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10 CFR 73.5

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

Edwin I. Hatch Nuclear Plant, Units 1 and 2
Joseph M. Farley Nuclear Plant, Units 1 and 2
Vogtle Electric Generating Plant, Units 1 and 2

Request for One-Time Exemptions from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1)
Regarding Annual Force-on-Force (FOF) Exercises, Due to COVID-19 Pandemic

References:

1. NRC letter, Vogtle Electric Generating 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 L-2020-LLE-0047), dated May 14, 2020
2. NRC letter, 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), dated August 18, 2020

Ladies and Gentlemen:

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 Coronavirus Disease 2019 (COVID-19). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization, and on March 13, 2020, President Donald Trump declared the COVID-19 pandemic a national emergency. Additionally, Kay Ivey, Governor of the State of Alabama, declared a state PHE on March 13, 2020. Brian Kemp, Governor of the State of Georgia, declared a Public Health State of Emergency on March 14, 2020.

In response to these declarations and in accordance with the Southern Nuclear Operating Company (SNC) Pandemic Response plan, by letter dated May 14, 2020 (Reference 1), a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises, was approved for Vogtle Electric Generating Plant (VEGP), Units 1 and 2. Subsequently, by letter dated August 18, 2020 (Reference 2), temporary exemptions from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1), regarding annual FOF exercises, were approved for Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, and Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2. These exemptions were necessary

because isolation protocols (e.g., social distancing, group size limitations, self-quarantining) restrict activities associated with conducting annual FOF exercises, and they were necessary to help maintain a healthy workforce during the pandemic. These approved temporary exemptions expire December 31, 2020.

In the previous requests for exemptions FNP, HNP, and VEGP committed to complete any missed FOF exercises, within the time period in the requests, when isolation restrictions are ended. At the time of submittals for the exemption requests the duration of the PHE was discussed as "not currently known," and therefore a commitment was added to complete the exercises 90 days after the PHE is ended or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact the abilities of FNP, HNP, and VEGP to conduct annual FOF exercises. Because these temporary exemptions expire December 31, 2020, SNC requests one-time exemptions for FNP, HNP, and VEGP from the requirement in 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) to conduct annual force-on-force exercises in 2020. These one-time exemptions would supersede the commitment in the previously approved exemptions to complete any missed FOF exercises, within the time period in the respective requests, when isolation restrictions are ended. Approval of these exemptions will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security. The proposed one-time exemptions will apply specifically to security personnel for whom the temporary approved exemptions applied.

The enclosure to this letter contains the exemption requests and justifications for the issuance of the one-time exemptions. The proposed exemptions are needed by December 31, 2020.

This letter contains no NRC commitments. If you have any questions, please contact Jamie Coleman at 205.992.6611.

Respectfully submitted,



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CAG/wag/cbg

Enclosure: Security 2020 Annual Force-on-Force Exercise One-Time Exemption Requests

cc: Regional Administrator, Region II
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RType: CGA02.001

**Edwin I. Hatch Nuclear Plant, Units 1 and 2
Joseph M. Farley Nuclear Plant, Units 1 and 2
Vogtle Electric Generating Plant, Units 1 and 2
Request for One-Time Exemptions from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1)
Regarding Annual Force-on-Force (FOF) Exercises, Due to COVID-19 Pandemic**

Enclosure

Security 2020 Annual Force-on-Force Exercise One-Time Exemption Requests

1.0 SUMMARY DESCRIPTION

Southern Nuclear Operating Company (SNC) requests one-time exemptions for Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2, Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, and Vogtle Electric Generating Plant (VEGP), Units 1 and 2, from the requirement in 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) to conduct annual force-on-force (FOF) exercises in 2020. These one-time exemptions would supersede the commitment in the previously approved exemptions to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended. Approval of these exemptions will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

2.0 BACKGROUND

By letter dated May 14, 2020, VEGP was approved a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding annual FOF exercises (Reference 1), and by letter dated August 18, 2020, FNP and HNP were approved temporary exemptions from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding annual FOF exercises (Reference 2). The exemptions were in response to the COVID-19 public health emergency (PHE) and were necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining) restrict activities associated with conducting annual FOF exercises and were necessary to maintain a healthy workforce during the pandemic. These approved temporary exemptions expire December 31, 2020.

In the previously approved requests for exemptions, FNP, HNP, and VEGP committed to complete any missed FOF exercises, within the time period in the requests, when isolation restrictions are ended. At the time of the exemption request submittals, the duration of the PHE was discussed as "not currently known," and therefore a commitment was added to complete the exercises 90 days after the PHE is ended or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact FNP's, HNP's, and VEGP's abilities to conduct annual FOF exercises.

SNC has implemented various security-specific safety measures at FNP, HNP, and VEGP in efforts to minimize potential COVID-19 exposure and mitigate consequences that would result from exposure within a security shift and to the adjacent alternating shifts' staffing levels. In addition to the efforts to maintain social distancing and wearing of protective face coverings, SNC security officers are:

- utilizing alternative methods to conduct shift briefings
- maintaining shift and job rotations to reduce the potential for exposures within and across shifts
- tracking close contact situations to eliminate conditions and track potential exposures
- conducting additional cleanings of posts at watch rotations and post turnover
- undergoing additional medical evaluations before returning from sick leaves (FNP and VEGP only).

In addition, examples of physical measures taken to limit opportunities for security officer exposures to the COVID-19 disease include:

- plexiglass shielding was installed at specific posts (FNP and VEGP only)
- additional equipment was purchased to eliminate sharing, in specific instances
- training class sizes were reduced to maximize social distancing
- training equipment and facilities are cleaned and disinfected after training evolutions

The purpose of these measures is to keep security officer close contact opportunities to a minimum. Maintaining security officers on one rotation essentially divides the shift teams into pockets, keeping portions of the shift teams from being in contact with the remainder of the teams. Isolating the shifts into pockets limits the number of security officers that would be required to quarantine if exposed to COVID-19 due to identified close contact. Conducting an annual exercise would eliminate these pockets on the shifts, which would expose larger numbers of officers to one another. In addition to the additional exposures within shifts, an annual exercise would require security officers' attendance from other shifts, resulting in cross-shift exposures. Further, some security responder locations (alarm stations, enclosures, ready rooms, etc.) would not provide adequate social distancing with the additional FOF exercise controllers.

The extra measures described above to protect SNC security officers from COVID-19 exposure would be counteracted by the additional resources needed to conduct FOF exercises. An exposure to COVID-19 during a FOF exercise could result in a super-spreader event, placing the site at risk.

Because the temporary exemptions expire December 31, 2020, SNC requests one-time exemptions for FNP, HNP, and VEGP from the requirement in 10 CFR 73, Appendix B, Section VI, Subsection C.3.(l)(1) to conduct annual FOF exercises in 2020. These one-time exemptions would supersede the commitment in the previously approved exemptions to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended. Approval of these exemptions will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

The proposed one-time exemptions will apply specifically to security personnel for whom the temporary approved exemptions applied.

3.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY

The U.S. Centers for Disease Control (CDC) has issued recommendations advising "social distancing" to prevent the spread of the COVID-19 disease (Reference 3). FNP, HNP, and VEGP have implemented isolation activities such as self-quarantining, group size limitations, and social distancing to protect required site personnel in accordance with NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide" (Reference 4). Ideally this will limit the spread of the virus among the station staff. This required SNC to request temporary exemptions from annual FOF exercises because these isolation protocols restrict certain activities associated with the conduct of annual FOF exercises. Maintaining a healthy workforce is preferable to having a sick workforce that is unavailable during a pandemic.

The proposed one-time exemptions will apply specifically to security personnel for whom the temporary approved exemptions applied. Impacted security personnel continue to maintain 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 FNP, HNP, and VEGP have continued to conduct the following training/qualification requirements of Section VI of Appendix B to Part 73.

- Quarterly tactical response drills (Tabletop drills and Limited-scope tactical response drills)
 - FNP and VEGP – completed three of four
 - HNP – completed two of four
- Annual firearms familiarization
 - FNP and VEGP – complete
 - HNP – scheduled to complete by November 13, 2020

- Annual daylight qualification course
 - FNP, HNP, and VEGP – complete
- Annual night fire qualification course
 - FNP, HNP, and VEGP – complete
- Annual tactical qualification course
 - FNP, HNP, and VEGP – complete
- On-the-job training
 - FNP and VEGP have completed on-the-job training
 - HNP shift teams are scheduled to complete by December 31, 2020
- Annual physical examination
 - FNP, HNP, and VEGP – complete
- Annual physical fitness test
 - FNP, HNP, and VEGP – complete
- Weapons range activity (4-month periodicity)
 - FNP and VEGP – complete
 - HNP – scheduled to complete by November 13, 2020
- Annual written exam
 - FNP, HNP, and VEGP – complete

In addition, and in accordance with the approved temporary exemptions, FNP and VEGP have conducted scenario-based tabletop exercises with all impacted security personnel. HNP is scheduled to complete its scenario-based tabletop exercise by November 13, 2020. Therefore, FNP, HNP, and VEGP continue to maintain contingency response readiness and a physical protection program that provides high assurance that the health and safety of the public. SNC concludes the proposed exemption will not be inimical to the common defense and security and will not constitute unreasonable risk to the public health and safety.

4.0 JUSTIFICATION OF EXEMPTION

10 CFR 73.5, Specific exemptions, states that the Nuclear Regulatory Commission may 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 endanger life or property or the common defense and security, and
- (3) The exemptions are otherwise in the public interest.

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

1. The exemptions are authorized by law

The security training requalification requirements in Appendix B to Part 73 are not required by any statute. The requested exemptions are authorized by law in that no law precludes the activities covered by this request for exemptions. Granting of the request does not result in a violation of the Atomic Energy Act of 1954, as amended.

2. The exemptions will not endanger life or property or the common defense and security

The requested exemptions will not endanger life or property or the common defense and security. The requested exemptions are one-time exemptions. FNP, HNP, and VEGP had scheduled these requalification activities to comply with the regulation. Further, the requested exemptions support the continued implementation of the FNP, HNP, and VEGP pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job functions during the COVID-19 pandemic.

The proposed exemptions are related only to the conduct of annual FOF exercises and do not change physical security plans or the defensive strategies. Security personnel impacted by this request were qualified on all required tasks at the time of the PHE. Impacted security personnel continue to maintain proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect their respective station against the design basis threat because FNP, HNP, and VEGP have continued to conduct other training requalification requirements as identified in section 3.0. In addition, security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the approved temporary exemptions. Therefore, granting the requested one-time exemptions will not endanger or compromise the common defense or security, or safeguarding FNP, HNP, and VEGP.

3. The exemptions are otherwise in the public interest

SNC's pandemic response plan is based on NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide," (Reference 4) which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as applicable as well as social distancing, group size limitations, and self-quarantining in an 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.

Ensuring FNP, HNP, and VEGP are in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the US 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 each plant's operation is impacted because it cannot comply with the security training requalification requirements while isolation activities are in effect for essential crew members, the respective area's electrical grid would lose this reliable source of baseload power. In addition, FNP, HNP, and VEGP personnel could face the added transient challenge of shutting down the 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.

5.0 CONCLUSION

As demonstrated above, SNC considers this request for one-time exemptions to be in accordance with the criteria of 10 CFR 73.5. Specifically, the requested exemptions are authorized by law, will not present undue risk to the public health and safety, and are consistent with the common defense and security. These one-time exemptions from the requirement to conduct annual FOF exercises in 2020 at FNP, HNP, and VEGP are required during the COVID-19 Pandemic.

6.0 ENVIRONMENTAL ASSESSMENT

SNC is requesting one-time exemptions from the conduct of 2020 annual FOF exercises. Specifically, SNC is requesting one-time exemptions for FNP, HNP, and VEGP from the requirement in Section VI, Subsection C.3.(I)(1) of Appendix B to Part 73, regarding the conduct of annual FOF exercises. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemptions.

SNC has determined that the exemptions involve 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 requirement for which the exemptions are being requested involves security 2020 annual FOF exercise requirements. Accordingly, the proposed one-time exemptions meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25).

Pursuant to 10 CFR 51.22(b), neither an environmental assessment nor an environmental impact statement need be prepared in connection with the issuance of this proposed request.

7.0 REFERENCES

1. NRC letter, Vogtle Electric Generating 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 L-2020-LLE-0047), dated May 14, 2020.
2. NRC letter, 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), dated August 18, 2020.
3. “Interim Guidance for Businesses and Employers”, retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, on March 17, 2020.
4. NEI 06-03, “Pandemic Threat Planning, Preparation, and Response Reference Guide”, Revision 2, February