



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

December 4, 2020

Ms. Cheryl A. Gayheart
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
3535 Colonnade Parkway
Birmingham, AL 35243

SUBJECT: VOGTLE ELECTRIC GENERATING 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-0216 [COVID-19])

Dear Ms. Gayheart:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested 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 Vogtle Electric Generating Plant (VEGP), Units 1 and 2, for calendar year (CY) 2020. This action is in response to the Southern Nuclear Operating Company (SNC, the licensee) application dated November 6, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20311A662), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at VEGP.

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 (PHE) 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. On May 14, 2020, (ADAMS Accession No. ML20126G266), the NRC granted the SNC’s previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1) for

VEGP. That exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee conducted FOF exercises by December 31, 2020.

The licensee's application dated November 6, 2020, stated the following:

- SNC has implemented various security-specific safety measures at 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.
- Examples of physical measures taken [at VEGP site] to limit opportunities for security officer exposures to the COVID-19 disease include:
 - installing plexiglass shielding at specific posts
 - purchasing additional equipment to eliminate sharing, in specific instance
 - reducing training class sizes to maximize social distancing
 - cleaning and disinfecting training equipment and facilities after training evolutions.
- SNC stated that the extra measures to protect SNC security officers from COVID-19 exposure would be counteracted by the additional resources needed to conduct FOF exercises. 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.
- 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, VEGP will continue to conduct quarterly tactical response drills, including tabletop exercises and Limited-scope tactical response drills. VEGP 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. In addition, VEGP conducted scenario-based tabletop exercises with all impacted security personnel.

This exemption is specific to CY 2020 and VEGP security personnel for whom the temporary approved exemptions applied. SNC stated that given the proposed exemption is related only to the conduct of annual FOF exercises and does 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 VEGP have continued to conduct other training requalification requirements; security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the approved temporary exemptions granted on May 14, 2020, it is reasonable to conclude that security personnel will continue to maintain their proficiency even though the periodicity for annual licensee conducted FOF exercises is temporarily exceeded. Additionally, in its letter dated November 6, 2020, the licensee request identified the site-specific actions listed above that will continue to occur at VEGP to maintain contingency response readiness, consistent with the NRC staff's October 13, 2020, letter (ADAMS Accession No. ML20273A117 Nuclear Energy Institute letter).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon 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 in accordance with the security requirements outlined in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that SNC will implement for the duration of the exemption, listed above, the NRC staff has reasonable assurance that the security force at VEGP will maintain its proficiency and readiness to implement the licensee's protective strategy and protect the site adequately. 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 exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate SNC's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. 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 VEGP, 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 these exemptions are 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 these exemptions do 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 these exemptions do not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because these exemptions do 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 are otherwise in the public interest. Therefore, the NRC hereby grants SNC's request to exempt VEGP 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.

C. Gayheart

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If you have any questions, please contact the SNC Fleet Senior Project Manager, John G. Lamb, at 301-415-3100 or John.Lamb@nrc.gov.

Sincerely,

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

Docket Nos. 50-424, and 50-425

cc: Listserv

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ADAMS Accession No.: ML20329A392***via email**

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