

From: Arora, Surinder
Sent: Monday, November 23, 2020 12:20 PM
To: Margaret M Offerle
Cc: Salgado, Nancy
Subject: Fermi 2 [COVID-19] Part 73 Exemption Request (EPID L-2020-LLE-0204)
Attachments: RAI for Fermi Part 73 Exemption .docx

Importance: High

Dear Ms. Offerle,

By letter dated November 13, 2020, (Agencywide Documents Access Management System (ADAMS) Accession No. ML20318A383), DTE Electric Company (DTE), the licensee, requested an exemption from the annual force-on-force (FOF) requirement of Title 10 of the *Code of Federal Regulations* (CFR) Part 73, Appendix B, Section VI, subsection C.3.(I)(1) for Fermi 2.

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing the above application and has determined that a response to the attached request for additional information (RAI) is needed to complete its review. Since the exemption request is COVID-19 related and you have requested an approval by December 31, 2020, your response to the RAI question is requested promptly, no later than December 4, 2020.

Thanks.

Sincerely,

SURINDER ARORA, PE

Project Manager, Fermi 2
US NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION (NRR)
DIVISION OF OPERATING REACTOR LICENSING (DORL)
Plant Licensing Branch III (LPL3)

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Docket No. 50-341

EPID: L-2020-LLE-0204

OFFICE	DORL/LPL3/PM	DORL/LPL3/BC
NAME	SArora	NSalgado
DATE	11/ 23 /20	11/ 23 /20

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Received Date: 11/23/2020 12:19:00 PM
From: Arora, Surinder

Created By: Surinder.Arora@nrc.gov

Recipients:

"Salgado, Nancy" <Nancy.Salgado@nrc.gov>
Tracking Status: None
"Margaret M Offerle" <margaret.offerle@dteenergy.com>
Tracking Status: None

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RAI for Fermi Part 73 Exemption .docx		42113

Options

Priority: High
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:

REQUEST FOR ADDITIONAL INFORMATION

DTE ELECTRIC COMPANY

FERMI NUCLEAR PLANT, UNIT 2

DOCKET NO. 50-341

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

Background

By letter dated November 13, 2020 (Agencywide Documents and Access Management System (ADAMS) Accession No. ML20318A383), DTE Electric Company (DTE), requested an exemption from the annual force-on-force (FOF) requirement of Title 10 of the *Code of Federal Regulations* (CFR) Part 73, Appendix B, Section VI, subsection C.3.(I)(1) for the Fermi Nuclear Plant, Unit 2 (Fermi). This exemption would supersede the previously approved exemption dated September 10, 2020 (ADAMS Accession No. ML20226A116) that required Fermi to restore compliance with the annual FOF exercise requalification requirement within 90 days after the end of the coronavirus disease 2019 (COVID-19) public health emergency (PHE), or December 31, 2020, whichever occurs first.

Subsection C.3.(I)(1) requires that:

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.

DTE indicated that Fermi will not be able to comply with the annual FOF exercise requirement of the specified regulation for calendar year (CY) 2020 due to the continued implementation of COVID-19 PHE training requalification controls consistent with those recommended by the State of Michigan and the DTE corporate pandemic response plan.

In the request, DTE stated that in order to ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities and thus maintain contingency response readiness, Fermi will continue to conduct quarterly tactical response drills, including tabletop exercises. DTE also said Fermi will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the dates of the last qualification.

Issue

On October 13, 2020, the NRC issued updated guidance for licensees that require exemptions from CY 2020 annual FOF exercises during the COVID-19 PHE (ADAMS Accession No. ML20273A058). The guidance states, in part:

. . . Since the NRC issued the April 2020 letter, some licensees have taken

measures recommended by Federal, State, and local authorities to help protect their personnel, including security personnel, from exposure to COVID-19. These measures include the implementation of COVID-19-related controls such as the widespread use of face coverings for site personnel, frequent surface sanitization and handwashing, and social distancing (i.e., maintaining 6 feet of separation between individuals where practical). Accordingly, some of these licensees have been able to resume many routine activities with little or no disruption or with the use of other controls, to accomplish the same tasks safely. In addition, due to site-specific configurations and implementation of certain safety measures, some commercial power reactor and fuel cycle facility licensees have successfully conducted their required annual FOF exercises during the PHE without adversely impacting the sites' security staffing or operations.

Nevertheless, the impacts of COVID-19 are still ongoing for some licensees and will likely extend beyond December 31, 2020. These circumstances may prevent licensees from completing their missed CY 2020 FOF exercises by December 31, 2020. They may also prevent licensees that did not previously request an exemption from the annual FOF exercise requirements and, therefore, are still required to complete an FOF exercise before the end of the CY, from being able to complete that exercise by December 31, 2020. To address this situation, the NRC is prepared to expedite consideration of requests for an exemption that would relieve licensees from making up any missed CY 2020 annual FOF exercises. The NRC is also prepared to expedite consideration of exemption requests from the requirement to conduct an annual FOF exercise in CY 2020 for those licensees who were not previously granted such an exemption.

This updated guidance requests that licensees submit the following information if they have previously been granted a temporary exemption from the annual FOF exercise requirement:

- "...a discussion as to why the licensee is unable to conduct make-up exercises due to continuing COVID-19 PHE impacts as committed to in their initial exemption request submission;" and
- "In addition to the information above, ...a description of how they intend to maintain contingency response readiness."

Request

Other than continuing to conduct quarterly tactical response drills, including tabletop exercises, describe the security training activities that Fermi will conduct to reinforce the skills or activities associated with annual FOF exercises and contribute to Fermi's ability to maintain contingency response readiness. Attachment 1 to EGM 20-002, "Enforcement Guidance Memorandum 20-002 – Attachment 1, Dispositioning Violations of NRC Requirements for Completion Periodicities Associated with Security Training and Requalification Requirements During the COVID-19 Public Health Emergency" (ADAMS Accession No. ML20091L385), and Regulatory Guide 5.75, "Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities" (ADAMS Accession No. ML091690037), provide the following examples of such activities: timeline and limited-scope drills, virtual-based communication exercises, firearms qualifications and range activities, and individual walkdowns of response routes and contingency positions.