)(1) regarding quarterly tactical response drills on June 29, 2020 (ADAMS Accession No. ML20175A121) for FNP, Units 1 and 2; and HNP, Units 1 and 2.

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 [FOF] 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 annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these exercises also supports the requalification of security force members.

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.

SNC's application dated August 7, 2020, states the following:

- These temporary exemptions support the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the 2020 COVID-19 virus.
- These restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- HNP and FNP will maintain a list of the names of the individuals [security personnel] who will not meet the requalification requirements and will include the dates of the last qualification.
- HNP and FNP will ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting a scenario-based table-top exercise.
- HNP and FNP will complete any missed FOF exercise, within the time period in this request, when isolation restrictions are ended.
- HNP and FNP will begin implementing COVID-19 PHE controls for managing personnel performing Security Program duties upon NRC approval.

These temporary exemptions will specifically apply to FNP and HNP security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements in 10 CFR Part 73, Appendix B, Section VI. SNC also stated that given the rigorous nature of the FNP and HNP 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 requirement will be temporarily satisfied through implementation of alternate controls. Additionally, the request dated August 7, 2020, identified site-specific COVID-19 PHE controls, listed above, that will be implemented at HNP and FNP, consistent with those outlined in the NRC staff's letter dated April 20, 2020, discussing planned activities related to the requirements for 10 CFR Part 73, Appendix B, Section VI, during the PHE (ADAMS Accession No. ML20105A483). SNC requested that the duration of the exemption be in effect for 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first, consistent with the NRC staff's letter dated April 20, 2020.

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 exemptions requested and finds that granting the proposed exemptions 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 exemptions are 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. These exemptions 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 exemptions, including conducting a scenario-based table-top exercise, and completing any missed FOF exercises within the time period for these exemptions, the NRC staff has reasonable assurance that the security forces at FNP and HNP will maintain their proficiency and readiness to implement the licensee's protective strategies and adequately protect the sites. Therefore, the NRC staff concludes that the proposed exemptions 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 the annual FOF exercises places 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 exemptions from the annual FOF exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), would facilitate the licensee's efforts to maintain a healthy work force capable of operating the plants safely and implementing the sites' protective strategies by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the temporary exemptions are in the public interest because it allows the licensee to maintain the required security posture at FNP and HNP, while enabling the facilities to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of these exemptions is categorically excluded under 10 CFR 51.22(c)(25), and there are no special 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 exemptions are sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of these exemptions involves no significant hazards consideration because it does not authorize any physical changes to the facilities or any of their safety systems, nor does it change any of the assumptions or limits used in the facilities' licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because these exemptions do not affect any effluent release limits as provided in the facilities' licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for protection against radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because these exemptions do 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. There is no significant construction impact because these exemptions do not involve any changes to a construction permit and no significant increase in the potential for, or

consequences from, radiological accidents because these exemptions do not alter any of the assumptions or limits in the facilities' licensee's safety analysis. 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. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of these exemptions.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR Part 73.5, the exemptions are 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 FNP and HNP from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. These exemptions expire 90 days after the end of the PHE, or December 31, 2020, whichever occurs first.

If you have any questions, please contact the plant senior project manager, John G. Lamb, at 301-415-3100 or via e-mail at John.Lamb@nrc.gov.

Dated: August 18, 2020

Sincerely,

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

Docket Nos. 50-321, 50-366, 50-348, and 50-364

cc: Listserv

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OLopez-Santiago, EDO Region 2

ADAMS Accession No. ML20220A673***via e-mail**

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