



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

December 8, 2020

Mr. James Barstow
Vice President, Nuclear Regulatory
Affairs and Support Services
Tennessee Valley Authority
1101 Market Street, LP 4A-C
Chattanooga, TN 37402-2801

SUBJECT: WATTS BAR NUCLEAR PLANT, UNITS 1 AND 2 – EXEMPTION FROM ANNUAL FORCE-ON-FORCE EXERCISE REQUIREMENT OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL” SUBSECTION VI C.3.(I)(1) (EPID L-2020-LLE-0179)

Dear Mr. Barstow:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved an exemption from a specific requirement 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 Watts Bar Nuclear Plant, Units 1 and 2 (Watts Bar) for calendar year (CY) 2020. This action is in response to the Tennessee Valley Authority (TVA, the licensee) application dated November 4, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20309A695), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises for CY 2020 at Watts Bar.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

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) force-on-force 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 for the United States. Subsequently, the Centers for Disease Control and Prevention issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19.

The licensee's application dated November 4, 2020, states the following:

- TVA evaluated each Watts Bar security position to identify appropriate COVID-19 personnel protections measures to maximize the controls necessary to minimize the potential spread of the virus and 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. Additionally, to date, five Watts Bar security personnel have tested positive for COVID-19, with approximately 19 others who have been quarantined for some period of time. Lastly, current data shows an increasing trend in COVID-19 positives in the county where Watts Bar is located.
- This exemption supports ongoing isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) that are necessary to protect required site personnel in response to the COVID-19 virus.
- This exemption is needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security.
- To maintain contingency response readiness, Watts Bar will continue to conduct quarterly tactical response drills, including tabletop exercises. Watts Bar also continues to conduct the following annual security requalification requirements that reinforce FOF exercise-related skills: firearms familiarization, daylight qualification course, night fire qualification course, tactical qualification course, physical examination and fitness test, weapons range activity (on a 4-month periodicity), and written exam.
- Watts Bar will also maintain a list of names of the individuals who will not meet the requalification requirements and will include the dates of their last requalification.

This exemption is specific to CY 2020 and Watts Bar security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that given the rigorous nature of Watts Bar's 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 periodicity for annual licensee-conducted FOF exercises is temporarily exceeded for CY 2020. Additionally, the November 4, 2020, request identified site-specific actions listed above that will be implemented at Watts Bar to maintain contingency response readiness, consistent with the NRC staff's October 13, 2020, letter (ADAMS Accession No. ML20273A117). The licensee requested an exemption for completing its licensee-conducted FOF exercises required in CY 2020.

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by 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 exemption request and finds that granting the proposed exemption 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 exemption is 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. This exemption 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 that the licensee will implement to ensure contingency response readiness, including continuing to conduct quarterly tactical response drills and other security requalification requirements, the NRC staff has reasonable assurance that the security force at Watts Bar will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemption 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. The NRC staff finds that the exemption from the annual FOF requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by reducing the likelihood of security personnel being exposed to the COVID-19 virus because of their involvement in a FOF exercise. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Watts Bar, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of this exemption request 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 this exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility 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 this exemption does not affect any effluent release limits as provided in the facility 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 this exemption 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. There is no significant construction impact because this exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility 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 this exemption request.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR 73.5, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee's request to exempt Watts Bar 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. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact the Watts Bar project manager, Kimberly Green, at 301-415-1627 or by e-mail to Kimberly.Green@nrc.gov.

Sincerely,

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

Docket Nos. 50-390 and 50-391

cc: Listserv

SUBJECT: WATTS BAR NUCLEAR PLANT, UNITS 1 AND 2 – EXEMPTION FROM ANNUAL FORCE-ON-FORCE EXERCISE REQUIREMENT OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL” SUBSECTION VI C.3(I)(1) (EPID L-2020-LLE-0179) DATED DECEMBER 8, 2020

DISTRIBUTION:

PUBLIC
 PM File Copy
 RidsACRS_MailCTR Resource
 RidsNrrDorLpl2-2 Resource
 RidsNrrLABAbeywickrama Resource
 RidsNrrPMWattsBar Resource
 RidsRgn2MailCenter Resource
 ABowers, NSIR
 MMcCoppin, OEDO
 RSkokowski, OEDO

ADAMS Accession No. ML20318A036

***via e-mail**

OFFICE	NRR/DORL/LPL2-2/PM*	NRR/DORL/LPL2-2/LA*	NSIR/DPCP/RSB/BC*
NAME	KGreen	BAbeywickrama (LRonewicz for)	ABowers
DATE	11/16/2020	11/16/2020	11/10/2020
OFFICE	OGC – NLO*	NRR/DORL/LPL2-2/BC*	NRR/DORL/D*
NAME	JBielecki	UShoop	CErlanger
DATE	11/17/2020	12/07/2020	12/08/2020

OFFICIAL RECORD COPY