



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

CNL-20-066

September 30, 2020

10 CFR 50.12

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Sequoyah Nuclear Plant, Units 1 and 2
Renewed Facility Operating License Nos. DPR-77 and DPR-79
NRC Docket Nos. 50-327, 50-328, and 72-034

Subject: **Request for One-Time Exemption from 10 CFR 50, Appendix E Biennial
Emergency Preparedness Evaluated Exercise Requirements due to
COVID-19 Pandemic**

- References:
1. Regulatory Issue Summary 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirement," dated February 24, 2006 (ML053390039)
 2. Letter from Ho K. Nieh and Robert Lewis, U. S. Nuclear Regulatory Commission, to Dr. Jennifer L. Uhle, Nuclear Energy Institute, "U. S. Nuclear Regulatory Commission Planned Actions Related to Emergency Preparedness Biennial Exercise Requirements for All Licensees During the Coronavirus Disease 2019 Public Health Emergency," dated May 14, 2020 (ML20120A003)

In accordance with 10 CFR 50.12, "Specific Exemptions," paragraph (a)(2)(v), Tennessee Valley Authority (TVA) requests an exemption for Sequoyah Nuclear Plant (SQN), Units 1 and 2 from the requirement to conduct biennial emergency plan exercise requirements specified in 10 CFR 50, Appendix E, Section IV.F.2.b. Specifically, TVA requests a one-time scheduler exemption to postpone the biennial onsite emergency preparedness (EP) exercise until calendar year (CY) 2021. The special circumstances of 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are applicable to this request in accordance with Regulatory Issue Summary 2006-03 (Reference 1).

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19). On March 12, 2020, the Governor of the State of Tennessee declared a state of emergency. In addition, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and on March 13, 2020, the President of the United States of America declared the COVID-19 pandemic a national emergency. In response to these declarations, and in accordance with the Tennessee Valley Authority (TVA) corporate pandemic response plan, TVA has postponed some site activities due to isolation protocols (for example, social distancing, group size limitations, maximum telework, and self-quarantining), and also has considered the possibility of isolation of required station personnel to maintain necessary staffing levels. These controls do not allow adequate means to effectively implement an onsite exercise without risk to station personnel because this EP exercise will require suspending these protocols. Accordingly, TVA has determined that an exemption is needed from the biennial onsite emergency plan exercise requirements that are specified in 10 CFR Part 50, Appendix E, Section IV.F.2.b, as meeting these requirements would conflict with practices recommended by the Centers for Disease Control and Prevention (CDC) to limit the spread of COVID-19. Conducting the SQN biennial onsite exercise in CY 2021, rather than CY 2020, places the exercise outside the required biennium. Consequently, TVA requests a scheduler exemption to postpone its participation in the biennial onsite emergency preparedness exercise until CY 2021.

The proposed exemption supports the continued implementation of the isolation activities to protect required Emergency Response Organization (ERO) personnel in response to COVID-19, which are needed to ensure ERO personnel are isolated from the COVID-19 virus and remain capable of executing the functions of the ERO in an actual emergency, as described in the TVA Radiological Emergency Plan.

Enclosed is the exemption request and the justification for the request. The request and justification are based on the guidance provided in Reference 2. TVA requests authorization by December 31, 2020, to avoid 10 CFR 50, Appendix E, non-compliance.

There are no new regulatory commitments associated with this submittal. Please address any questions regarding this request to Gordon Williams, Senior Manager, Fleet Licensing (Acting) at 423-751-2687.

Respectfully,



Jonathan T. Johnson
Director, Nuclear Regulatory Affairs (Acting)

Enclosure

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Exemption Request from 10 CFR 50, Appendix E, Biennial Emergency Preparation
Exercise Requirements

cc (Enclosure):

NRC Regional Administrator - Region II
NRC Senior Resident Inspector - Sequoyah Nuclear Plant
NRC Project Manager - Sequoyah Nuclear Plant

Enclosure

Request for Exemption from 10 CFR 50, Appendix E Biennial Emergency Preparedness Exercise Requirements

1. REQUEST FOR EXEMPTION

Pursuant to 10 CFR 50.12, "Specific exemptions," paragraph (a)(2)(v), Tennessee Valley Authority (TVA) requests a one-time exemption from the requirements of Title 10 of the *Code of Federal Regulations*, Part 50 (10 CFR 50), Appendix E, Section IV.F.2.b for Sequoyah Nuclear Plant (SQN), Units 1 and 2. The proposed exemption would allow the onsite evaluated biennial emergency preparedness (EP) exercise to be postponed until calendar year (CY) 2021.

The proposed exemption supports the continued implementation of site mitigation measures to protect required Emergency Response Organization (ERO) personnel in response to the Coronavirus Disease 2019 (COVID-19). These activities are needed to ensure ERO personnel are isolated from the COVID-19 virus and remain capable of executing the functions of the ERO in an actual emergency, as described in the TVA Radiological Emergency Plan.

2. BACKGROUND

Section IV.F.2.b of 10 CFR 50, Appendix E, states, "Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years." On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency for the United States to aid the nation's healthcare community in responding to the COVID-19. On March 12, 2020, the Governor of the State of Tennessee declared a state of emergency. In addition, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic and, on March 13, 2020, the President of the United States of America declared the COVID-19 pandemic a national emergency. In response to these declarations and in accordance with the TVA corporate pandemic response plan, TVA has postponed some site activities due to isolation activities (for example, social distancing, group size limitations, telework (where possible), and self-quarantining), and also has prepared for the possibility of isolation of required station personnel to maintain necessary staffing levels. These controls do not allow for an adequate means to effectively implement an onsite exercise without risk to station personnel.

3. TECHNICAL EVALUATION

The U.S. Centers for Disease Control has issued recommendations advising "social distancing" to prevent the spread of the COVID-19 Virus. TVA and the State of Tennessee have implemented pandemic plans that include social distancing, group size limitations, telework (where possible), and self-quarantine. The goal is to limit the spread of the virus among the station staff.

As provided in the Nuclear Regulatory Commission letter, dated May 14, 2020 (ML20120A003), the following information is provided to expedite the review of the exemption request:

- *The licensee's last biennial exercise*

The last SQN biennial onsite exercise was conducted on October 3, 2018.

- *The licensee's current biennial exercise date*

The current SQN biennial exercise (offsite and onsite participation) date is October 14, 2020. The offsite participation exercise will continue as scheduled, but with remote participation by the Joint Information Center (JIC) and a Central Emergency Control Center (CECC) Control Cell. The planned CY 2021 onsite exercise date is September 8, 2021.

- *A statement that the licensee has made a reasonable effort to reschedule the exercise during Calendar Year (CY) 2020, but was unsuccessful*

TVA made a reasonable effort to reschedule the SQN onsite exercise during CY 2020, but as the COVID-19 site mitigation measures will potentially need to stay in place until the end of CY 2020, rescheduling was unsuccessful.

- *Per RIS 2006-03 and consistent with similar exemptions granted for issues like hurricanes that have impacted exercise scheduling, a statement that the licensee will reschedule the conduct of the biennial exercise within 35 months from the month in which the previously evaluated exercise was conducted in CY 2018.*

TVA will reschedule the conduct of the SQN biennial exercise within 35 calendar months from the month in which the previously evaluated exercise was conducted in CY 2018.

- *A statement that if an exemption is granted to allow the licensee to conduct the CY 2020 biennial exercise in CY 2021, that future biennial exercises will continue to be held in even years.*

If an exemption is granted to allow TVA to conduct the CY 2020 biennial exercise in CY 2021, future biennial exercises will continue to be held in even years.

- *A statement that the licensee conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise.*

TVA has conducted SQN drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous onsite biennial exercise. Specifically, this includes:

- March 27, 2019 – Training Drill (Site and Emergency Operations Facility (EOF) with State Warning Point participation, Radiological (Rad) monitoring, Rad protection, Rad Dose Assessment, Communication drill and Medical Emergency drill)
- May 15, 2019 – Severe Accident Management Guidelines/Training Drill (Site and EOF with State Warning Point participation Rad monitoring, Rad protection, Rad Dose Assessment and Communication drill)
- July 24, 2019 – Training Drill (Site and EOF with State Warning Point participation Rad monitoring, Rad protection, Rad Dose Assessment and Communication drill)
- October 10, 2019 – Erlanger Hospital Drill (Erlanger Hospital, Local Emergency Management Agency (EMA), and Site Rad Protection (RP) and EP)
- October 24, 2019 – Memorial Hixson Drill (Memorial Hixson Hospital, Local EMA and Site RP and EP)

- March 11, 2020 – Training/After Hours Drill (Site and EOF participation Rad monitoring, Rad protection, Rad Dose Assessment and Communication drill)
 - September 16, 2020 – Virtual Table Top Training Drill (Site)
 - September 16, 2020 – Tabletop Drill (EOF (Joint Information Center and CECC Control Cell) and State and Local participation)
- *A statement that the rescheduled biennial exercise has been, or will be coordinated with the applicable offsite response organizations (if offsite response organization participation is required), the applicable NRC Region, and the applicable FEMA Region.*

Not Applicable. This exemption is for the 10 CFR 50 Appendix E Section IV.F.2.b biennial onsite exercise.

4. REGULATORY EVALUATION

10 CFR 50.12(a), "Specific exemptions," states that the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part provided three conditions are met. They are:

- (1) The exemptions are authorized by law.
- (2) The exemptions will not present an undue risk to the public health and safety,
and
- (3) The exemptions are consistent with the common defense and security.

Tennessee Valley Authority (TVA) has evaluated the requested exemption for Sequoyah Nuclear Plant (SQN) against the criteria of 10 CFR 50.12 and determined the criteria are satisfied as described below.

1. This exemption is authorized by law

Section 12 of 10 CFR 50 was issued by the Nuclear Regulatory Commission (NRC) under the authority granted to it pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242), to provide for the licensing of production and utilization facilities. Section 50.12 allows the NRC to grant specific exemptions from the requirements of 10 CFR 50. The biennial onsite emergency preparedness (EP) exercise for the site Emergency Response Organization (ERO) specified in 10 CFR 50, Appendix E, Section IV.F.2.b is not required by any statute. The requested exemption is authorized by law in that no law precludes the activities covered by this exemption request.

2. This exemption will not present an undue risk to the public health and safety

The underlying purpose of 10 CFR 50, Appendix E, Section IV.F.2.b, requiring licensees to conduct an onsite biennial EP exercise, is to ensure that ERO personnel are familiar with their duties and to test the adequacy of the emergency plan. In addition, 10 CFR 50, Appendix E Section IV.F.2.b also requires licensees to maintain adequate emergency response capabilities during intervals between onsite biennial EP exercises by conducting drills to exercise the principal functional areas of emergency response. TVA has conducted training and drills that have exercised the principle functional areas of emergency response since the last evaluated onsite biennial EP exercise and has activated all onsite emergency response facilities during those drills. The Offsite Response Organization portion of the

exercise will still be performed as scheduled, but with remote participation by SQN. TVA considers that these measures will maintain an acceptable level of emergency preparedness during the exemption period in order to satisfy the underlying purpose of the rule.

This requested exemption does not create any new accident precursors. The probability and consequences of postulated accidents are not increased. The list provided above establishes a basis for the assurance that SQN has regularly exercised its emergency response strategies; therefore, postponing the onsite biennial exercise will not pose an undue risk to public health and safety.

3. This exemption is consistent with the common defense and security

The proposed exemption would allow rescheduling of the onsite portion of the biennial EP exercise from the previously scheduled date of October 2020, to Calendar Year (CY) 2021 (September 8, 2021), to help prevent the spread of COVID-19. This change to the EP exercise schedule has no relation to security issues. The common defense and security is not impacted by this exemption.

In addition to the three conditions discussed above, 10 CFR 50.12(a)(2) states that the NRC will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2) there is a list of special circumstances for which the NRC will consider for granting an exemption. In this request, 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are applicable special circumstances. 10 CFR 50.12(a)(2)(ii) states:

Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or

10 CFR 50.12(a)(2)(v) states:

The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

10 CFR 50, Appendix E, Sections IV.F.2.b requires TVA to conduct an onsite exercise of the SQN Radiological Emergency Plan biennially. The underlying purpose of this requirement is to ensure that ERO personnel are familiar with their duties and to test adequacy of emergency plans. TVA has conducted training drills exercising the principle functional areas of emergency response since the last evaluated biennial EP exercise. TVA considers that these measures maintain an acceptable level of emergency preparedness during the exemption period to satisfy the underlying purpose of the rule.

The requested exemption to conduct the onsite EP exercise in CY 2021 instead of CY 2020 would grant only temporary relief from the applicable regulation. TVA has made a good faith effort to comply with the regulations based on a desire to reschedule the onsite exercise during CY 2020, but as the COVID-19 site mitigation measures will potentially need to stay in place until the end of CY 2020, rescheduling is not possible.

The requested exemption to conduct the onsite biennial emergency preparedness exercise for CY 2020 is made because coordination of site activities with current health restrictions, such as social distancing, is increasingly difficult. It is not projected that these restrictions will be relaxed prior to the end of CY 2020. Based on this, TVA has concluded that a good faith effort has been made to comply with the regulation.

5. CONCLUSION

As demonstrated above, TVA considers that this exemption request is in accordance with the criteria of 10 CFR 50.12. Specifically, the requested 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. A temporary exemption from the onsite biennial emergency preparedness exercise requirements of 10 CFR 50, Appendix E, Section IV.F.2.b is required during the 2020 COVID-19 Pandemic.

6. ENVIRONMENTAL CONSIDERATION

TVA is requesting an exemption from certain requirements of 10 CFR 50, Appendix E, for SQN Units 1 and 2. Specifically, TVA is requesting a one-time exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b to exclude the participation of the onsite ERO in the biennial emergency preparedness exercise for CY 2020. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemption. TVA has determined that the exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite; that there is no significant increase in individual or cumulative public or occupational radiation exposure; that there is no construction impact; and there is no significant increase in the potential for or consequences from a radiological accident. Accordingly, the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this proposed exemption request.