



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

CNL-20-092

November 4, 2020

10 CFR 73.5

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

Watts Bar Nuclear Plant, Units 1 and 2
Facility Operating License Nos. NPF-90 and NPF-96
NRC Docket Nos. 50-390 and 50-391

Subject: **Request for an Exemption Regarding Calendar Year 2020 Force-on-Force Exercise**

- References:
1. TVA Letter to NRC, CNL-20-069, "Request for a One-Time Exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) Regarding Annual Force-on-Force Exercises, Due to COVID-19 Pandemic," dated October 14, 2020 (ML20288A432)
 2. NRC Letter from H. Nieh and J. Lubinski to NEI, "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," dated April 20, 2020 (ML20105A483)
 3. NRC Letter from H. Nieh to NEI, "Updated Guidance for Licensees that Request Exemptions from the Calendar Year 2020 Annual Licensee-Conducted Force On Force Requirement in Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency," dated October 13, 2020 (ML20273A058)
 4. NRC Electronic Mail to TVA, "Request for Additional Information on WBN Request for Exemption from 10 CFR Part 73, Appendix B, Section VI for the Conduct of an Annual Force-on-Force Exercise (L-2020-LLE-0165)," dated November 2, 2020 (ML20308A360)

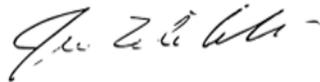
In Reference 1, Tennessee Valley Authority (TVA) submitted a request for a one-time exemption to 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding conducting an annual force-on-force (FOF) exercise in calendar year (CY) 2020 due to the Coronavirus Disease 2019 (COVID-19) pandemic. This was characterized as a "temporary exemption," and was consistent with the information content specified in Reference 2. In Reference 3, the Nuclear Regulatory Commission (NRC) provided additional guidance for

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licensees requesting COVID-19-related CY 2020 FOF exercise exemption requests. In Reference 4, the NRC issued a Request for Additional Information (RAI) regarding Reference 1, and requested that TVA respond by November 5, 2020. In response, TVA is hereby withdrawing the Reference 1 one-time exemption request and submitting the enclosed updated exemption request for this FOF exemption for CY 2020, based on the guidance of Reference 3. Because this exemption request incorporates the additional information requested in the Reference 4 RAI, TVA is not providing a formal response to Reference 4. TVA requests expedited approval of this exemption request by December 31, 2020.

There are no new regulatory commitments associated with this submittal. If you should have any questions regarding this submittal, please contact Gordon Williams, Senior Manager, Fleet Licensing (Acting), at 423-751-2687.

Respectfully,



James T. Polickoski
Director, Nuclear Regulatory Affairs

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Request for an Exemption Regarding Calendar Year 2020 Force-on-Force
Exercise

cc: (Enclosure)

NRC Regional Administrator - Region II
NRC Senior Resident Inspector - Watts Bar Nuclear Plant
NRC Project Manager – Watts Bar Nuclear Plant
Division of Radiological Health - Tennessee State Department of Environment and
Conservation

Request for an Exemption Regarding Calendar Year 2020 Force-on-Force Exercise

1.0 SUMMARY DESCRIPTION

Tennessee Valley Authority (TVA) requests an exemption from conducting the calendar year (CY) 2020 annual force-on-force (FOF) exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) for the Watts Bar Nuclear Plant (WBN), Units 1 and 2. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the Coronavirus Disease 2019 (COVID-19) and remain capable of maintaining plant security.

2.0 BACKGROUND

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) 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 corporate pandemic response plan, TVA has postponed some site activities due to isolation activities (e.g., 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.

3.0 EXEMPTION DETAILS

In accordance with the provisions of 10 CFR 73.5, and consistent with the conditions specified in the Enforcement Guidance Memorandum 20-002 and References 1 and 2, TVA is requesting an exemption from the requirements of Appendix B to Part 73, Section VI, C.3.(I)(1) for WBN Units 1 and 2, regarding the conduct of a force-on-force (FOF) exercise during CY 2020. As a result of the COVID-19 PHE, TVA's assessment is that WBN will not be able to comply with the requirements of the specified regulation, and will implement site-specific COVID-19 PHE training requalification controls consistent with those conditions outlined in References 1 and 2. Specifically, TVA has evaluated each WBN security position to identify appropriate COVID-19 personnel protection measures to maximize the controls necessary to minimize the potential spread of the virus. These evaluations determined that annual exercises cannot be conducted due to the limited space available in most security positions to allow for appropriate social distancing while taking into consideration maintaining safety and site security requirements, and then introducing necessary exercise control measures. This also supports the requirement of Appendix B to Part 73, Section VI, C.3.(I)(5); "Tactical response drills and force-on-force exercises are conducted safely and in accordance with site safety plans." To date, five WBN Security personnel have tested positive for COVID-19, with approximately 19 others who have been quarantined for some period of time. Current data shows an increasing trend in COVID-19 positives in the county where WBN is located.

This 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. WBN implemented proactive isolation restrictions for site personnel on March 23, 2020.

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This exemption is specific to security personnel who have previously demonstrated proficiency and are currently qualified in accordance with 10 CFR Part 73, Appendix B, Section VI, "Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties." Additionally, because of the rigorous nature of WBN 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 WBN security personnel will continue to maintain their proficiency, even though the requalification periodicity is exceeded for CY 2020.

WBN requests an exemption from the following specific CY 2020 FOF exercise requirements of 10 CFR 73, Appendix B, VI.C.3.(I)(1).

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.

The FOF exercise grace period expires on November 5, 2020. TVA has extended its maximum telework/reintegration Phase 1 posture until, at least January 1, 2021. Because of these company guidelines and social distancing expectations, WBN will not be able to complete the CY 2020 FOF annual exercises. These restrictions are needed to ensure WBN essential personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

4.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY

WBN will implement the following controls to ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities.

- WBN will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the dates of their last qualification.
- WBN will ensure contingency response readiness of security personnel not participating in an annual FOF exercise, by conducting the following scenario-based evolution.
 - Continue to conduct quarterly tactical response drills, including tabletop exercises, to ensure the security force maintains response readiness.

Additionally, impacted security personnel continue to maintain contingency response readiness and proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope, because WBN continues to conduct the following training requalification requirements of Section VI of Appendix B to Part 73 that reinforce FOF exercise skills.

- Annual firearms familiarization
- Annual daylight qualification course
- Annual night fire qualification course
- Annual tactical qualification course

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- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

Therefore, WBN continues to maintain a physical protection program that provides high assurance that the health and safety of the public will not be inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety.

WBN is scheduled to conduct CY 2021 FOF annual exercises beginning in August of 2021, and completing no later than October 31, 2021, provided the PHE has ended. However, should unforeseen circumstances arise that would inhibit resuming these activities, TVA will provide an updated request for exemption with as much advance notice as practicable.

5.0 REGULATORY JUSTIFICATION OF ACCEPTABILITY

Part 73.5 of 10 CFR, Specific exemptions, states that the NRC may grant exemptions from the requirements of the regulations of this part provided three conditions are met. They are as follows:

- (1) The exemptions are authorized by law.
- (2) The exemptions will not endanger life or property or the common defense and security.
- (3) The exemptions are otherwise in the public interest.

TVA has evaluated the requested exemption against the criteria of 10 CFR 73.5 and determined the criteria are satisfied as described below.

1. This exemption is authorized by law.

The requested exemption is authorized by law in that no law precludes the activities covered by this exemption request. Granting of the request does not result in a violation of the Atomic Energy Act of 1954, as amended.

2. This exemption will not endanger life or property or the common defense and security.

The requested exemption will not endanger life or property or the common defense and security. The requested exemption allows the cancellation of certain security training requalification requirements during calendar year (CY) 2020. TVA had scheduled these requalification activities to comply with the regulation. However, these activities must be cancelled for CY 2020 to allow implementation of the TVA pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job function actions during the COVID-19 pandemic.

The proposed exemption is related to training requalification and does not change physical security plans or the defensive strategy. Security personnel impacted by this exemption are currently satisfactorily qualified on all required tasks. In addition, security personnel are monitored regularly by supervisory personnel and have implemented controls and conducted the other training requalification requirements as identified above. Therefore, granting the requested exemption will not endanger or compromise the common defense or security, or safeguarding of WBN.

3. This exemption is otherwise in the public interest.

The TVA pandemic response plan is based on NEI 06-03, "Nuclear Sector Coordination Council, Influenza Pandemic Threat Summary and Planning, Preparation, and Response Reference Guide," which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as well as social distancing, group size limitations and self-quarantining, in the event of a pandemic, to prevent the spread of the virus to the plant. NEI 06-03 provides other mitigation strategies that serve the public interest during a pandemic by ensuring adequate staff is isolated from the pandemic and remains healthy to perform their job function.

Keeping WBN in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the U.S. Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. If the plant operation is impacted because it cannot comply with the security training requalification requirements while isolation activities are in effect for essential crew members, the area electrical grid would lose this reliable source of baseload power. In addition, WBN personnel could face the added transient challenge of shutting down their respective plant and possibly not restarting it until the pandemic passes. This does not serve the public interest in maintaining a safe and reliable supply of electricity.

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. Furthermore, the requirements for which an exemption is being requested involve security training requalification requirements. 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.

The period during which the exemption is necessary will be in effect until the end of CY 2020.

6.0 REFERENCES

1. NRC Letter from H. Nieh and J. Lubinski to NEI, "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," dated April 20, 2020 (ML20105A483)
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