



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

December 14, 2020

Mr. Daniel G. Stoddard
Senior Vice President and Chief Nuclear Officer
Dominion Nuclear
Innsbrook Technical Center
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SUBJECT: SURRY POWER STATION, 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-0226 [COVID-19])

Dear Mr. Stoddard:

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 Surry Power Station, Units 1 and 2 (SPS), for calendar year (CY) 2020. This action is in response to the Virginia Electric and Power Company’s (the licensee) application dated December 3, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20338A532 (non-public, withheld under 10 CFR 2.390)), 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 SPS.

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 September 16, 2020, (ADAMS Accession No. ML20241A000), the NRC granted the licensee’s previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1).

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 December 3, 2020, stated the following:

- The Commonwealth of Virginia has experienced a rise in COVID-19 daily positive cases over the past 30 days. This rise in positive cases in Virginia increases the risk to plant personnel who are performing activities requiring personnel to report to the site, such as security annual exercises. Due to the nature in which annual exercises are conducted, and with a Statewide rise in COVID-19 cases, there is an increase in the risk of infection or quarantine to security personnel reporting to the site to conduct annual exercises.

Conducting the 2020 security annual exercises challenges effective implementation of isolation protocols because security positions and other locations necessary for briefings and critiques do not allow for appropriate social distancing. Security has adopted a "POD" structure within their schedules to minimize potential COVID-19 exposure to the security force. Security has also encouraged officers to rigorously clean shared areas when assuming posts and to minimize the cumulative time shared in those areas when possible.

- The exemption will continue to support the isolation protocols in response to the ongoing COVID-19 pandemic and is necessary to protect essential site personnel. These isolation restrictions are needed to prevent the spread of the COVID-19 disease and ensure security personnel remain capable of maintaining plant security.
- 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 SPS has continued to conduct the following training requalification requirements of Section VI of Appendix B to 10 CFR Part 73:
 - Quarterly tactical response drills (table-top drills, timeline drills, and 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 (on a 4-month periodicity)
 - Annual written exam
- In addition to the quarterly team training listed above and in lieu of the annual force-on-force exercise, SPS conducted table-top exercises with all qualified security personnel. These table-top exercises involved each person responsible for fulfilling duties within the protective strategy at SPS. Lessons learned from past exercises, fleet processes, and industry best practices or operating experience are covered as part of the training process during quarterly or annual training activities. Completion of the above activities

ensures SPS Security personnel have maintained their proficiency and ability to implement the site protective strategy.

This exemption is specific to CY 2020 and SPS 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 the proposed exemption does not change the 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 SPS has continued to conduct other training requalification requirements as identified above; security personnel will continue to be monitored regularly by supervisory personnel and SPS has implemented controls as identified in the approved temporary exemption, therefore granting the requested exemption will not endanger or compromise the common defense or security. Additionally, the December 3, 2020, request identified the site-specific actions listed above that will continue to occur at SPS to maintain contingency response readiness, consistent with the NRC's October 13, 2020, letter (ADAMS Accession No. ML20273A117).

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 SPS security personnel who are already satisfactorily qualified in accordance with 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 for the duration of the exemption, including continuing to conduct quarterly tactical response drills and other security qualification requirements, the NRC staff has reasonable assurance that the security force at SPS 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 exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(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 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 SPS, 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 the 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 SPS 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 SPS project manager, Vaughn Thomas, at 301-415-5897 or Vaughn.Thomas@nrc.gov.

Sincerely,

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

Docket Nos. 50-280 and 50-281

cc: Listserv

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ADAMS Accession No.: ML20339A645

***via e-mail**

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