



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

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November 16, 2020  
NOC-AE-20003767  
File No.: G25  
10 CFR 73.5  
STI: 35086898

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

South Texas Project  
Units 1 and 2  
Docket Nos. STN 50-498, STN 50-499  
Request for a One-Time Exemption 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

Reference: Letter from C. Erlanger to G. T. Powell; "Temporary Exemption from Certain Requirements of 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI (EPID L-2020-LLE-0076 [COVID-19]); June 18, 2020; (AE-NOC-20003270) (ML20155K679)

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 Coronavirus (COVID-19) pandemic a national emergency. In addition, Matagorda County, Texas declared a state of emergency on March 16, 2020.

In response to these declarations, by a letter dated June 18, 2020, 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 the station. The exemption was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises and was necessary to maintain a healthy workforce during the pandemic. The approved temporary exemption expires December 31, 2020.

In the request for the previous exemption, STP Nuclear Operating Company (STPNOC) stated that any missed FOF exercises, within the time period in that request, would be completed when isolation restrictions ended. At the time of submittal for the previous exemption request, the duration of the PHE was discussed as "not currently known," and therefore a date of completion was added to perform the exercise 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact STPNOC's ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, STPNOC requests a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the previously approved exemption to complete any missed

FOF exercise, within the time period in that request, when isolation restrictions are ended. 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 COVID-19 virus and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the previous approved exemption applied.

STPNOC is only requesting exemptions from the requirements in 10 CFR Part 73 Appendix B Section VI, Subsection C.3.(l)(1).

STPNOC requests a written confirmation of this request.

There are no commitments in this letter.

If you have any questions, please contact Walter Fulton at 361-972-4349 or me at 361-972-7697.

A handwritten signature in black ink, appearing to read 'Aldo Capristo', with a stylized flourish at the end.

Aldo Capristo  
Executive VP and Chief  
Administrative Officer

Attachment: Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request

cc:  
Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
1600 E. Lamar Boulevard  
Arlington, TX 76011-4511

## Attachment

## Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request

**1.0 SUMMARY DESCRIPTION**

STP Nuclear Operating Company (STPNOC) requests a one-time exemption from conducting 2020 annual force-on-force (FOF) exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the previously approved exemption (Reference 3) to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended. 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 COVID-19 virus and remain capable of maintaining plant security.

**2.0 BACKGROUND**

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

**3.0 EXEMPTION DETAILS**

In the request for exemption, STPNOC stated that any missed FOF exercises, within the time period in that request, would be completed when isolation restrictions ended. At the time of submittal for the exemption request, the duration of the PHE was discussed as "not currently known," and therefore a date of completion was added to perform the exercise 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact STPNOC's ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, STPNOC requests a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the previously approved exemption to complete any missed FOF exercise, within the time period in that request, when isolation restrictions are ended. 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 COVID-19 virus and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied.

**4.0 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 virus (Reference 1). STPNOC has 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 2). Ideally, this will limit the spread of the virus among the station staff. This requires STPNOC to request a temporary

exemption 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.

Specifically, STPNOC pandemic plan has impacted the stations ability to perform annual FOF exercises safely due to the following:

- COVID-19 conditions in Texas and the local communities where station personnel reside are currently trending upward with regard to number of cases per capita.
- Station and personnel virus mitigating actions have been successful at minimizing virus impact on the safe and reliable operation of the units and have resulted in less than 1% of the station population testing positive for COVID-19 to date.
- COVID-19 mitigation techniques of maintaining social distancing, mask use, minimizing human footprint on site, and limiting close personal contact of employees during the conduct of work activities are essential elements of this mitigating strategy.

Not conducting annual FOF exercises due to the reasons listed in this request are consistent with the requirement of Appendix B to Part 73, Section VI, C.3.(l)(5); "Tactical response drills and force-on-force exercises are conducted safely and in accordance with site safety plans."

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption 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 STPNOC has continued to conduct the following training requalification requirements of Section VI of Appendix B to Part 73:

- Quarterly tactical response drills (Tabletop drills, Timeline drills, Limited-scope tactical response drills)
- Annual firearms familiarization
- Annual daylight qualification course
- Annual night fire qualification course
- Annual tactical qualification course
- On-the-job training
- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

In addition, and in accordance with the approved temporary exemption, STPNOC conducted table top exercises and reviewed lessons-learned of past exercises with all impacted security personnel. Therefore, the STPNOC Security Force will maintain its proficiency and readiness to implement the protective strategy and adequately protect the site. Approval of this exemption would not endanger life or property or the common defense and security.

## 5.0 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.

STPNOC 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 security training requalification requirements in Appendix B to Part 73 are not required by any statute. 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 is a one-time exemption. STPNOC had scheduled these requalification activities to comply with the regulation. However, these activities must be exempted for the year 2020 to allow continued implementation of the STPNOC 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 exemption is related only to the conduct of annual FOF exercises and does not change physical security plans or the defensive strategy. 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 the station against the design basis threat because STPNOC has 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 exemption. Therefore, granting the requested one-time exemption will not endanger or compromise the common defense or security, or safeguarding STP.

### 3. This exemption is otherwise in the public interest

STPNOC's pandemic response plan is based on NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide," (Reference 2) 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 STPNOC is 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 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, STPNOC 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.

## 6.0 CONCLUSION

As demonstrated above, STPNOC considers that this one-time exemption request to be in accordance with the criteria of 10 CFR 73.5. 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 one-time exemption for the conduct of 2020 annual FOF exercises at STPNOC is required during and recovery from the COVID-19 Pandemic.

## 7.0 ENVIRONMENTAL ASSESSMENT

STPNOC is requesting a one-time exemption from the conduct of 2020 annual FOF exercises. Specifically, STPNOC is requesting a one-time exemption from the requirements of Section VI.[C.3.(1)(1)] of Appendix B of 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 exemption.

STPNOC 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 2020 annual FOF exercise requirements. Accordingly, the proposed one-time 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.

## 8.0 REFERENCES

1. "Interim Guidance for Businesses and Employers", retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, on March 17, 2020.
2. NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide", Revision 2, February 2020.
3. Letter from C. Erlanger to G. T. Powell; "Temporary Exemption from Certain Requirements of 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI (EPID L-2020-LLE-0076 [COVID-19]); June 18, 2020; (AE-NOC-20003270) (ML20155K679)