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December 3, 2020
NRC-20-0077

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

Fermi 2 Power Plant
NRC Docket No. 50-341
NRC License No. NPF-43

Subject: Response to Request for Additional Information Regarding Exemption from the Annual Force on Force Training Requirements of 10 CFR 73, Appendix B, Section VI, Due to the COVID-19 Public Health Emergency

- References:
- 1) DTE letter NRC-20-0071, "Fermi Nuclear Plant, Unit 2, Request for Exemption from the Annual Force on Force Training Requirements of 10 CFR 73, Appendix B, Section VI, Due to the COVID-19 Public Health Emergency," dated November 13, 2020 (ML20318A383)
 - 2) NRC letter to DTE Electric Company, "Fermi 2 – Temporary Exemption from the Annual Force-on-Force Training Requirements of 10 CFR Part 73, Appendix B, 'General Criteria for Security Personnel,' Section VI (EPID L-2020-LLE-0128) [COVID-19]," dated September 10, 2020 (ML20226A116)

In Reference 1, 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, for the Fermi Nuclear Plant, Unit 2 (Fermi 2). The exemption would supersede the previously approved exemption (Reference 2) that required Fermi 2 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.

In an email from Mr. Surinder Arora to Ms. Margaret Offerle dated November 23, 2020, the NRC sent DTE a Request for Additional Information (RAI) regarding the Reference 1 exemption request. The response to the RAI is provided in the Enclosure.

No new commitments are being made in this submittal.

Should you have any questions or require additional information, please contact Mr. Greg Anderson, Manager – Nuclear Security, at (734) 586-1527.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Dietrich". The signature is stylized with a large, looped "D" and a vertical line for the "P".

Peter Dietrich
Senior Vice President and Chief Nuclear Officer

Enclosure: Response to Request for Additional Information

cc: NRC Project Manager
NRC Resident Office
Regional Administrator, Region III

**Enclosure to
NRC-20-0077**

**Fermi 2 NRC Docket No. 50-341
Operating License No. NPF-43**

Response to Request for Additional Information

Response to Request for Additional Information

NRC RAI

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.(l)(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.(l)(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.

DTE RESPONSE

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 Fermi 2 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
- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

Therefore, Fermi 2 continues to maintain a physical protection program that provides high assurance of the effectiveness of the onsite physical protection program and protective strategy, including the capability of the armed response team to carry out their assigned duties and responsibilities during safeguards contingency events.